

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

**REGULAR MEETING OF THE CITY COUNCIL  
Wednesday, June 5, 2019  
7:30 p.m.**

*Please Note: The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney-client privileged matters, personnel matters and labor negotiations.*

1. Pledge of Allegiance.
2. Roll Call
3. General Announcements.
4. Draft unapproved minutes of the Regular Meeting of the City Council held May 22, 2019.
5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
6. Consideration of a request from Universal Content Productions to film an episode of “Mr. Robot” on Purchase Street on Monday, July 15, 2019 with the following accommodations in exchange for a fee to be negotiated:
  - Waive parking restrictions on the Snow Lot July 12, 15 and 16, 2019
  - Occupy spots #22-#71 of Car Park 1 on July 15<sup>th</sup>, 7 am – 8:30 pm
  - Permission to close Haviland St. on July 15<sup>th</sup> from 8am – 12 pm
  - Occupy up to 10 parking spots on Purchase Street from Boston Post Road to Locust Street on July 15<sup>th</sup>, from 12:30 pm – 3:30 pm
  - Occupy up to 30 parking spots on Purchase Street from Purdy to Smith Street on July 15<sup>th</sup>, from 3:30 – 8:30 pm
  - Occupy 10-15 municipal spots on July 12 and 16, 2019 from 7 am – 8:30 pm
7. Authorize the preparation and execution of two quitclaim deeds to transfer parcels No. 45 and 53 from the City of Rye to the County of Westchester to properly record the conveyance of these two parcels in 1927 from the Village of Rye to the County of Westchester. The parcels are currently occupied by the Westchester Children’s Museum.
8. Consideration of setting a public hearing on July 17, 2019 on a local law to allow physical fitness facility in the B-1 (Neighborhood Business) and B-4 (Office Building) Zoning Districts.
9. Consideration of setting a public hearing on July 17, 2019 to amend the City Code Chapter 191 “Vehicles and Traffic”, Article II “Traffic Regulations”, Section 191-9 “Left turns” to prohibit left-hand turns from Hillside Ave. onto Boston Post Road with a posted “Right-turn only” sign.

10. Discussion of potential changes to the seasonal outdoor seating permitting process.
11. Award bid for the Annual Street Resurfacing contract (Contract #2014-02).  
Roll Call
12. Consideration of a request by Christ's Church for use of City streets on Sunday, June 16, 2019 from 9:00 a.m. to 1:30 p.m. for their semi-annual picnic.
13. Consideration of a request from the Friends of Rye City School District to have 3 to 4 food trucks stationed on 1 Parsons Street on June 11th from 3:00 – 9:00 pm during the Bond Vote. The City Council will have to waive §144-8D and G of the City Code.
14. Appointments to Boards and Commissions, by the Mayor with Council approval.
15. Old Business/New Business.
16. Adjournment

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, July 17, 2019 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".

**The Mayor and City Council have office hours in the Mayor's Conference Room Annex at Rye City Hall, 1051 Boston Post Road. Attendance by the Mayor and Council Members will vary. The Mayor's Conference Room Annex is located on the 1<sup>st</sup> floor of City Hall adjacent to the Council Chambers. Hours are as follows:**

**Mondays 9:30 a.m. to 11:00 a.m.  
Wednesdays 9:30 a.m. to 11:00 a.m.**

***DRAFT UNAPPROVED MINUTES*** of  
the Regular Meeting of the City Council of the  
City of Rye held in City Hall on May 22, 2019,  
at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor  
SARA GODDARD  
EMILY HURD  
RICHARD MECCA  
JULIE SOUZA  
BENJAMIN STACKS  
Councilmembers

ABSENT:

DANIELLE TAGGER-EPSTEIN, Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Hurd, to enter into executive session to discuss litigation and personnel matters. At 7:32 P.M., Councilman Mecca made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:35 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Councilman Stacks announced that the Rye Golf Club is proudly hosting a qualifying tournament for the Metropolitan Golf Association (MGA). He commented that this was a great indication that the course has been maintained well and recovered from the issues with the greens from years ago. Councilman Stacks said it was a testimony of the great work that everyone has done with the Golf Club. He also announced that Memorial Day weekend was approaching, and that the pool would be open Saturday, May 25, 2019. Pool memberships are still available for those interested.

Mayor Cohn added that there would be additional hours for the pool for seniors who register with Rye Recreation. The trips would be \$5 per visit, up to twice a week. Mayor Cohn

reminded that the Golf Club was generally open only to members and is self-sustainable, receiving no City funding.

Councilwoman Souza announced that the Rye TV summer camp program registration was open to students from 5<sup>th</sup> through 9<sup>th</sup> grade. Signups were available at [rtv@ryeny.gov](mailto:rtv@ryeny.gov). She also announced that registration was open for Rye Recreation youth camps.

Councilwoman Hurd was happy to announce that the Barley House had reopened in Rye Town Park. It would be running on a limited schedule for the time being. She also announced that Rye Town Park would be using a new parking system, which will be app-based, removing the need for a parking attendant.

Councilman Mecca said that he had limited news from the Planning Commission. On behalf of the Rye Free Reading Room, he was happy to announce that the library renovations were near completion. The library will be open to the public the first week in June.

4. Working Session regarding amending the City of Rye Zoning Code to permit physical fitness facilities in the B-1 (Neighborhood Business) and B-2 (Central Business) Zoning Districts within the "A" and "B" Parking Districts.

City Planner Miller addressed the Council. He said that for tonight's agenda, he would present a brief overview of the zoning history in the City of Rye. He felt it important to understand this aspect in order to review the applicant's proposal for allowing physical fitness use, to discuss the alternatives, and then discussed the pertinent questions posed to the City Council.

City Planner Miller presented a slideshow presentation and discussed the history of zoning and planning for the City. While the zoning code was codified many years, it remains basically the same today. However, the world has changed quite a bit. From a zoning perspective, there were many uses not anticipated years ago that exist today. The applicant today comes to the City as a result from a growing trend in the demand for group physical fitness. Many people have asked for this type of use to be readily available in their community. While there is this potential opportunity, no one is going to make this type of investment unless this use is expressly permitted in a zoning change. City Planner Miller explained that the premise of zoning is not to take one specific property and apply a zoning change only to that. It is to look at the zone area as a whole. In this case, the applicant is asking the City to create a new use for group physical fitness.

The Planning Commission submitted several recommendations for the City Council to review. For example, there is a recommendation to allow this type of use in the B-1 and B-2 districts, but only in the A and B parking districts. It would apply to the property at hand, and also apply to the business district in its entirety. The applicant's proposal also includes a standard for parking. The Planning Commission conducted a review of the proposal and various options throughout the business districts. City Planner Miller discussed each business district. With respect to the central business district, some felt it was a good use to add. Others thought it could be problematic. City Planner Miller said that the questions that the Council must now consider are the following:



*Question 1: Is group physical fitness a desirable use for some locations in the City?*

*Question 2: If so, where?*

*Question 3: Finally, what standards should apply?*

There was general discussion among the Council regarding options and alternatives. With regard to Question 1 above, the Council had general consent in the affirmative.

Councilwoman Souza asked if it was possible to create an entirely new zone to encompass this desired use.

Councilwoman Hurd said she preferred to not allow it in the downtown at all.

Mayor Cohn asked Planning Commission Chair, Nick Everett, to explain some of the Commission's thoughts on parking. Mr. Everett responded that parking comes and parking goes; he said there were a lot of uses in the B-2 zone that do not require any parking, but are still nevertheless permitted. This particular applicant has access to its own parking spaces as an added benefit. Mr. Everett felt that this use would be able to accommodate itself in the long run. From a land use standpoint, the Commission felt that the City cannot totally be afraid of the parking situation.

Councilwoman Souza discussed the optimal times when the site for the applicant would be in use. From a parking perspective, those times may need to be contemplated. General discussion on that topic followed.

Councilwoman Hurd discussed physical fitness in the downtown. She also discussed that it could be problematic to be a membership-oriented program, as it limits others from using the facility.

Mayor Cohn talked about allowing this use on Purchase Street, but not on the first floor. There was general discussion about options, prior uses of the building, and other items.

The Council discussed each zone. The consensus was to not allow the use in the B-2 district, but consider it in the B-1 and B-3 districts. The B-4 district was questionable. There was a suggestion to modify the language to reflect that the B-4 district would include properties having frontage on Theall Road.

There was general discussion on standards, parking, and square footage requirements, as well as the details that would be appropriate at the planning level.

5. Draft unapproved minutes of the Regular Meeting of the City Council held May 8, 2019.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the Regular Meeting of the City Council held May 8, 2019.

6. Residents may be heard on matters for Council consideration that do not appear on the Agenda.

Kent Iarocci, 5 Charlotte Street, thanked the City Council. He discussed a site on Purchase Street that he felt was a historical site in Rye. He presented a letter that he sent to the U.S. Department of the Interior on the issue. He also discussed the Square House, which he said served as an inn and tavern and was established in 1730.

Peter Archer, 43 Mead Place, addressed the Council. He voiced concern on the Thruway parcel on the Boston Post Road. He discussed the legislation passed through the NYS legislature regarding the sale of the property to Rye Country Day School with the provision that the school enter into an agreement with the City of Rye for recreational field of the proposed field space. He was concerned about the shared use agreement and noted the following, asking the Council to consider certain factors when negotiating the agreement:

- That the parcel should be used for recreational activities exclusively.
- Rye Country Day School should not be permitted to place buildings on the property, or anything not openly shared with the public.
- The space should be shared with the public seven days a week
- The parcel should be available for free to the general public with no cost for parking
- Any fees charged should be monitored by the City
- Since the legislation was to improve recreation space, there should be no elimination of older field space at Rye Country Day School or otherwise.
- Any agreement should stipulate the traffic study that must be made
- Any future building or change should be approved by the City of Rye
- If the school does not keep the agreement, the property should revert to the City
- Any agreement should be made public

Mayor Cohn announced that Memorial Day was coming, with several important events throughout the City, including the walk by the firefighters to the Fireman's Circle, the parade, and the Memorial Day ceremony immediately following at City Hall.

7. Consider authorizing the City Manager to sign an agreement between the City of Rye and Westchester Coalition for Drug and Alcohol Free Youth to participate in special STOP-DWI enforcement details that involve DRE (Drug Recognition Experts) Call-Outs. Roll Call.

City Manager Serrano explained this is a County-wide initiative; the City takes part in the Reimbursement Agreement to implement special enforcement details that will conduct high visibility road checks, saturation patrols, and drug recognition expert call outs, for the period from October 1, 2018 through September 30, 2019. The amount payable will be determined based upon actual participation up to a maximum of \$10,000.00 per contract year.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to authorize the City Manager to sign an agreement between the City of

Rye and Westchester Coalition for Drug and Alcohol Free Youth to participate in special STOP-DWI enforcement details that involve DRE (Drug Recognition Experts) Call-Outs.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Souza, Stacks

NAYS: None

ABSENT: Councilwoman Tagger-Epstein

8. Consider authorizing the City Manager to transfer funds from the Rye Golf Club operating contingency fund to the Whitby Castle repair & Maintenance fund.  
Roll Call

City Manager Serrano explained that emergency repairs are needed at Whitby Castle. This transfer would cover the additional over expenditures and provide a budget for any potential issues that need to be addressed during the remainder of the year.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to authorize the City Manager to transfer \$36,000 from the Rye Golf Club operating contingency fund to the Whitby Castle Repair and Maintenance fund.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Souza, Stacks

NAYS: None

ABSENT: Councilwoman Tagger-Epstein

9. Resolution authorizing the City Manager to sign the contract with the New York State Environmental Facilities Corporation ("EFC") for the WIAA Clean Water Grant Program to enable repairs to the City's sewer system.

City Manager Serrano explained that Governor Cuomo announced in November of 2018 that Rye was awarded \$489,750 in aid to help support the City's "sanitary sewer rehabilitation" projects with an estimated cost of \$1,959,000. This funding will ultimately translate into taxpayer savings as a portion of Rye's critical sewer projects will be supported by the state. This was the first time that Rye applied for this type of aid so the City was thrilled to be selected. This grant is funded through the state's highly successful Water Infrastructure Improvement Act and Intermunicipal Grant programs.

Councilman Goddard made a motion, seconded by Councilwoman Souza and unanimously carried, to authorize the City Manager to sign the contract with the New York State Environmental Facilities Corporation ("EFC") for the WIAA Clean Water Grant Program to enable repairs to the City's sewer system.

**ROLL CALL**

AYES: Mayor Cohn, Councilmembers Goddard, Hurd, Mecca, Souza, Stacks

NAYS: None

ABSENT: Councilwoman Tagger-Epstein

10. Consideration of a request from Dr. Eric Byrne to waive parking restrictions at the snow field lot to accommodate the bond vote on June 11, 2019.

Mayor Cohn explained that Dr. Eric Byrne requests to waive parking restrictions at the Snow Field lot to accommodate residents for the upcoming school bond vote.

Councilwoman Hurd made a motion, seconded by Councilman Stacks and unanimously carried, to waive parking restrictions at the Snow Field lot to accommodate the bond vote on June 11, 2019.

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

There was nothing discussed under this agenda item.

12. Miscellaneous communications and reports.

There was nothing discussed under this agenda item

13. Old Business/New Business.

There was nothing discussed under this agenda item

14. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the meeting into executive session to discuss personnel and litigation matters of the City Council at 9:22 p.m.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: May 29, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request from Universal Content Productions to film an episode of "Mr. Robot" on Purchase Street on Monday, July 15, 2019 with several requests for parking on July 12, 15 and 16, 2019 (see blow for details) in exchange for a fee to be negotiated.

**FOR THE MEETING OF:**

June 5, 2019

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the City Council approve the request with whatever modifications it deems necessary.

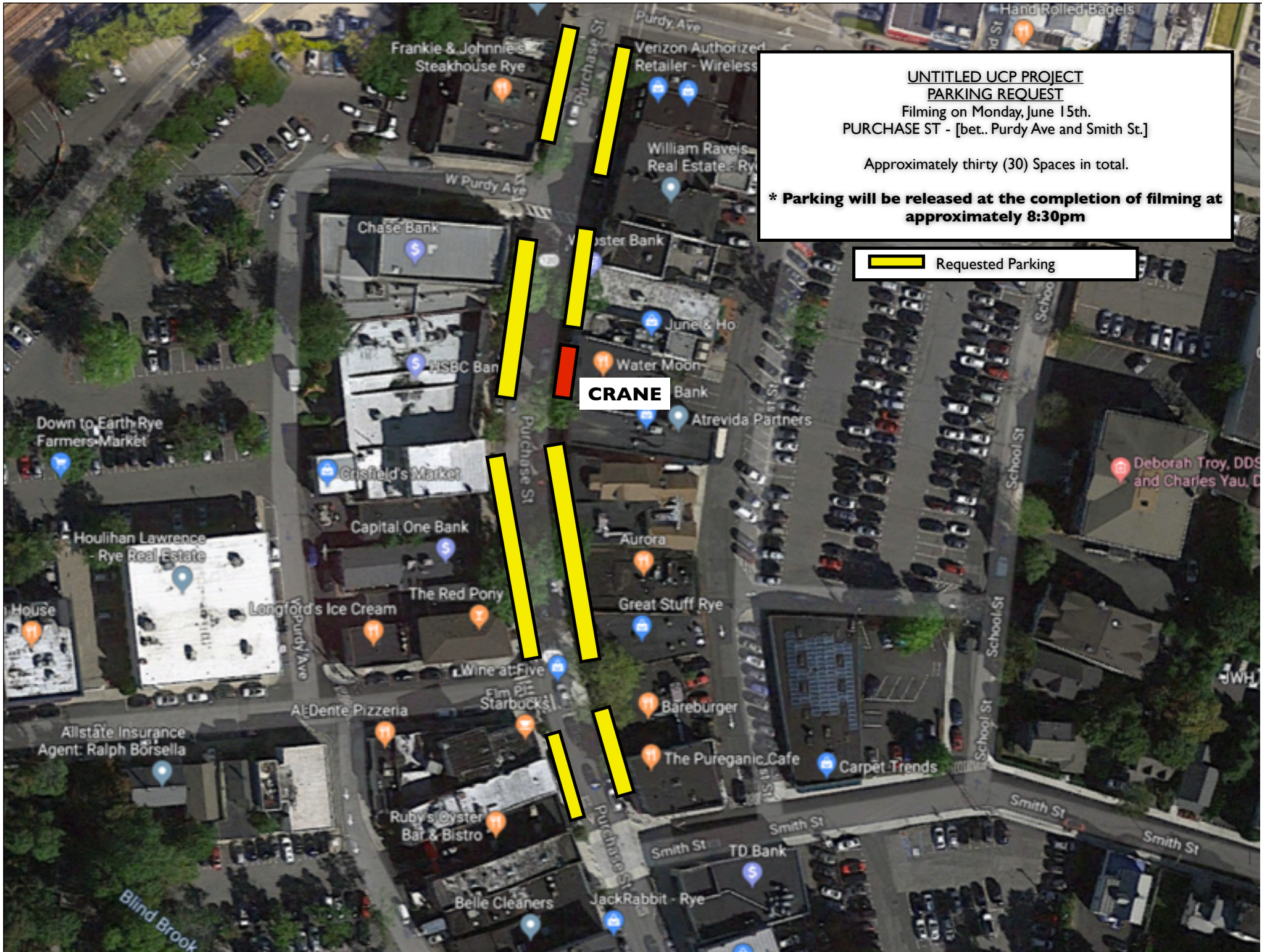
**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

**BACKGROUND:**

Universal Content Productions would like to film an episode of "Mr. Robot" on Purchase Street on Monday, July 15, 2019 with the following accommodations:

- Waive parking restrictions on the Snow Lot July 12, 15 and 16, 2019
- Occupy spots #22-#71 of Car Park 1 on July 15th, 7 am – 8:30 pm
- Permission to close Haviland St. on July 15<sup>th</sup> from 8am – 12 pm
- Occupy up to 10 parking spots on Purchase Street from Boston Post Road to Locust Street on July 15<sup>th</sup>, from 12:30 pm – 3:30 pm
- Occupy up to 30 parking spots on Purchase Street from Purdy to Smith Street on July 15th, from 3:30 – 8:30 pm
- Occupy 10-15 municipal spots on July 12 and 16, 2019 from 7 am – 8:30 pm





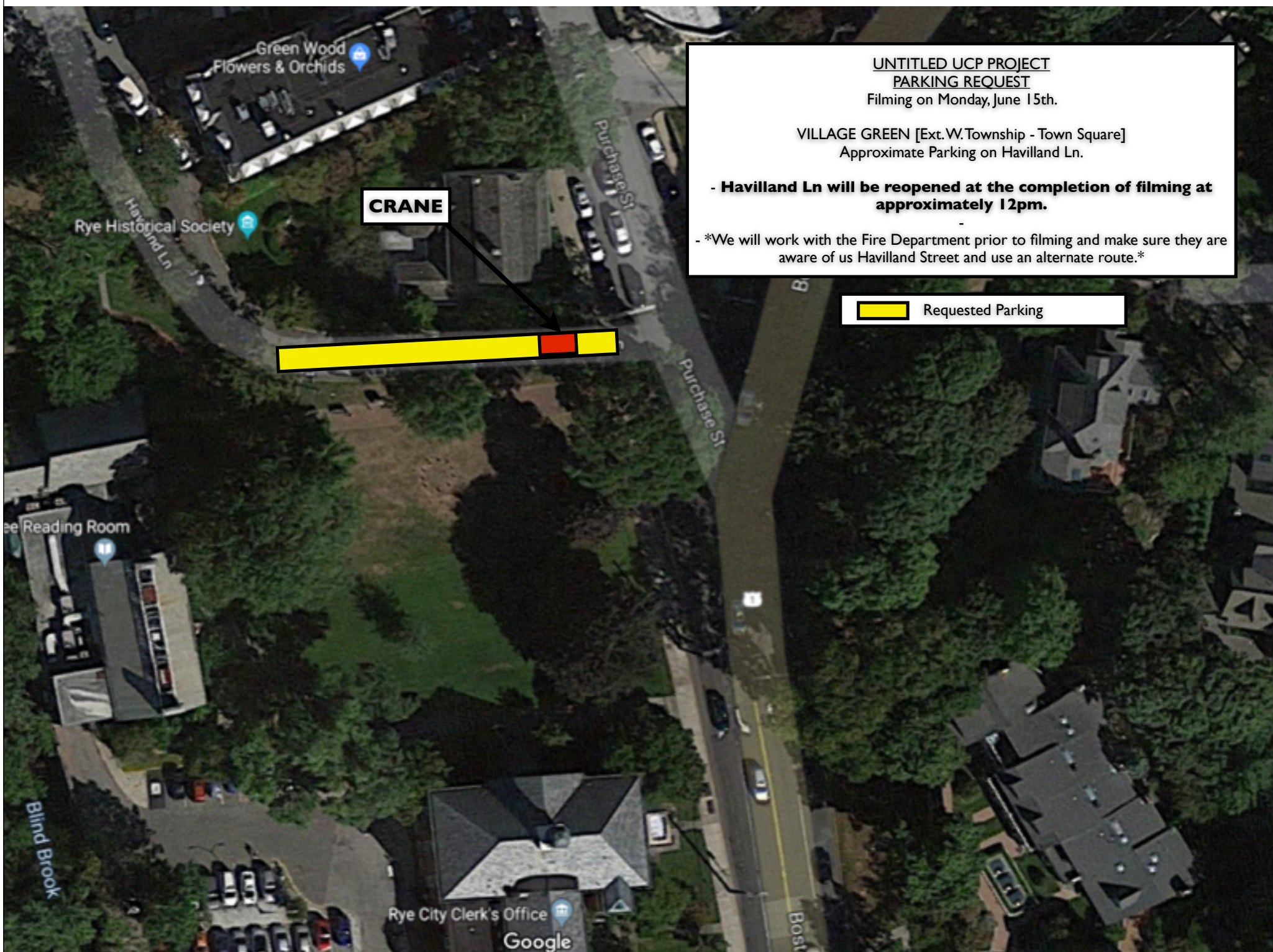
**UNTITLED UCP PROJECT  
PARKING REQUEST**  
Filming on Monday, June 15th.  
PURCHASE ST - [bet.. Purdy Ave and Smith St.]

Approximately thirty (30) Spaces in total.

**\* Parking will be released at the completion of filming at approximately 8:30pm**

 Requested Parking






UNTITLED UCP PROJECT  
PARKING REQUEST

Filming on Monday, June 15th.

VILLAGE GREEN [Ext. W. Township - Town Square]  
Approximate Parking on Havilland Ln.

- **Havilland Ln will be reopened at the completion of filming at approximately 12pm.**

- \*We will work with the Fire Department prior to filming and make sure they are aware of us Havilland Street and use an alternate route.\*

 Requested Parking




UNTITLED UCP PROJECT  
PARKING REQUEST

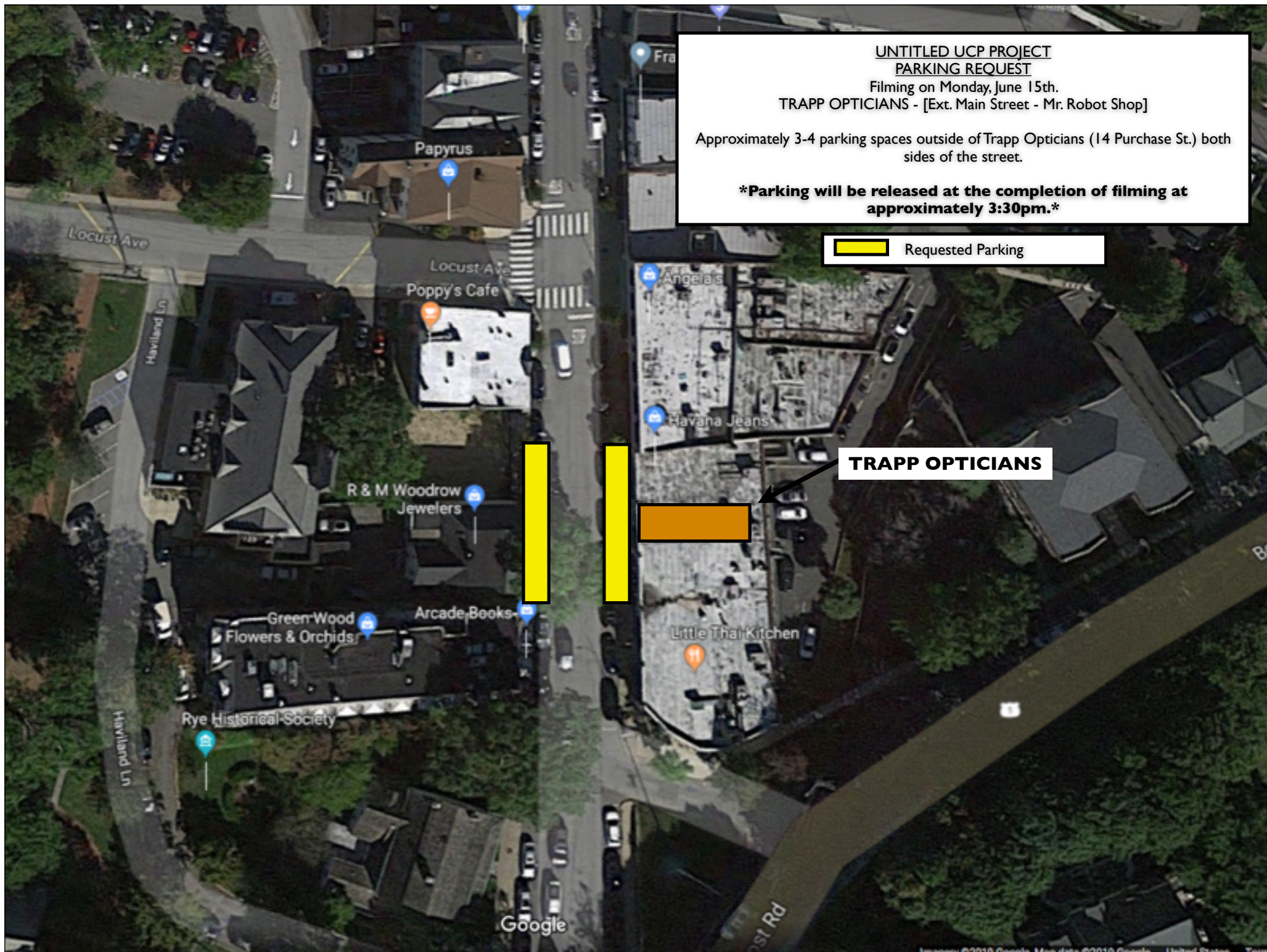
Filming on Monday, June 15th.  
TRAPP OPTICIANS - [Ext. Main Street - Mr. Robot Shop]

Approximately 3-4 parking spaces outside of Trapp Opticians (14 Purchase St.) both sides of the street.

**\*Parking will be released at the completion of filming at approximately 3:30pm.\***

 Requested Parking

**TRAPP OPTICIANS**







# CITY COUNCIL AGENDA

NO. 7

DEPT.: Manager

DATE: May 29, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:**

Authorize the preparation and execution of two quitclaim deeds to transfer parcels No. 45 and 53 from the City of Rye to the County of Westchester to properly record the conveyance of these two parcels in 1927 from the Village of Rye to the County of Westchester. The parcels are currently occupied by the Westchester Children's Museum.

**FOR THE MEETING OF:**

June 5, 2019

**RECOMMENDATION:** That the Council authorize the preparation and execution of two quitclaim deeds to transfer the parcels to the County of Westchester.

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

**BACKGROUND:**

See attached.



## Parks, Recreation and Historic Preservation

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Acting Commissioner

May 13, 2019

VIA ELECTRONIC MAIL

Daniela infield  
Assistant County Attorney  
Westchester County Attorney's Office  
Email: ddi2@westchestergov.com

**Re: EPF-127412 Westchester Children's Museum – Preservation Covenant**

Dear Ms. Infield:

As we have discussed, the Westchester Children's Museum ("Museum") is seeking an Environmental Protection Fund Grant from the Office of Parks, Recreation and Historic Preservation ("OPRHP") through its Historic Preservation Program. A requirement of this grant is the execution and recording of a preservation covenant against the deed(s) of the benefitted property. As stated in the 2012 CFA Guidance, "All grant awards under this program come with long term protections, either through parkland alienation law, conservation easements or covenants recorded against the deeds." *See also* 9 NYCRR 442.5. The preservation covenant, the long term protection applicable to this grant, provides certain rights to OPRHP to, amongst other things, monitor preservation and maintenance of the benefitted property in accordance with *The Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties* (1995). As such, it is imperative that a preservation covenant encumber and run with the land of a benefitted property.

The Museum is located on four parcels, as shown on the 1927 map entitled "Map Showing Lands to be Acquired by the Westchester County Park Commission for Mansuring Island Park": parcels 13, 13A, 45 and 53. Parcels 13 and 13A were conveyed to the County of Westchester in 1926 (Liber 2766, Page 80). Although a search of the Westchester County land records through the 1940's by an archivist for the County of Westchester did not reveal a deed for parcels 45 and 53, the archivist did uncover two land record cards that indicate the Village of Rye conveyed parcels 45 and 53 to the County of Westchester (attached).

Therefore, OPRHP is requesting the County of Westchester obtain and record an executed quitclaim deed from the City of Rye, which you have informed me the Village of Rye is now a part of, so that the Museum's grant award may be finalized. A recorded quitclaim deed coupled with the deed for parcels 13 and 13A would allow OPRHP to encumber all underlying parcels with the preservation covenant.

I appreciate your assistance in this matter thus far and look forward to the resolution of this title issue. Please let me know, if you have any questions or concerns.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony Palumbo".

Anthony Palumbo  
Excelsior Service Fellow

cc: Shari Calnero, OPRHP Associate Counsel



Robert P. Astorino  
County Executive

Office of the County Attorney

Robert F. Meehan  
County Attorney

June 22, 2017

By Email

Department of Parks, Recreation  
and Historic Preservation  
Albany, New York 12238

Attn: Dorothy Lechmanski

**RE: Westchester Children's Museum at Playland Park, Rye New York**

Dear Ms. Lechmanski:

This is in regard to the Playland Children's Museum, located in Playland Park, Rye New York which is proposed to be improved pursuant to a grant agreement. The land that became Playland Park was acquired by the County of Westchester in 1925, by the Playland Commission and is identified as:

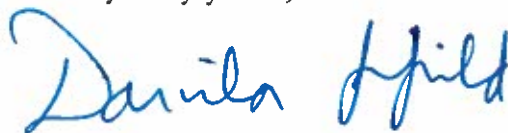
Sheet 146-20, Block 1, Lot 6 on the tax maps of the Town of Rye, New York.

The Westchester Children's Museum entered into a lease with the County of Westchester dated January 25, 2017 for the Children's Museum property which consists of approximately 21,390 square feet (the "Leased property") and extends for a period of ten years commencing on December 12, 2015 (the "Lease"). The Lease was approved by the State of New York pursuant to a Home Rule request as the Lease is located in Playland Park, New York State parkland. (See Chapter 376 of the Laws of 2010 amending Chapter 183 of the Laws of 2003, attached hereto.) Playland

Park is further shown in the map made by the Westchester County Park Commission for Manursing Island Park in the Town and Village of Rye, filed on December 9, 1925 in the office of the Westchester County Clerk as Map No. 2795 (as amended by Map Nos. 2795-B and 2795-C).

Please do not hesitate to contact me at (914) 995-3638 if you have any further questions or concerns regarding this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Daniela Infield". The signature is fluid and cursive, with the first name "Daniela" and the last name "Infield" clearly distinguishable.

Daniela Infield  
Assistant County Attorney

DI/ml

CHAPTER 376

AN ACT to amend chapter 183 of the laws of 2003 authorizing the county of Westchester to lease certain parklands, in relation to making technical corrections

Became a law August 13, 2010, with the approval of the Governor. Passed on Home Rule request pursuant to Article IX, section 2(b) (2) of the Constitution, by a two-thirds vote.

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Sections 1 and 3 of chapter 183 of the laws of 2003 authorizing the county of Westchester to lease certain parklands, are amended to read as follows:

Section 1. Notwithstanding any provision of law to the contrary, the county of Westchester, acting by and through its board of legislators and upon such terms and conditions as determined by such legislators, is hereby authorized and empowered to lease to Westchester Children's Museum [~~Inc.~~], for a term not in excess of 30 years, the parklands described in section three of this act for the construction and operation of a children's museum.

§ 3. The lands referred to in section one of this act to be discontinued as parklands, which may be leased by the County pursuant to the provisions of this act, are described more fully as follows:

All that piece of land containing an existing structure commonly known as the "Men's Bath House", located in Playland Amusement Park in the City of Rye and more particularly described as follows:

Commencing at a monument along the southeasterly side of Forest Avenue and south of the intersection with Playland Parkway, said monument being identified as Mon #13 on a map titled "MAP SHOWING LANDS TO BE ACQUIRED BY THE WESTCHESTER COUNTY PARK COMMISSION FOR MANURSING ISLAND PARK IN THE TOWN AND VILLAGE OF RYE WESTCHESTER COUNTY, N.Y." prepared by Carpenter and Duffy Civil Engineers and Surveyors and filed in the Westchester County Clerk's Office, Division of Land Records as map number 2795-C, thence along the boundary of lands of Westchester County, South 56~ 10' 10" East, 598.66 feet; thence through lands of Westchester County, South 79~ 48' 29" East, 400.76 feet; to the northwest corner of the bath house, said corner also being the Point of Beginning.

Thence, from the Point of Beginning, continuing along the exterior of the building the following courses:

along a curve to the right having a radius of 655.77 feet, an arc length of 137.54 feet, and having a chord bearing and distance of North 59~ 59' 20" East, 137.29 feet;  
North 22~ 32' 58" West, 8.51 feet;  
North 67~ 04' 10" East, 21.04 feet;  
South 24~ 11' 54" East, 2.84 feet;  
thence along a curve to the right having a radius of 699.22 feet, an arc length of 129.99 feet, and having a chord bearing and distance of North 73~ 03' 31" East, 129.80 feet;

EXPLANATION--Matter in *italics* is new; matter in brackets [~~-~~] is old law to be omitted.

North 08~ 30' 35" West, 2.83 feet;  
North 80~ 11' 47" East, 21.00 feet;  
South 11~ 11' 13" East, 2.24 feet;  
South 85~ 14' 21" West, 0.47 feet;  
South 09~ 40' 46" East, 86.30 feet;  
North 84~ 01' 55" East, 0.44 feet;  
South 07~ 10' 36" East, 2.37 feet;  
South 79~ 25' 29" West, 20.84 feet;  
North 09~ 36' 23" West, 2.72 feet;  
thence along a curve to the left having a radius of 635.59 feet,  
an arc length of 109.83 feet, and having a chord bearing and  
distance of South 73~ 21' 28" West, 109.69 feet;  
South 19~ 47' 12" East, 1.02 feet;  
South 20~ 05' 53" East, 2.35 feet;  
South 66~ 43' 15" West, 21.06 feet;  
North 25~ 23' 53" West, 3.09 feet;  
thence along a curve to the left having a radius of 585.13 feet,  
an arc length of 109.07 feet, and having a chord bearing and  
distance of South 60~ 31' 19" West, 108.91 feet to a wall common  
to the main bath house;  
thence along the common wall:

North 43~ 38' 51" West, 80.35 feet to the Point of Beginning.  
Said parcel containing an area of 23,856 square feet.

All that piece of land containing an existing structure commonly known  
as the "Women's Bath House", located in Playland Amusement Park in the  
City of Rye, County of Westchester, State of New York, and more partic-  
ularly described as follows:

Commencing at a monument along the southeasterly side of Forest Avenue  
and south of the intersection with Playland Parkway, said monument being  
identified as Mon #13 on a map titled "MAP SHOWING LANDS TO BE ACQUIRED  
BY THE WESTCHESTER COUNTY PARK COMMISSION FOR MANURSING ISLAND PARK IN  
THE TOWN AND VILLAGE OF RYE WESTCHESTER COUNTY, N.Y." prepared by  
Carpenter and Duffy Civil Engineers and Surveyors and filed in the West-  
chester County Clerk's Office, Division of Land Records as map number  
2795-C, thence along the boundary of lands of Westchester County South  
56~ 10' 10" East, 598.66 feet; thence through lands of Westchester Coun-  
ty, South ~~41~~ 21~ 24' 46" East, 379.40 feet; to the southwest corner of  
the bath house, said corner also being the Point of Beginning.

Thence, from the Point of Beginning, continuing along the exterior of  
the building, the following courses:

South 50~ 44' 25" East, 68.32 feet;  
South 39~ 45' 27" West, 0.47 feet;  
South 50~ 31' 44" East, 2.30 feet;  
North 39~ 47' 07" East, 20.69 feet;  
North 49~ 04' 09" West, 2.85 feet;  
thence along a curve to the right having a radius of  
2492.62 feet, an arc length of 168.07 feet, and a chord  
bearing of North 41~ 58' 27" East, 168.04 feet;  
thence along a common wall:  
North 44~ 28' 55" West, 67.76 feet to the exterior of the  
Women's Bath House;  
thence continuing along said exterior:  
South 42~ 56' 47" West, 84.67 feet;  
South 41~ 23' 45" West, 51.15 feet;  
South 40~ 25' 10" West, 59.95 feet to the Point of Beginning.

Said parcel containing an area of 13,024 square feet.

All that piece of land containing an existing structure commonly known as the "Proposed Access Corridor between the existing Men's and Women's Bath House", located in Playland Amusement Park in the City of Rye, County of Westchester, State of New York, and more particularly described as follows:

Commencing at a monument along the southeasterly side of Forest Avenue and south of the intersection with Playland Parkway, said monument being identified as Mon #13 on a map titled "MAP SHOWING LANDS TO BE ACQUIRED BY THE WESTCHESTER COUNTY PARK COMMISSION FOR MANURSING ISLAND PARK IN THE TOWN AND VILLAGE OF RYE WESTCHESTER COUNTY, N.Y." prepared by Carpenter and Duffy Civil Engineers and Surveyors and filed in the Westchester County Clerk's Office, Division of Land Records as map number 2795-C, thence along the boundary of lands of Westchester County South 56~ 10' 10" East, 598.66 feet; thence through lands of Westchester County, South 21~ 24' 46" East, 379.40 feet; to the southwest corner of the Women's Bath House; thence along the exterior of said bath house North 40~ 25' 10" East, 59.95 feet; thence North 41~ 23' 45" East, 51.15 feet; thence North 42~ 56' 47" East, 84.67 feet to a common wall; thence along said common wall South 44~ 28' 55" East, 0.16 feet to the Point of Beginning.

Thence from the Point of Beginning the following courses:

South 44~ 28' 55" East, 16.00 feet along a common wall;  
 North 46~ 36' 09" East, 184.71 feet through and out of a common wall to another common wall with the Men's Bath House;  
 North 43~ 38' 51" West, 16.00 feet along said common wall, said point being South 43~ 38' 51" East, 12.94 feet along a common wall from the exterior northwest corner of the existing Men's Bath House;  
 thence continuing through and out of a common wall,  
 South 46~ 36' 09" West, 184.94 feet  
 to the Point of Beginning.

Said parcel containing an area of 2,957 square feet.

The three parcels total 39,837 square feet or .915 acres.

§ 2. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

MALCOLM A. SMITH  
Temporary President of the Senate

SHELDON SILVER  
Speaker of the Assembly

## WESTCHESTER COUNTY PARK COMMISSION

## LAND RECORD

GRANTOR Village of Rye.(Shore)

ADDRESS

ORIGINAL AUTHORIZATION BY W. C. P. C. TO PURCHASE

MINUTES-DATE

MEETING No.

## CONDEMNATION PROCEEDINGS

DATE AUTHORIZED

DATE-TITLE VESTED, I.E.  
OATH COMMISSIONERS FILED

DATE COURT ORDER OF AWARD

AWARD

## TITLE

TITLE CLOSED

TITLE POLICY No.

INSURED BY

TITLE POLICY DELIVERED

AMOUNT INSURED

RESERVATIONS

## REGISTRATION IN PUBLIC RECORDS

GRANTEE COUNTY OF WESTCHESTER.

12/9/25--2/18/27-7/25/27 --

FINAL MAP-DATE FILED 9/23/27

FINAL MAP-SHEET No.

PARCEL No.

RECORDED

NUMBER

2795/2795A

2795B/2795C

PROJECT

LIBER

PAGE

DEED No.

2

45

Rye Beach

## WESTCHESTER COUNTY PARK COMMISSION

## LAND RECORD

GRANTOR Village of Rye

ADDRESS Rye Beach Road

ORIGINAL AUTHORIZATION BY W. C. P. C. TO PURCHASE

MINUTES-DATE

MEETING No.

## CONDEMNATION PROCEEDINGS

DATE AUTHORIZED

DATE-TITLE VESTED, I.E.  
OATH COMMISSIONERS FILED

DATE COURT ORDER OF AWARD

AWARD

## TITLE

TITLE CLOSED

TITLE POLICY No.

INSURED BY

TITLE POLICY DELIVERED

AMOUNT INSURED

RESERVATIONS

## REGISTRATION IN PUBLIC RECORDS

GRANTEE COUNTY OF WESTCHESTER.

7/25/27--9/23/27

FINAL MAP-DATE FILED Feb. 18, 1927

FINAL MAP-SHEET No.

PARCEL No.

RECORDED

NUMBER

2795B/2795C

2795A

PROJECT

LIBER

PAGE

DEED No.

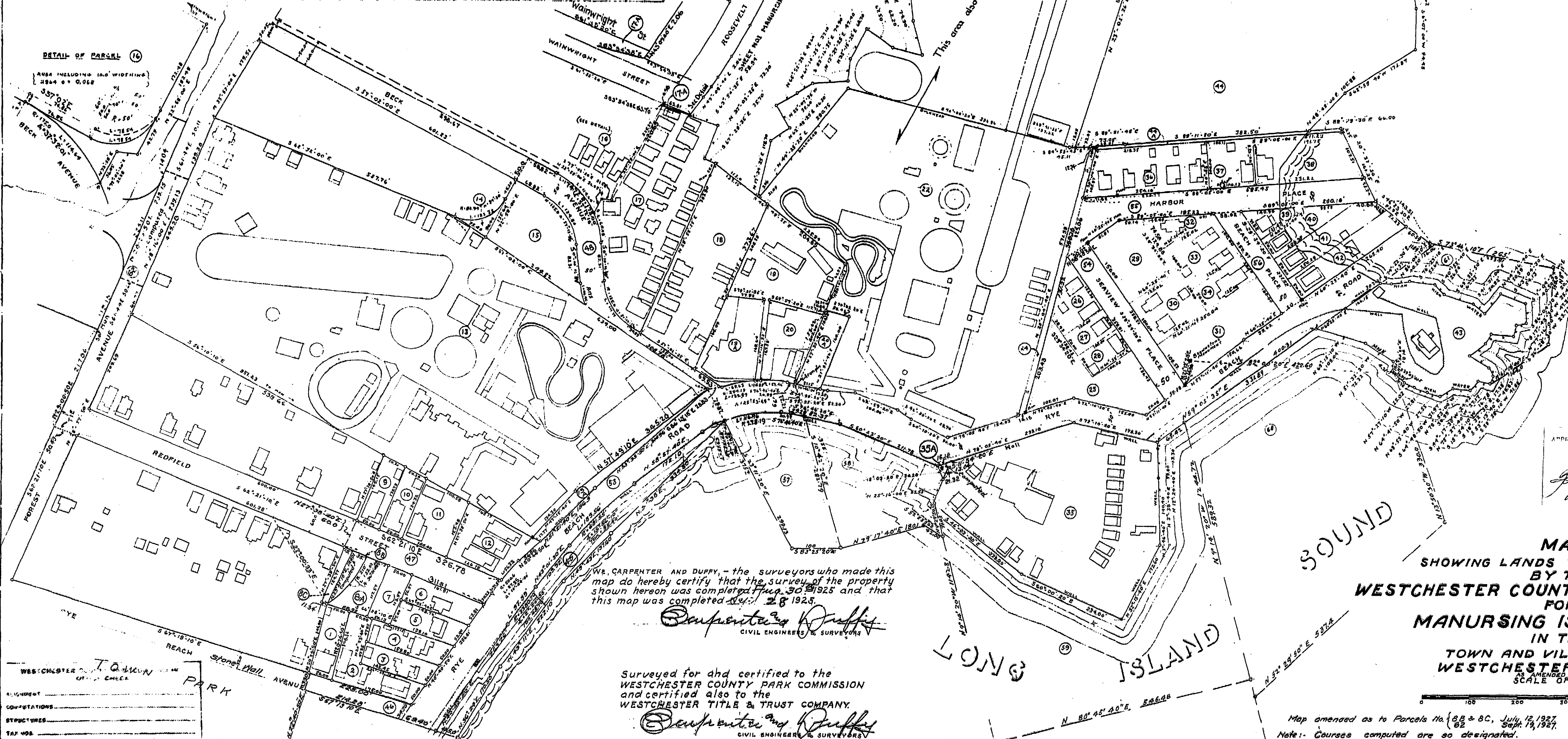
2

53

Rye Beach



| NAME OF CLAIMANT                 | AREA   | ACRES  | TAX | NO. | NAME OF CLAIMANT       | AREA   | ACRES | TAX | NO. |
|----------------------------------|--------|--------|-----|-----|------------------------|--------|-------|-----|-----|
| JOSEPH H. MARSHALL               | 7317   | 0.168  | 85  | 32  | COUNTY OF WESTCHESTER  | 25643  | 0.889 | 80  | 32  |
| ELLIOT H. SHIFFIN                | 13781  | 0.317  | 85  | 33  | FRANK J. SIDNEY        | 4723   | 0.108 | 80  | 32  |
| KATE E. REHILL                   | 1220   | 0.168  | 85  | 34  | MARY E. WHITE          | 12504  | 0.287 | 80  | 32  |
| FREDERICK W. BROOKER             | 8049   | 0.185  | 85  | 35  | JOSEPH WEIN            | 6251   | 0.144 | 80  | 32  |
| EMILY G. BROOKER                 | 7744   | 0.178  | 85  | 36  | REUBEN W. DUANY & WIFE | 125778 | 2.887 | 81  | 32  |
| CLARA G. BURLING                 | 8505   | 0.195  | 85  | 37  | MARY I. WHITE          | 23672  | 0.543 | 85  | 32  |
| KATE E. REHILL                   | 5789   | 0.133  | 85  | 38  | MARY A. DIETZ          | 10013  | 0.230 | 85  | 32  |
| ERNEST APREA & WIFE              | 7417   | 0.170  | 85  | 39  | WILLIAM FOWLER         | 21144  | 0.495 | 85  | 32  |
| ETTA D. THOMPSON                 | 7122   | 0.163  | 82  | 40  | KATE B. GRAHAM         | 4344   | 0.100 | 79  | 1   |
| ANNUNZIATA LAURICELLA            | 4851   | 0.107  | 82  | 41  | MARY A. DIETZ          | 8196   | 0.188 | 79  | 2   |
| MARY HUGHES                      | 12880  | 0.298  | 82  | 42  | MARY I. WHITE          | 11833  | 0.272 | 79  | 3   |
| CHARLES E. MCMANUS               | 16948  | 0.390  | 82  | 43  | MARY A. DIETZ          | 12892  | 0.296 | 79  | 4   |
| ELIZA MCMANUS                    | 500283 | 11.445 | 82  | 44  | RENA PAULINE MARSHALL  | 57179  | 1.313 | 81  | 1-2 |
| EMILY WARD                       | 1741   | 0.039  | 82  | 45  | VILLAGE OF RYE         | 343477 | 8.374 | 85  | 31  |
| N.Y. & STAMFORD R.R. CO.         | 28706  | 0.643  | 82  | 46  | FRED H. RONTY & OTHERS | 1909   | 0.044 | 85  | 32  |
| ROSE H. BELLCHAMBER (SEE DETAIL) | 1495   | 0.033  | 85  | 47  | VILLAGE OF RYE (2nd)   | 30383  | 0.699 | 85  | 32  |
| ADELIA DUANY & OTHERS            | 63822  | 1.467  | 85  | 48  | RYE BEACH AVENUE       | 7246   | 0.166 | 85  | 32  |
| RICHARD F. WERNER                | 50352  | 1.154  | 85  | 49  | REDFIELD STREET        | 19142  | 0.438 | 85  | 32  |
| WILLIAM BARUSH                   | 37112  | 0.848  | 85  | 50  | BECK AVENUE            | 23020  | 0.530 | 85  | 32  |
| EDMON ADLARD & T. F. FIAHUREAU   | 18534  | 0.423  | 85  | 51  | FRED H. RONTY          | 554    | 0.012 | 85  | 32  |
| WILLIAM S. WOLF                  | 18011  | 0.410  | 85  | 52  | ERNEST APREA & WIFE    | 3064   | 0.070 | 85  | 32  |
| MORRIS MILLER                    | 8109   | 0.186  | 85  | 53  | ERNEST APREA & WIFE    | 1638   | 0.038 | 85  | 32  |
| PONTY & HAIGHT, INC.             | 66871  | 1.548  | 85  | 54  | ELIZA MCMANUS          | 7246   | 0.166 | 85  | 32  |
| VILLAGE OF RYE                   | 6854   | 0.157  | 85  | 55  | FOREST AVENUE          | 12049  | 0.277 | 85  | 32  |
| FRED H. RONTY & OTHERS           | 27688  | 0.636  | 85  | 56  | RYE BEACH ROAD         | 152650 | 3.504 | 85  | 32  |
| CHARLES S. BACILE                | 7091   | 0.158  | 85  | 57  | SEAVIEW PLACE          | 17858  | 0.412 | 85  | 32  |
| MARY I. WHITE                    | 5000   | 0.115  | 85  | 58  | HARBOR PLACE           | 30170  | 0.701 | 85  | 32  |
| ELLA A. GUDNEY                   | 5000   | 0.115  | 85  | 59  | BEACH PLACE            | 11912  | 0.271 | 85  | 32  |
| MARY I. WHITE                    | 18364  | 0.418  | 85  | 60  | WILLIAM BARUSH         | 36940  | 0.846 | 85  | 32  |
| ERMINIA M. MAGLIO                | 11501  | 0.261  | 85  | 61  | REUBEN W. DUANY & WIFE | 48178  | 1.096 | 81  | 32  |
| CHARLOTTE R. TAYLOR              | 207    | 0.005  | 85  | 62  | RENA PAULINE MARSHALL  | 57046  | 1.295 | 81  | 32  |
|                                  |        |        |     | 63  |                        | 34461  | 0.783 | 81  | 32  |
|                                  |        |        |     | 64  |                        | 19231  | 0.437 | 81  | 32  |



Filed in the office of the Register of West. Co.  
Sept. 23rd 1927  
*William M. Manton*  
Register

APPROVED FOR FILING  
*W. H. Brown*  
CHIEF ENGINEER

**MAP**  
SHOWING LANDS TO BE ACQUIRED  
BY THE  
**WESTCHESTER COUNTY PARK COMMISSION**  
FOR  
**MANURSING ISLAND PARK**  
IN THE  
TOWN AND VILLAGE OF RYE  
WESTCHESTER COUNTY, N.Y.  
SCALE OF FEET

WE, CARPENTER AND DUFFY, the surveyors who made this map do hereby certify that the survey of the property shown hereon was completed on Dec. 30, 1925 and that this map was completed on Dec. 28, 1925.

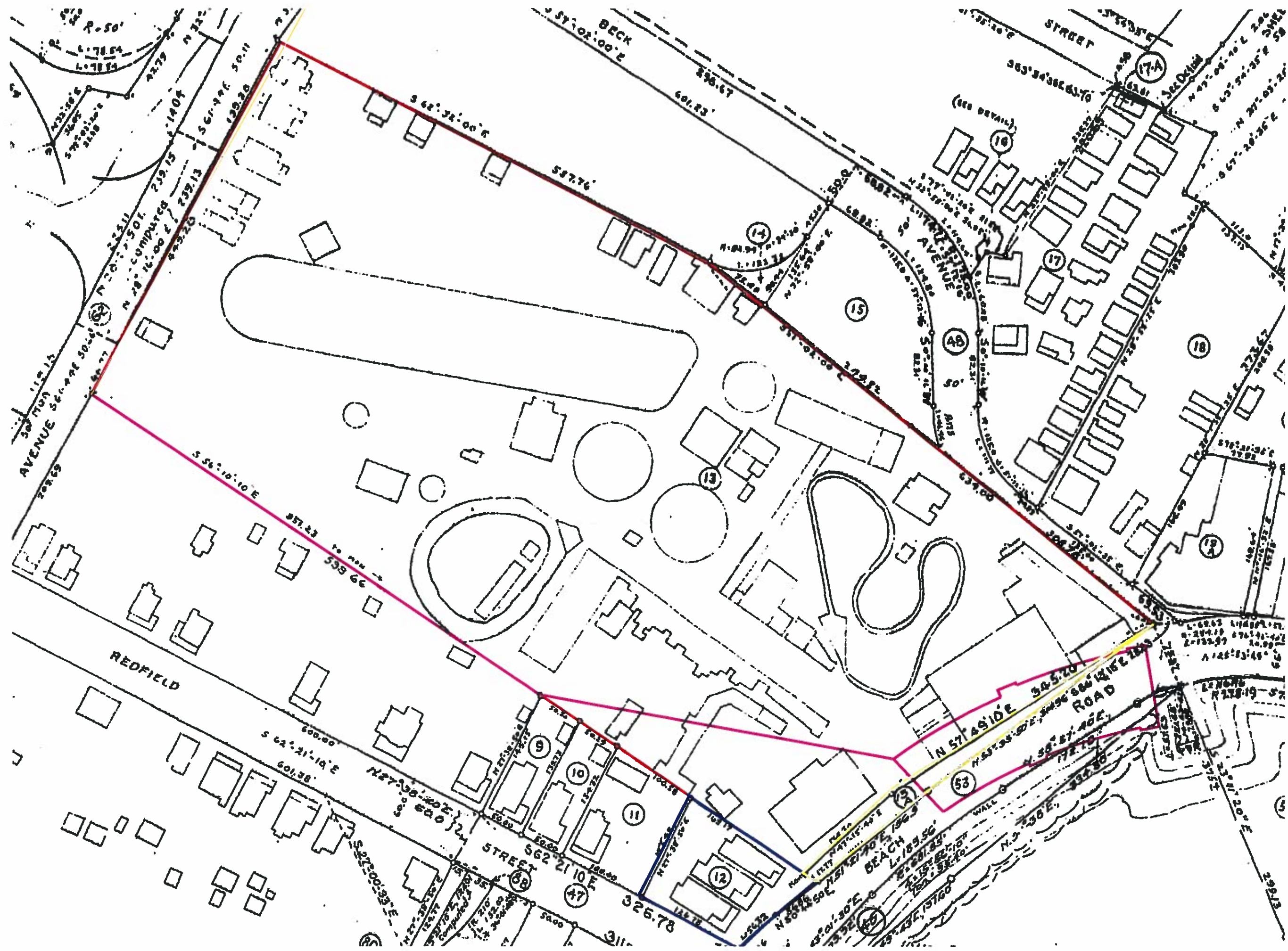
*Carpenter & Duffy*  
CIVIL ENGINEERS & SURVEYORS

Surveyed for and certified to the  
WESTCHESTER COUNTY PARK COMMISSION  
and certified also to the  
WESTCHESTER TITLE & TRUST COMPANY.  
*Carpenter & Duffy*  
CIVIL ENGINEERS & SURVEYORS

Map amended as to Parcels No. 82 & 83, July 12, 1927  
Note: Courses computed are so designated.

Amended Map Filed in the Office of the Register of Westchester County Dec. 9, 1925 as Map No. 279  
Second amended map filed in the Office of the Register of Westchester County, Feb. 18, 1927 as Map No. 279  
Third amended map filed in the Office of the Register of Westchester County, July 25, 1927 as Map No. 279  
As Map No. 279-5  
As Map No. 279-6





## WESTCHESTER COUNTY PARK COMMISSION

## LAND RECORD

GRANTOR Village of Rye.(Shore)

ADDRESS

ORIGINAL AUTHORIZATION BY W. C. P. C. TO PURCHASE

MINUTES-DATE

MEETING No.

## CONDEMNATION PROCEEDINGS

DATE AUTHORIZED

DATE-TITLE VESTED, I.E.  
OATH COMMISSIONERS FILED

DATE COURT ORDER OF AWARD

AWARD

## TITLE

TITLE CLOSED

TITLE POLICY No.

INSURED BY

TITLE POLICY DELIVERED

AMOUNT INSURED

RESERVATIONS

## REGISTRATION IN PUBLIC RECORDS

GRANTEE COUNTY OF WESTCHESTER.

RECORDED

LIBER

PAGE

12/9/25--2/18/27, 7/25/27 --

NUMBER 2795/2795A

FINAL MAP-DATE FILED 9/23/27

NUMBER 2795B/2795C

FINAL MAP-SHEET No.

PARCEL No.

PROJECT

DEED No.

2

45

Rye Beach

## WESTCHESTER COUNTY PARK COMMISSION

## LAND RECORD

GRANTOR Village of Rye

ADDRESS Rye Beach Road

ORIGINAL AUTHORIZATION BY W. C. P. C. TO PURCHASE

MINUTES-DATE

MEETING No.

## CONDEMNATION PROCEEDINGS

DATE AUTHORIZED

DATE-TITLE VESTED, I.E.  
OATH COMMISSIONERS FILED

DATE COURT ORDER OF AWARD

AWARD

## TITLE

TITLE CLOSED

TITLE POLICY No.

INSURED BY

TITLE POLICY DELIVERED

AMOUNT INSURED

RESERVATIONS

## REGISTRATION IN PUBLIC RECORDS

GRANTEE COUNTY OF WESTCHESTER.

RECORDED

LIBER

PAGE

7/25/27--9/23/27

NUMBER 2795B/2795C

FINAL MAP-DATE FILED Feb. 18, 1927

NUMBER 2795A

FINAL MAP-SHEET No.

PARCEL No.

PROJECT

DEED No.

2

53

Rye Beach



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Planning

DATE: May 30, 2019

CONTACT: Christian K. Miller, City Planner

**AGENDA ITEM:** Consideration of setting a public hearing on a local law to allow physical fitness facility in the B-1 (Neighborhood Business) and B-4 (Office Building) Zoning Districts.

**FOR THE MEETING OF:**

June 5, 2019

**RYE CITY CODE,**

CHAPTER 197  
SECTION 3

**RECOMMENDATION:** That the City Council consider setting a public hearing for its July 17, 2019 meeting on the draft local law and review the Full Environmental Assessment Form (EAF) attached hereto.

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

**BACKGROUND:**

On November 20, 2018, 1037 Boston Post Road, LLC in connection with the YMCA submitted a petition to the City Council to amend the City Zoning Code to allow physical fitness facilities in the B-1 and B-2 zoning districts located in the "A" and "B" Parking Districts. The proposed zoning text amendment was referred by the City Council to the Planning Commission for its advisory review and comment at its January 9, meeting. In response, the Planning Commission prepared a March 26, 2019 memorandum to the City Council in which it stated its support for allowing physical fitness facilities in the City and suggested additional business districts beyond those proposed in the petitioner's request that might also be appropriate for this use (see attached memo). The City Council discussed this matter at its April 24 and May 8 meetings and reached a consensus as to a preferred local law at its May 22 work session. The attached draft local law allows physical fitness facilities as a special use permit in the B-1 District for those properties having frontage on the west side of Boston Post Road between Library Lane and Orchard Avenue and as a permitted main use in the B-4 District for those properties having frontage on Theall Road (see attached maps depicting eligible properties). A Full EAF is attached for the City Council's review of this Type I Action. It is anticipated that the action will not have an adverse impact on the environment.

CITY OF RYE

LOCAL LAW NUMBER \_\_-2019 OF THE CITY OF RYE

AMENDMENT TO CHAPTER 197: ZONING  
OF THE RYE CITY CODE TO ALLOW PHYSICAL FITNESS FACILITY IN THE B-1  
NEIGHBORHOOD BUSINESS DISTRICT AND B-4 OFFICE BUILDING DISTRICT

BE IT ENACTED by the City Council of the City of Rye, Westchester  
County, New York, as follows:

Section 1. Chapter 197: Zoning is hereby amended as follows:

**1. Use Definition:**

Amend Section 197-1: "Definitions and usage." as follows:

**Physical Fitness Facility:**

An establishment or use where physical exercise or training is conducted on an individual or group basis, using exercise equipment or open floor space with or without instruction with a personal trainer and/or in a group class, to include, but not be limited to, the following: weight training, yoga, gymnastics, spin, aerobics, martial arts, wrestling, boxing, etc. Support functions accessory to the principal use include a child care area, spas, lockers, showers, health food bar, game or party room, counter and sales desk for sports health or fitness items associated with the facility.

**2. Permitted Use:**

Amend Section 197-86: Table of Regulations: Table B, Business Districts-Use Regulations, Column 2, Uses Permitted Subject to Additional Standards and Requirements, B-1 Neighborhood Business Districts as follows:

(15) Physical Fitness Facility. This use shall be limited to properties having frontage on the west side of Boston Post Road between Orchard Avenue and Library Lane.

Amend Section 197-86: Table of Regulations: Table B, Business Districts-Use Regulations, Column 2, Uses Permitted Subject to Additional Standards and Requirements, B-2 Central Business Districts as follows:

- (1) Uses permitted subject to additional standards and requirements in B-1 Districts and as limited therein, except that Physical Fitness Facility shall not be permitted in the B-2 District.

Amend Section 197-86: Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses, B-4 Office Building Districts as follows:

- (2) Physical Fitness Facility. This use shall be limited to properties having frontage on Theall Road.

**3. Parking Standard:**

Amend Section 197-28: Schedule of Off-Street Parking Requirements, Subsection A: Schedule of Parking Requirements, last amended 7-15-1987 by Local Law No. 7-1987 to include the following:

| <b>Use</b>                | <b>A</b> | <b>B</b> | <b>C</b> | <b>Unit of Measurement</b>          |
|---------------------------|----------|----------|----------|-------------------------------------|
| Physical Fitness Facility | 1        | 1        | 1        | 200 square feet of gross floor area |

Section 2. If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

Section 3. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

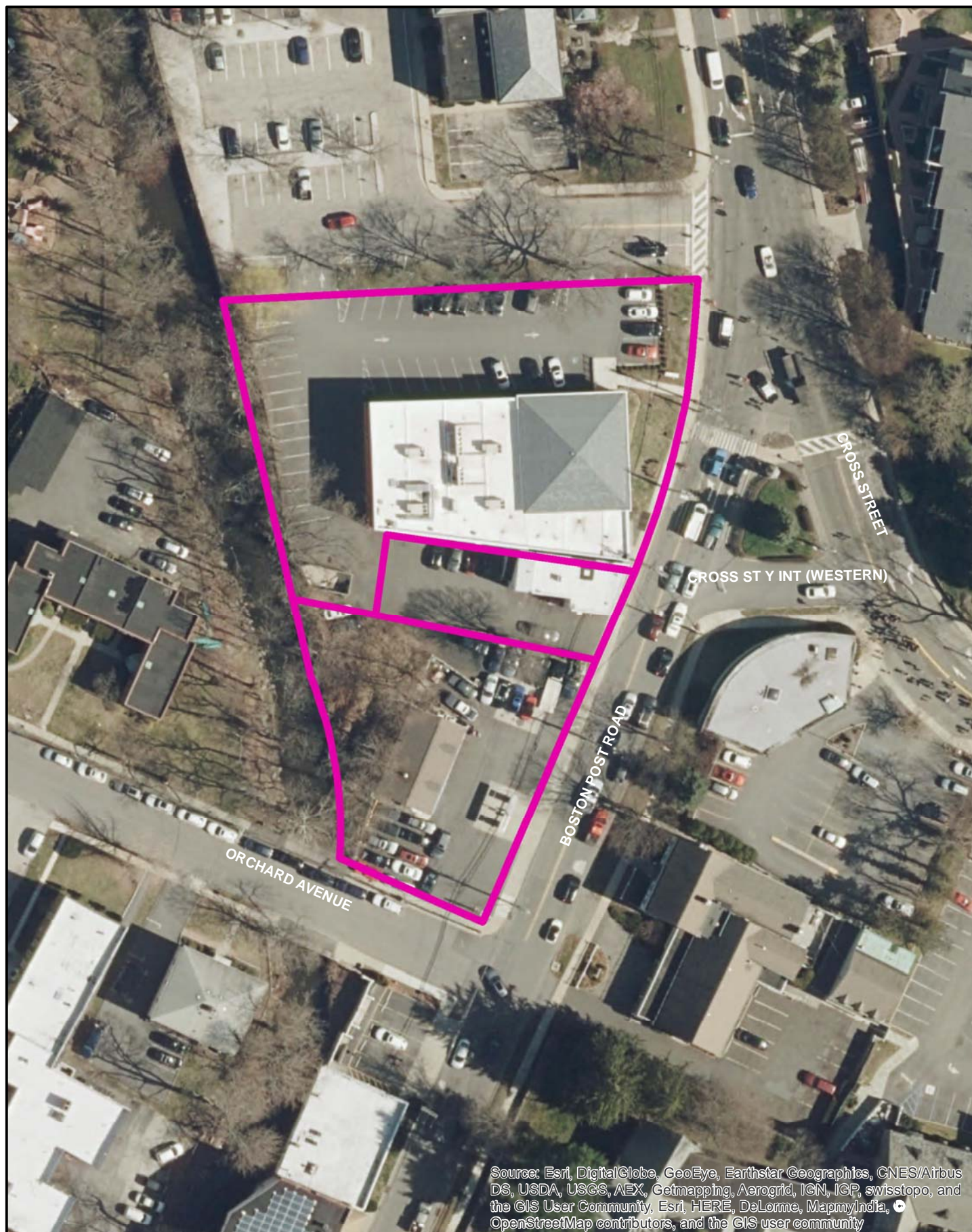
Dated:

BY THE ORDER OF THE CITY COUNCIL  
OF THE CITY OF RYE

CAROLYN D'ANDREA, CITY CLERK

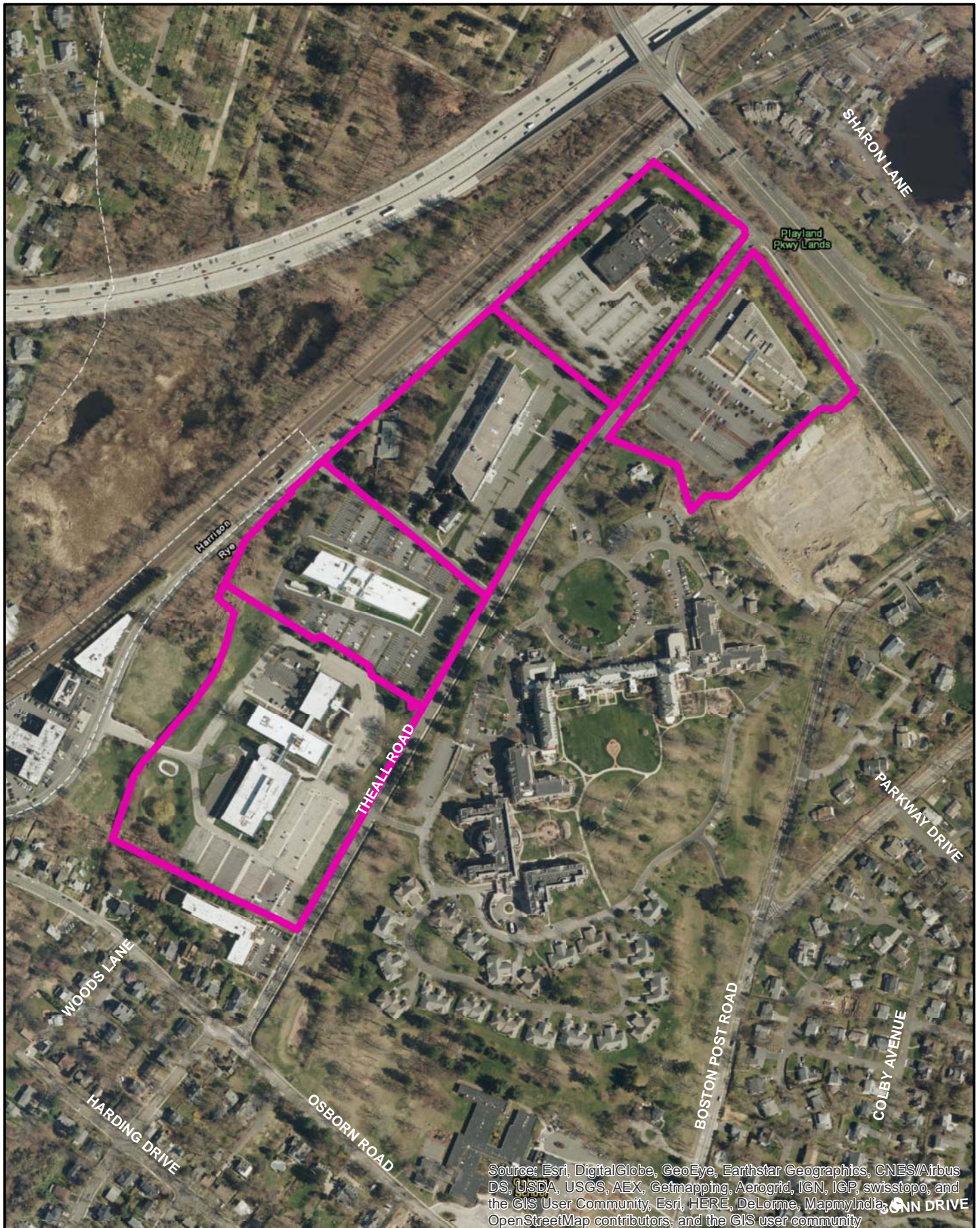


## B-1 District Properties Permissible for Physical Fitness Use



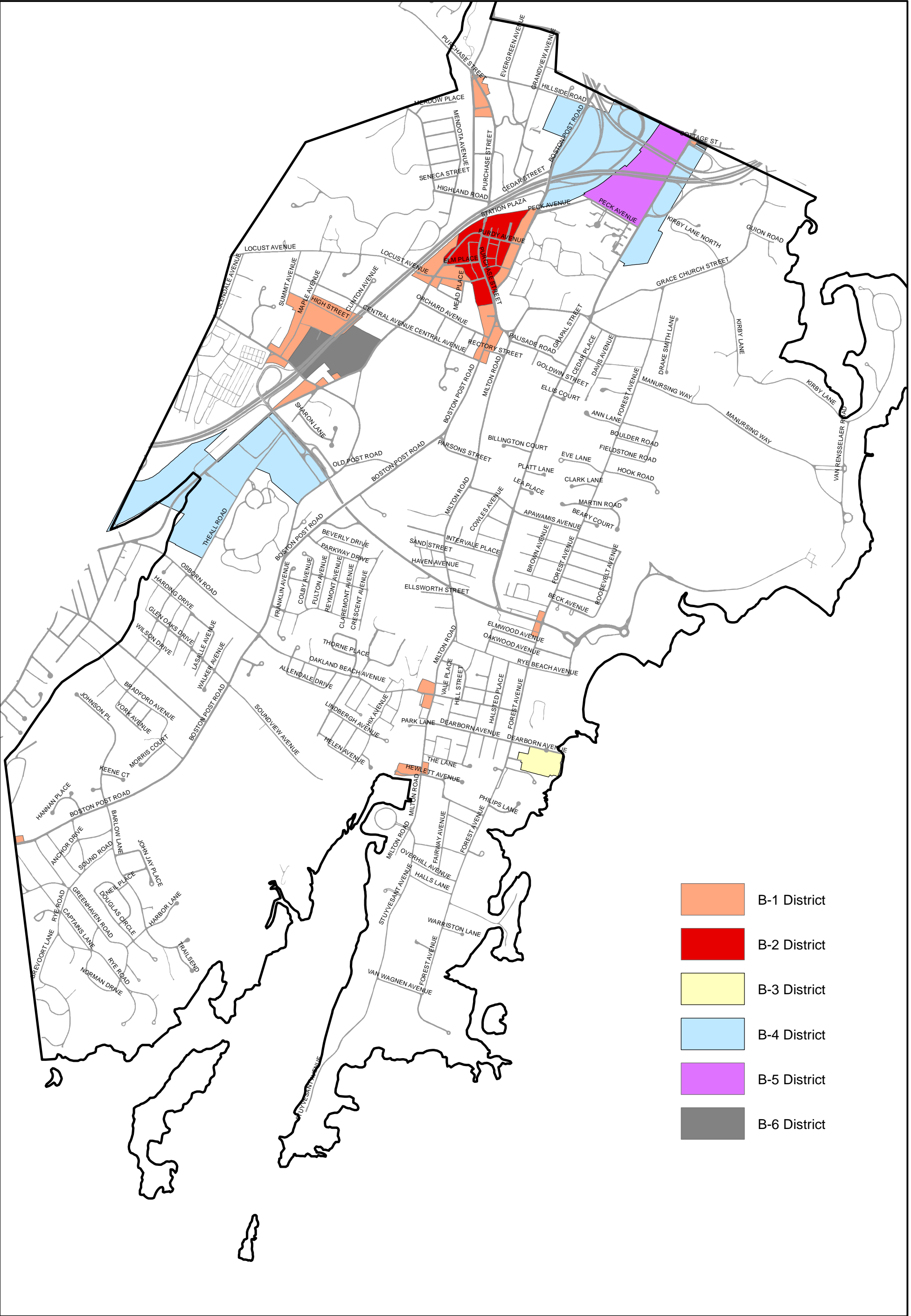


## B-4 District Properties on Theall Road Permissible for Physical Fitness Use





# City of Rye Business District Locations



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

**Instructions for Completing Part 1**

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

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

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

**A. Project and Applicant/Sponsor Information.**

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

## B. Government Approvals

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

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

## C. Planning and Zoning

### C.1. Planning and zoning actions.

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

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

### C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

---

---

---

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

If Yes, identify the plan(s):

---

---

---

### C.3. Zoning

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

\_\_\_\_\_

\_\_\_\_\_

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

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

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

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

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

\_\_\_\_\_

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

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

### D. Project Details

#### D.1. Proposed and Potential Development

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

\_\_\_\_\_

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

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

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

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

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

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

If Yes,

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

\_\_\_\_\_

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

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

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

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

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

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

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

\_\_\_\_\_

\_\_\_\_\_

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

|   |  |
|---|--|
| g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes,                               |  |
| i. Total number of structures _____<br>ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length<br>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 type="checkbox"/> No</span><br>If Yes,  |  |
| i. Purpose of the impoundment: _____<br>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><br>_____<br>iii. If other than water, identify the type of impounded/contained liquids and their source.<br>_____<br>iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres<br>v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length<br>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):<br>_____ |  |

**D.2. Project Operations**

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

|   |  |
|---|--|
| 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 type="checkbox"/> No</span><br>If Yes: |  |
| i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____<br>_____  |  |

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

---

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

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

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

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

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

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

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

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

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

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

---

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

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

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

\_\_\_\_\_

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

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

|  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a 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: _____<br/>           _____<br/>           _____</li> </ul>  | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| <p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <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>  | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____<br/>           _____<br/>           _____</p>   |  |  |
| <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____<br/>           _____<br/>           _____</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 _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____<br/>           _____</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)? _____<br/>           _____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____<br/>             _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No |  |
| <p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>   |  |  |
| <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>  | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| <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>   |  | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No |

|  |   |  |   |
|--|---|--|---|
| <p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input 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 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 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<br/> <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes 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 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 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 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 type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>  |  |
| <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>   |  |
| <p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input 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:</p> <p>_____</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 type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>   |  |
| <p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input 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>  |  |
| <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 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 the proposed storage facilities: _____</p> <p>_____</p>   |  |
| <p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <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>_____</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>_____</li> <li>• Operation: _____</li> <li>_____</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>_____</li> <li>• Operation: _____</li> <li>_____</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 the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

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

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

|   |  |
|---|--|
| v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input 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: _____<br/> _____</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? _____ feet   |  |
| b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %   |  |
| c. Predominant soil type(s) present on project site: _____ %<br>_____ %<br>_____ %  |  |
| d. What is the average depth to the water table on the project site? Average: _____ feet  |  |
| e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site<br><input type="checkbox"/> Moderately Well Drained: _____ % of site<br><input type="checkbox"/> Poorly Drained _____ % of site  |  |
| f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site<br><input type="checkbox"/> 10-15%: _____ % of site<br><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 type="checkbox"/> No</span><br>If Yes, describe: _____<br>_____  |  |
| h. Surface water features. <ul style="list-style-type: none"> <li>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 type="checkbox"/> No</span></li> <li>ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> <li>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></li> <li>iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul> </li> </ul> |  |
| 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 type="checkbox"/> No</span><br>If yes, name of impaired water body/bodies and basis for listing as impaired: _____<br>_____   |  |
| i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  |  |
| j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  |  |
| k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input 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 type="checkbox"/> No</span><br>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>_____</p>  |  |
| <p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input 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 type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>  |  |
| <p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>   |  |
| <p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input 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>_____</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 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 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 type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></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 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 the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District<br>ii. Name: _____<br>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>   |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br>i. Describe possible resource(s): _____<br>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br>i. Identify resource: _____<br>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____<br>iii. Distance between project and resource: _____ miles.   |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br>i. Identify the name of the river and its designation: _____<br>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  |

#### F. Additional Information

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

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

#### G. Verification

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

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

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

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

Project :

Date :

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

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

**Tips for completing Part 2:**

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

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

|   |                                    |                                      |   |
|---|------------------------------------|--------------------------------------|---|
| <b>2. Impact on Geological Features</b><br>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) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span><br><i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i> |                                    |                                      |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| 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.<br>Specific feature: _____   | E3c                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. Other impacts: _____   |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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



|                                  |  |                          |                          |
|----------------------------------|--|--------------------------|--------------------------|
| I. Other impacts: _____<br>_____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------|--|--------------------------|--------------------------|

| <b>4. Impact on groundwater</b><br>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.<br>(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)<br><i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i> |                             |                               |                                    |
|---|-----------------------------|-------------------------------|------------------------------------|
|   | <input type="checkbox"/> NO | <input type="checkbox"/> YES  |                                    |
|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.  | D2c                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.<br>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: _____<br>_____  |                             | <input type="checkbox"/>      | <input type="checkbox"/>           |

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

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

| <b>6. Impacts on Air</b><br>The proposed action may include a state regulated air emission source. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span><br>(See Part 1. D.2.f., D.2.h, D.2.g)<br><i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>   |  |  |  |
|---|--|--|--|
|   | Relevant Part I Question(s)            | No, or small impact may occur  | Moderate to large impact may occur   |
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:<br>i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )<br>ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)<br>iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)<br>iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )<br>v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions<br>vi. 43 tons/year or more of methane | D2g<br>D2g<br>D2g<br>D2g<br>D2g<br>D2h | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><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: _____<br>_____  |  | <input type="checkbox"/>   | <input type="checkbox"/>   |

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

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

|   |                                    |                                      |   |
|---|------------------------------------|--------------------------------------|---|
| <b>8. Impact on Agricultural Resources</b><br>The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span><br><i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i> |                                    |                                      |   |
|   | <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 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><br>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.)<br><i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> |                                    |  |  |
|  |                                    | <input 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. 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:<br>i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)<br>ii. Year round   | E3h                                | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/> |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is:<br>i. Routine travel by residents, including travel to and from work<br>ii. Recreational or tourism based activities   | E3h<br>E2q,<br>E1c                 | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><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:<br>0-1/2 mile<br>1/2 -3 mile<br>3-5 mile<br>5+ mile   | D1a, E1a,<br>D1f, D1g              | <input type="checkbox"/>                             | <input type="checkbox"/>                             |
| g. Other impacts: _____<br>_____   |                                    | <input type="checkbox"/>                             | <input type="checkbox"/>                             |

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

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

|   |   |                                      |   |
|---|---|--------------------------------------|---|
| <b>11. Impact on Open Space and Recreation</b><br>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.<br>(See Part 1. C.2.c, E.1.c., E.2.q.)<br><i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i> |   |                                      |   |
|   |   | <input 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<br>E2h,<br>E2m, E2o,<br>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,<br>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<br>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: _____<br>_____  |   | <input type="checkbox"/>             | <input type="checkbox"/>                  |

|   |                                    |                                      |   |
|---|------------------------------------|--------------------------------------|---|
| <b>12. Impact on Critical Environmental Areas</b><br>The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)<br><i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i> |                                    |                                      |   |
|   |                                    | <input 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: _____<br>_____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

**13. Impact on Transportation**

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

☐ NO

☐ YES

(See Part 1. D.2.j)

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

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

**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<br>Part I<br>Question(s) | No, or<br>small<br>impact<br>may occur | Moderate<br>to large<br>impact may<br>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: _____<br>_____  |          | <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<br>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,<br>D2r            | <input type="checkbox"/>      | <input type="checkbox"/>           |
| m. Other impacts: _____<br>_____  |                             |                               |                                    |

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

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



2018 NOV 20 PM 2:49

JONATHAN D. KRAUT

DIRECT TEL.: 914-701-0800  
MAIN FAX: 914-701-0808  
[JKRAUT@HKPLAW.COM](mailto:JKRAUT@HKPLAW.COM)

November 20, 2018  
**VIA HAND DELIVERY**

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

Re: ***Proposed Zoning Text Amendment  
Physical Fitness Facility***

Dear Mayor Cohn and Members of the City Council:

We represent 1037 Boston Post Road, LLC (the "Petitioner"), in connection with the property commonly known as 1037 Boston Post Road (the "Subject Property"). The Petitioner actively searched for a tenant to occupy the Subject Property since the closure of Mrs. Greens approximately two years ago. The Rye YMCA expressed keen interest in occupying the Subject Property as part of their Rye operations. Unfortunately, the existing Zoning Ordinance of the City of Rye does not currently include physical fitness facilities as a permitted use in any zoning district. Accordingly, we respectfully submit herewith a petition to amend the Zoning Ordinance of the City of Rye to include physical fitness facilities as permitted uses within the B-1 and B-2 zoning districts located within the "A" and "B" parking districts (essentially the downtown business district).

Submitted herewith please find ten (10) copies of a Verified Petition for an amendment to the Zoning Ordinance. The original petition is simultaneously being filed with the city clerk. We respectfully request this matter be placed on the Rye City Council agenda for November 28, 2018.

As noted in the Petition, with the increased attention on physical fitness as being a key component of personal health and well-being there has been a corresponding increase in the demand for physical fitness facilities and various programs. Currently, the Zoning Ordinance does not permit this type of use anywhere within the City of Rye, although personal training

HKP

facilities (1-on-1) have been interpreted to be a permitted personal service business within the B-1 and B-2 zoning districts. In filing the instant Petition, the Petitioner is seeking to address this seemingly unintended void in the existing Zoning Ordinance.

While the Petitioner and the YMCA are interested solely in the proposed use of the Subject Property, in granting the proposed zoning text amendment the City Council would be modernizing the Zoning Ordinance to permit what has become a commonplace use in many other municipalities and is typically grouped in with other standard commercial uses in business districts such as retail, personal services, restaurants, banks and professional offices.

Although this action requires review under the State Environmental Quality Review Act (SEQRA) and is an unlisted action, there will be no environmental impact whatsoever in permitting a physical fitness facility as a permitted use in the greater downtown business district. As noted above, the use is a standard commercial use in business districts elsewhere and would allow commercial property owners in the downtown business district greater flexibility in prospective occupants of underutilized space. The environmental impacts for a proposed change in use of a specific site to a physical fitness facility would be addressed on a case-by-case basis by the Planning Commission during the site plan approval / modification process.

We look forward to presenting this Petition to the Rye City Council on November 28, 2018, and can provide any additional information at that time.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By 

Jonathan D. Kraut

Cc: Marcus Serrano, City Manager  
Christian Miller, City Planner  
Kristen Wilson, Corporation Counsel

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

In the Matter of the Application of  
1037 Boston Post Road, LLC

**PETITION FOR  
FOR AMENDMENT TO  
CITY OF RYE ZONING  
ORDINANCE**

PROPERTY LOCATION:  
1037 Boston Post Road, Rye, New York  
Sheet 146.11, Block 1, Lot 4  
-----X

Petitioner, 1037 Boston Post Road, LLC, by its attorneys, Harfenist Kraut & Perlstein, LLP, hereby petitions the City Council of the City of Rye for an amendment to the City of Rye Zoning Ordinance as follows:

1. 1037 Boston Post Road, LLC, (hereinafter "Petitioner"), with an address c/o Bill Wolf Petroleum Corp., 100 Jericho Quadrangle, Suite 209, Jericho, New York 11753, is Limited Liability Company duly formed and existing under the laws of the State of New York.
2. The Petitioner is the owner of the real property commonly known as 1037 Boston Post Road, as further set forth in the caption of this Petition (hereinafter the "Property").
3. The Property lies wholly within the B-1 (Neighborhood Business) Zoning District and the "A" Parking District.
4. The Petitioner has entered into a lease agreement with the Rye YMCA (the "YMCA") for use of the Property as a physical fitness facility.

5. The current Zoning Ordinance of the City of Rye does not include physical fitness facilities as permitted uses in any zoning district within the City of Rye.
6. With the increased attention in the modern era to physical fitness being a key component of personal health and well-being, the Petitioner and the YMCA wish to rectify this apparent overlooked issue within the Zoning Ordinance.

#### AMENDMENT TO ZONING ORDINANCE

7. The Petitioner requests a text amendment of the Zoning Ordinance of the City of Rye to include physical fitness facilities as a permitted use within the B-1 and B-2 Zoning Districts within the "A" or "B" parking districts. This would allow physical fitness facilities as a permitted use within the downtown business district as generally depicted on the map attached hereto as Exhibit 1.
8. The Petitioner specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-86: Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses be amended to include as a permitted main use in the B-1 district, and thus also within the B-2 district which already incorporates by reference all permitted main uses in the B-1 district, the following:

*(10) Physical Fitness Facility: an establishment or use where physical exercise or training is conducted on an individual or group basis, using exercise equipment or open floor space with or without instruction with a personal trainer and/or in a group class, to include, but not be limited to, the following: weight training, yoga, gymnastics, spin, aerobics, martial arts, wrestling, boxing, etc. Support functions accessory to the principal use include a child care area, spas, lockers, showers, health food bar, game or party room, counter and sales desk for sports health or fitness items associated with the facility. This use shall be limited to properties located within the "A" or "B" Parking Districts.*

9. The Petitioner also specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-28: Schedule of Off-Street Parking Requirements,

Subsection A: Schedule of Parking Requirements, last amended 7-15-1987 by Local Law No. 7-1987, be amended to include the following:

| Use                       | A | B | C   | Unit of Measurement                 |
|---------------------------|---|---|-----|-------------------------------------|
| Physical Fitness Facility | 1 | 1 | N/A | 200 square feet of gross floor area |

5. The requested amendments to the Zoning Ordinance would not have any adverse impacts on the City of Rye, rather it would modify the Zoning Ordinance to the reality of modern demands for the repurposing of underutilized commercial space in and around the downtown business district.

#### SEQRA REVIEW

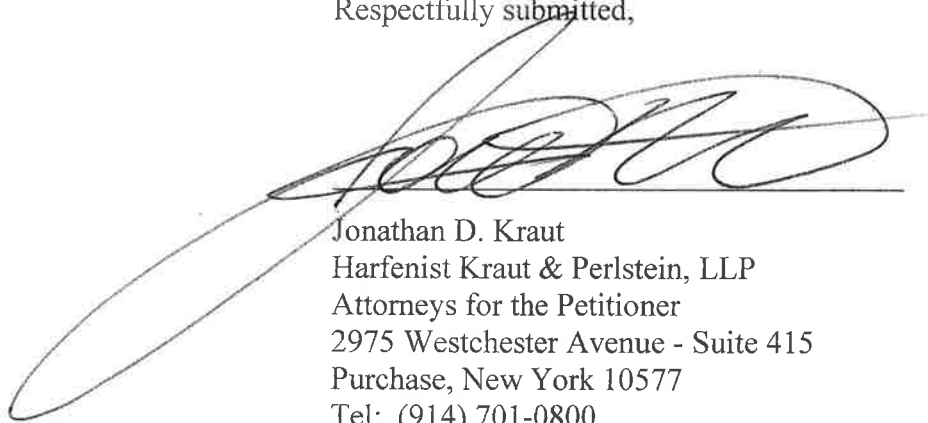
6. With respect to the environmental procedure and review of this Petition pursuant to Article 8 of the Environmental Conservation Law of the State of New York and Part 617 of the New York Codes, Rules and Regulations promulgated pursuant to the New York State Environmental Quality Review Act, the requested zoning amendments are a Type I action as the subject area of the zoning amendment is in excess of 25 acres; however, we respectfully submit the zoning amendment will have no environmental impact whatsoever.
7. The zoning amendments simply permit an additional standard commercial use that carries with it the same impacts as the existing permitted uses in the downtown business district. It is not anticipated that the inclusion of a physical fitness facility use will result in a noticeable increase of construction activities, impervious surfaces, traffic, noise or any other potential environmental impacts over other already permitted uses (i.e. retail, restaurants and personal services). Rather, as most of the downtown business district is already fully developed we expect physical fitness facilities would occupy vacant existing space within the downtown business district such as the Subject Property.

8. 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, submitted herewith as Exhibit 2, 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 November 28, 2018 for a hearing and that the relief sought herein be in all respects granted.

Dated: Purchase, New York  
November 20, 2018

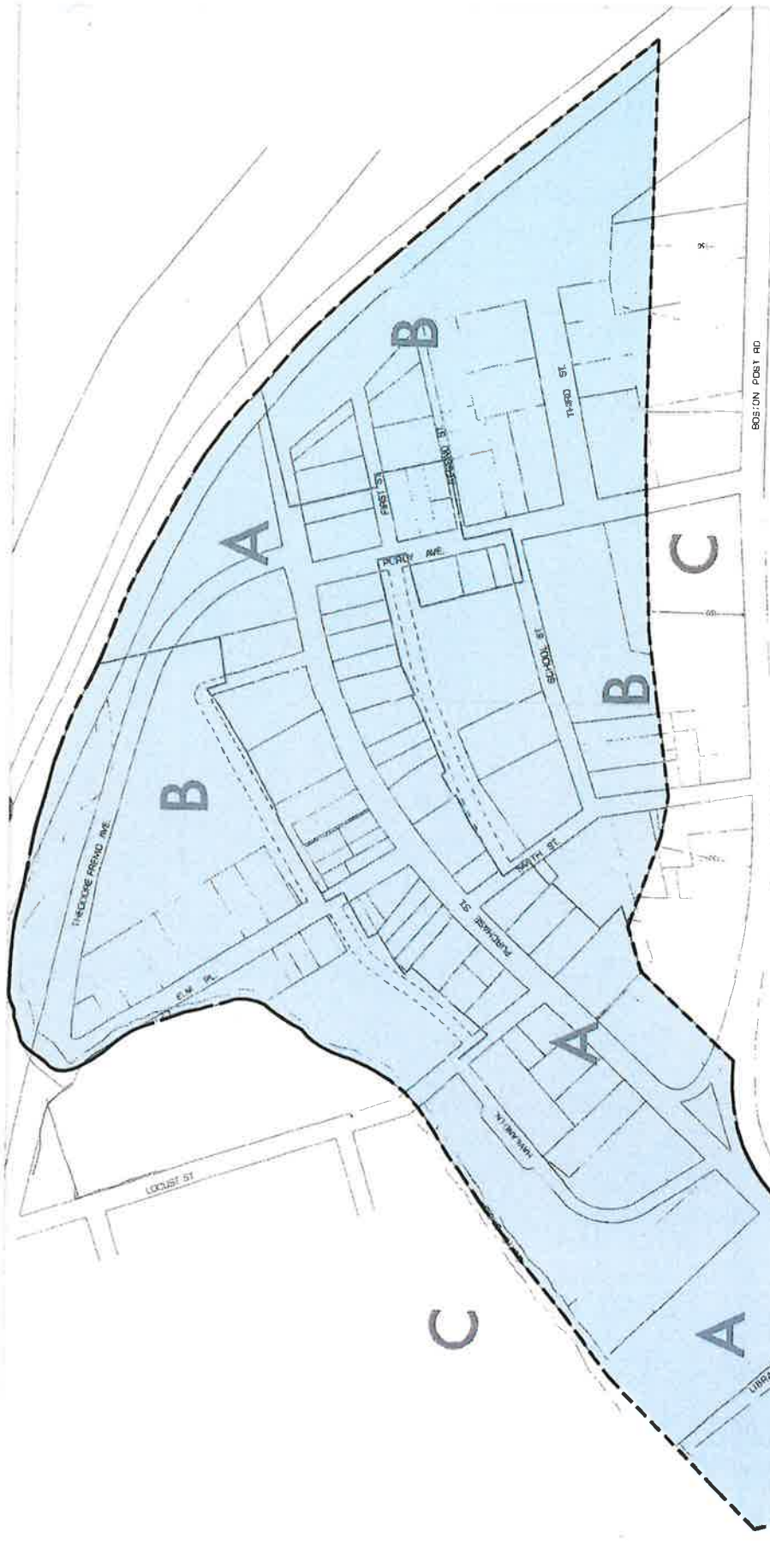
Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Jonathan D. Kraut, is written over the signature line and extends into the contact information area.

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 1



A/B parking district  
1,387,921sf / 31.8 acres



**PARKING DISTRICTS**  
A Core Central Business District  
B Peripheral Central Business District  
C Remainder of City of Rye

# **PARKING DISTRICTS MAP**

CITY OF RYE, NEW YORK  
prepared 11.13.18

# EXHIBIT 2

# Short Environmental Assessment Form

## Part 1 - Project Information

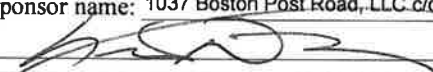
### Instructions for Completing

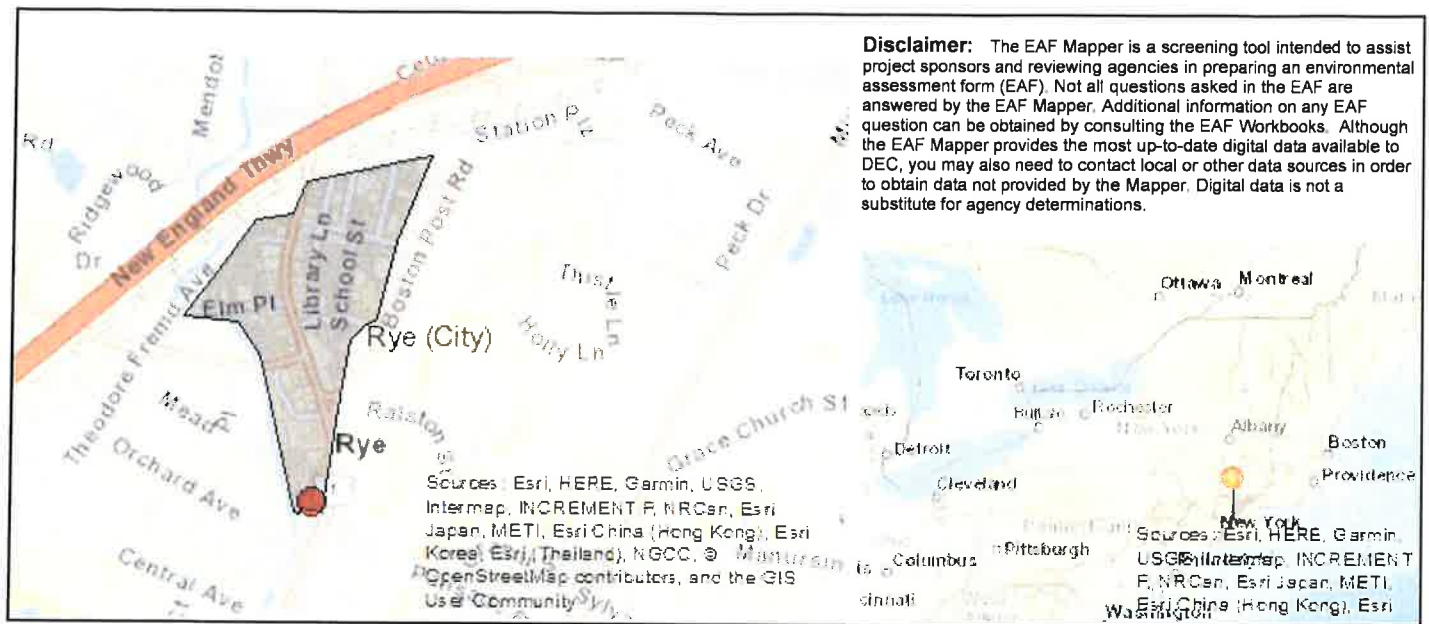
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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:<br>City of Rye Zoning Text Amendment re: Physical Fitness Facility  |                                     |   |   |    |     |                          |                                     |
| Project Location (describe, and attach a location map):<br>City of Rye Downtown Business District  |                                     |   |   |    |     |                          |                                     |
| Brief Description of Proposed Action:<br>Zoning text amendment to permit physical fitness facilities in the greater downtown business district area in the City of Rye   |                                     |   |   |    |     |                          |                                     |
| Name of Applicant or Sponsor:<br>1037 Boston Post Road, LLC c/o Harfenist Kraut & Perstein   |                                     | Telephone: 914-701-0800<br>E-Mail: Inapior@hkplaw.com |   |    |     |                          |                                     |
| Address:<br>2975 Westchester Avenue, Suite 415   |                                     |   |   |    |     |                          |                                     |
| City/PO:<br>Purchase   |                                     | State:<br>NY  | Zip Code:<br>10577  |    |     |                          |                                     |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><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?<br>If Yes, list agency(s) name and permit or approval:   |                                     |   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>            | NO | YES | <input type="checkbox"/> | <input type="checkbox"/>            |
| NO   | YES                                 |   |   |    |     |                          |                                     |
| <input type="checkbox"/>   | <input type="checkbox"/>            |   |   |    |     |                          |                                     |
| 3.a. Total acreage of the site of the proposed action? _____ acres<br>b. Total acreage to be physically disturbed? _____ acres<br>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.<br><input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____<br><input type="checkbox"/> Parkland |                                     |   |   |    |     |                          |                                     |

|  |                                |   |  |
|--|--------------------------------|---|--|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?   | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/>           | N/A<br><input type="checkbox"/>            |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input type="checkbox"/>                   |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  |                                | NO<br><input type="checkbox"/>            | YES<br><input type="checkbox"/>            |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____  |                                | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   |                                | NO<br><input type="checkbox"/>            | YES<br><input type="checkbox"/>            |
| b. Are public transportation service(s) available at or near the site of the proposed action?  |                                | <input type="checkbox"/>                  | <input type="checkbox"/>                   |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?   |                                | <input type="checkbox"/>                  | <input type="checkbox"/>                   |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies: _____  |                                | NO<br><input type="checkbox"/>            | YES<br><input type="checkbox"/>            |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____  |                                | NO<br><input type="checkbox"/>            | YES<br><input type="checkbox"/>            |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____   |                                | NO<br><input type="checkbox"/>            | YES<br><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<br><input type="checkbox"/>            | YES<br><input checked="" 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<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____  |                                | <input type="checkbox"/>                  | <input type="checkbox"/>                   |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban                                 |                                |   |  |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?   |                                | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 16. Is the project site located in the 100 year flood plain?   |                                | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES<br>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES |                                | NO<br><input type="checkbox"/>            | YES<br><input type="checkbox"/>            |

|   |                          |                                     |
|---|--------------------------|-------------------------------------|
| 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)?<br>If Yes, explain purpose and size: _____ | NO                       | YES                                 |
| _____   | <input type="checkbox"/> | <input type="checkbox"/>            |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____   | NO                       | YES                                 |
| _____   | <input type="checkbox"/> | <input type="checkbox"/>            |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____   | 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: 1037 Boston Post Road, LLC c/o Harfenist Kraut & Perlstein  |                          | Date: 11/20/18                      |
| Signature:   |                          |                                     |



|   |   |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area]               | No  |
| Part 1 / Question 12a [National Register of Historic Places]    | Yes   |
| Part 1 / Question 12b [Archeological Sites]                     | Yes   |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal]          | No  |
| Part 1 / Question 16 [100 Year Flood Plain]                     | Yes   |
| Part 1 / Question 20 [Remediation Site]                         | Yes   |



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



Planning Department  
1051 Boston Post Road  
Rye, New York 10580  
Tel: (914) 967-7167  
Fax: (914) 967-7185  
[www.ryeny.gov](http://www.ryeny.gov)

## **CITY OF RYE Planning Commission**

### **Memorandum**

---

To: Rye City Council

From: Rye City Planning Commission

cc: Marcus Serrano, City Manager

Date: March 26, 2019

Subject: **Consideration of Zoning Amendment to Allow Physical Fitness Use**

Per the City Council's request, this memorandum provides the Planning Commission's advisory recommendation regarding a petition by 1037 Boston Post Road, LLC to amend the Rye City Zoning Code to allow physical fitness use in the City's B-1 and B-2 Business District in the "A" and "B" Parking Districts. The intent of the zoning amendment is to accommodate the YMCA as a new tenant for the 1037 property.

### **Background**

There are instances where the Rye City Zoning Code can be considered antiquated in terms of not properly identifying or describing uses that reflect current or future community needs. One such use that is not explicitly identified in the Zoning Code is physical fitness facility. Demand for the growing array of physical fitness uses appears high. The City Building and Planning Departments are routinely approached by landlords and prospective tenants seeking to establish fitness businesses with group or class-based programming. Currently, the Zoning Code classifies these uses as personal services where only individualized instruction or use is permitted.

The petition by the owner of 1037 Boston Post Road is intended to accommodate the YMCA as a future tenant. Consistent with good planning and zoning practice, the petitioner's request is not limited to just its property, but also includes other properties in the City's Central Business District. More specifically, the proposed text amendment would allow physical fitness use in the B-1 and B-2 Business District in the "A" and "B" Parking Districts.

## Consideration of Zoning Amendment to Allow Physical Fitness Use

March 26, 2019

2 of 5

The Planning Commission agrees that with some modification the petitioner's request is reasonable. It addresses a community need and appears to add to a fairly limited list of economically viable uses for under-used or vacant tenant spaces in the Central Business District (CBD). Physical fitness use can present concerns in terms of parking demand, traffic generation and potentially compromise a pedestrian-oriented streetscape aesthetic if not designed properly or considered as part of a site plan review; however, physical fitness uses can complement existing uses in the CBD and allow for the opportunity to expand the diversity and economic health of the CBD.

The Planning Commission conducted a review of other areas in the City and recommends that the City Council consider amending the petitioner's request to allow or restrict physical fitness use as follows:

### *B-1, Neighborhood Business, District*

The 1037 Boston Post Road property is located in the B-1, Neighborhood Business, District. There are 11 neighborhood business districts in the City, many of which are in close proximity to residential neighborhoods. These districts serve the commercial and business needs of the local community, but can create potential quality of life conflicts with residential neighbors. It is reasonable to allow physical fitness uses to be permitted in all B-1 Districts. In fact, physical fitness is arguably more compatible with residential neighbors than the uses that currently exists or are permitted by the B-1 District zoning. ***Expanding that list to include physical fitness in all B-1 Districts is recommended.*** It is noted that many of the properties in the B-1 District are small so they will not be able to support large commercial gyms or athletic facilities, which some may find more problematic. In some cases similar uses have existed in B-1 neighborhoods without significant consequence on area neighbors including the physical therapy/fitness use that operated at the office building located on Clinton Avenue near the Central Avenue intersection.

### *B-2, Central Business, District*

The proposed text amendment would allow physical fitness in the "A" and "B" Parking Districts, which is conterminous with the B-2, Central Business, District. All members agreed that physical fitness use should be allowed in the B-2 District, but there was not consensus as to whether the use should be allowed on the first floor of the "A" Parking District (which is essentially the Purchase Street corridor). Some members did not want to allow physical fitness use on the first floor since they considered it disruptive to the streetscape environment because these uses lack a pedestrian orientation. Allowing them on the second floor was acceptable. It was reasoned that these uses are similar to offices, real estate agencies and banks, which are currently prohibited on the first floor in the B-2 District because they can create dead or inactive storefronts that distract from maintaining healthy and engaging facades. Other members stated that such uses are not disruptive

## Consideration of Zoning Amendment to Allow Physical Fitness Use

March 26, 2019

3 of 5

to the streetscape and can offer landlords additional economically viable options to fill vacant storefronts. They did not find them objectionable. The Commission agreed that these uses are acceptable on any floor of the side streets of Elm Place, Smith Street, Purdy Avenue or School Street.

### B-3, Beach Business, District and B-7, Waterfront Business, District

**The B-3 and B-7 Business Districts would not be appropriate for physical fitness use.** The B-3 District is currently improved with the Water's Edge condominium community.

The B-7 District is a small area located near the City Boat Basin. This business district is restricted to uses that are water-dependent, such as the Row America facility at 668 Milton Road. Allowing non-water-dependent use such as physical fitness facilities is not recommended since it would generally not be considered consistent with the policies of the City's Local Waterfront Revitalization Program (LWRP).

### B-4, Office Building, District.

The B-4 District includes the office buildings along Theodore Fremd Avenue and Theall Road. They are currently improved with office buildings that have relatively low vacancy rates. Some nearby communities, such as the Town of Harrison, have re-purposed under-performing office parks to include physical fitness use. If the zoning text amendment were to apply to these areas it could result in the conversion of all or portions of office buildings for physical fitness use.

The B-4 District also includes an area on the east side of Midland Avenue in the vicinity of the recently renovated FBI building at 600 Midland and an area along Boston Post Road including a portion of the Rye Country Day School campus and the Thruway property. Interestingly, these areas are currently improved with essentially fitness uses including existing or planned recreation fields and facilities at the School. Under current zoning these areas permit office development, educational and recreational uses.

Given the size of the properties in the B-4 District it is possible that allowing physical fitness use could result in the creation of larger full service gyms rather than the smaller specialized fitness uses anticipated for smaller properties and buildings. These larger uses would have a significantly larger scale and traffic demand that would require careful consideration; however this may advance a community need. **The Planning Commission recommends that the City Council consider allowing physical fitness use in the B-4 District.**

## Consideration of Zoning Amendment to Allow Physical Fitness Use

March 26, 2019

4 of 5

### B-5, Interchange Business, District

The B-5 District is located on Midland and Peck Avenues and includes the Rye Marriott Courtyard and the recently vacated Avon office building. Allowing physical fitness use in this district would create a strong possibility for the conversion of some or all of the Avon building to a larger scale gym given that a future office tenant appears unlikely. The building has a large one-story floor plate with an 18-foot ceiling height. This will improve the marketability of this property, but the parking and traffic demands that could be generated would require careful consideration. ***The Planning Commission recommends that the City Council consider allowing physical fitness use in the B-5 District.***

### B-6, General Business, District

The B-6 District includes the ConEdison property on Theodore Fremd Avenue and the properties along Nursery Lane. Nursery Lane currently has two veterinary establishments, a bus depot, contractor's office, auto repair/auto body and other similar uses. It also has some under-used or vacant buildings with relatively large floor spaces that could support physical fitness use. The Planning and Building Department have been approached by prospective tenants seeking class-based fitness programming but they have been advised that such uses are not permitted by zoning in this location.

This area could be challenging to support high-traffic generating uses such as a physical fitness facility since it lacks a formalized road through the area. ***Allowing physical fitness facilities is not recommended in the B-6 District.***

### RA, Apartment, Districts

There are many RA, Apartment Districts in the City. They are generally located on major roadways including Purchase Street north of I-95, Boston Post Road and Theodore Fremd, but also on some smaller side streets such as Orchard Avenue (between Theodore Fremd and Boston Post Road) and Cedar Place. These districts allow business uses such as ground floor retail and service business that support the needs of the apartment building and medical office such as those located along Purchase Street. It is not objectionable to allow physical fitness use in these locations if the community is seeking to expand the commercial viability of these locations for non-residential use. Given, however the general size, configuration, existing use and surrounding neighborhood context of many of the multi-family buildings in this district is ***not recommended that physical fitness use be allowed in the RA Districts.***

## **Consideration of Zoning Amendment to Allow Physical Fitness Use**

March 26, 2019

5 of 5

### **Parking**

The Commission received comments from the Rye Free Reading Room (RFRR) noting concern with the potential parking impact a physical fitness use may have on potentially constrained parking conditions at City Hall. The Commission agreed that these concerns could be addressed at the time of site plan review as it considers potential restrictions on the types and timing of programmed activities for the new tenant of 1037 Boston Post Road. The Commission also notes that the RFRR received a considerable parking variance in connection with the construction of its addition in 2001. Improved program coordination between RFRR and the new 1037 BPR tenant may be required. Many uses such as office, restaurant and some retail uses already permitted in the B-1 and B-2 District could have parking demands as great or greater than the proposed physical fitness use.

### **SEQR**

The Planning Commission agrees that the addition of physical fitness use to existing business districts in the City would not result in significant adverse impacts.



# CITY COUNCIL AGENDA

NO. 9

DEPT.: Legal

DATE: May 29, 2019

CONTACT: Kristen Wilson, Corporation Counsel

**AGENDA ITEM:** Consideration of setting a public hearing on July 17, 2019 to amend the City Code Chapter 191 "Vehicles and Traffic", Article II "Traffic Regulations", Section 191-9 "Left turns" to prohibit left-hand turns from Hillside Ave. onto Boston Post Road with a posted "Right-turn only" sign.

**FOR THE MEETING OF:**  
June 5, 2019

**RYE CITY CODE:**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council sets a public hearing to amend the City Code with respect to traffic.

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

## **BACKGROUND:**

The proposed amendments codify the prohibition of left-hand turns from Hillside Ave. to Boston Post Road as has been noticed to the public with street signage since November 2018. The new sign would read, "Right-turn only".

See attached.

**CITY OF RYE**  
**LOCAL LAW NO. \_\_\_\_ 2019**

A local law to amend Chapter 191 “Vehicles and Traffic” of the Code of the City of Rye by amending Part 1 “General Regulations” Article II “Traffic Regulations” to reflect a new prohibited left-hand turn as follows:

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

**Section 1. Chapter 191. Vehicles and Traffic**

**Article II. Traffic Regulations**

**Chapter 191 Vehicles and Traffic**

**§191-9 Left turns.**

A. Left-hand turns are prohibited as described below during the hours indicated:

| <b>Location</b>   | <b>Hours</b>                |
|---|-----------------------------|
| <b><u>From Hillside Avenue onto Boston Post Road</u></b>  |                             |
| Apawamis Avenue and Milton Road   | 7:30 a.m. to 8:30 a.m., M-F |
| From Boston Post Road at the intersection southbound with Cross Street (rear of police booth)                           |                             |
| Boston Post Road northbound at Liberty Lane (rear of flagpole)  |                             |
| At the intersection of Cedar Street and the ramp leading to the westbound side of Station Plaza                         | 7:30 a.m. to 8:30 a.m.      |
| From the Citibank exit onto Cross Street  |                             |
| From the 2 driveways of the Cowperwood-Osborn office building (411 Theodore Fremd Avenue) parking lot into Garver Drive |                             |
| From Cross Street at the driveway into Citibank   |                             |
| Elm Place at Purchase Street  |                             |
| From Grandview Avenue into the Rye Country Day School driveway closest to Cedar Street                                  |                             |



**Location****Hours**

From Grandview Avenue into the Rye Country  
Day School driveway closest to Elizabeth Street

At the high school parking lot exit and Milton Road

7:30 a.m. to 8:30 a.m., M-F

From the Oakland Beach Avenue driveway exit of  
520 Milton Road

At the driveway of Osborn School leading onto Boston  
Post Road

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.

From Palisade Road at Milton Road

From Rye Country Day School's driveways closest to Hillside  
Avenue onto the Boston Post Road

Smith Street at Purchase Street

From northeastbound Theall Road into the northeasterly  
driveway of the Cowperwood-Osborn office building (411 Theodore Fremd Avenue)

7:30 a.m. to 7:30 p.m., M-F

From northeastbound Theall Road onto Garver Drive

From the YMCA parking lot onto Mead Place

**Section 2.** If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

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

Dated:

BY THE ORDER OF THE CITY COUNCIL  
OF THE CITY OF RYE

CAROLYN D'ANDREA, CITY CLERK



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Manager

DATE: May 29, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:**

Discussion of potential changes to the seasonal outdoor seating permitting process.

**FOR THE MEETING OF:**

June 5, 2019

**RECOMMENDATION:** Referral to the Planning Board for their input regarding offering establishments a 2-year permitting process.

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 11

DEPT.: Engineering

DATE: June 3, 2019

CONTACT: Ryan X. Coyne, City Engineer

**ACTION:** Award bid for the Annual Street Resurfacing contract (Contract #2014-02).

**FOR THE MEETING OF:**

June 5, 2014

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That Contract #2019-01 be awarded to the low bidder, ELQ Industries, Inc., in the amount of One Million Two Hundred Eighty Eight Thousand Six Hundred Eighty Four Dollars (\$1,288,684) as recommended by the City Engineer.

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

**BACKGROUND:** The Engineering Department has prioritized a list of streets for resurfacing per presentations at prior City Council Meetings with input from the Council and public. The City Engineer's recommendation and bid results are attached for your review.

# Annual Street Resurfacing Program - Contract 2019-01 Bid Tabulation



| Item Number             | Item   | Unit | Quantity | 1.<br>ELQ Industries  |              | 2.<br>Montesano Brothers |              |
|-------------------------|--|------|----------|-----------------------|--------------|--------------------------|--------------|
|                         |  |      |          | Unit Price            | Total Price  | Unit Price               | Total Price  |
| 505                     | 12.5 F3 Top Course HMA, 80 Series                                | Tons | 450      | \$127.75              | \$57,487.50  | \$134.00                 | \$60,300.00  |
| 506                     | 9.5 F3 Top Course HMA, 80 Series                                 | Tons | 4,000    | \$131.75              | \$527,000.00 | \$137.00                 | \$548,000.00 |
| 507                     | Milling of Asphaltic Concrete Pavement (0 - 4")                  | SY   | 45,000   | \$6.35                | \$285,750.00 | \$9.40                   | \$423,000.00 |
| 507A                    | Milling of Asphaltic Concrete Pavement (Greater than 4")         | SY   | 10       | \$10.00               | \$100.00     | \$12.00                  | \$120.00     |
| 526                     | Concrete Curb  | LF   | 10       | \$75.00               | \$750.00     | \$70.00                  | \$700.00     |
| 526A                    | Belgian Block Curb   | LF   | 10       | \$47.00               | \$470.00     | \$60.00                  | \$600.00     |
| 528A                    | Concrete Driveways and Driveway Aprons                           | EA   | 10       | \$46.00               | \$460.00     | \$24.00                  | \$240.00     |
| 529                     | Driveway Restoration   | SF   | 100      | \$34.00               | \$3,400.00   | \$20.00                  | \$2,000.00   |
| 545                     | Asphalt Concrete Truing and Leveling Course                      | Tons | 1,350    | \$130.95              | \$176,782.50 | \$120.00                 | \$162,000.00 |
| 604.07                  | Remove, Replace and Adjust Manhole Castings for Resurfacing Work | EA   | 10       | \$1,166.00            | \$11,660.00  | \$1,479.00               | \$14,790.00  |
| 619.01                  | Maintenance and Protection of Traffic                            | LS   | 1        | \$23,400.00           | \$23,400.00  | \$89,000.00              | \$89,000.00  |
| 740SS                   | Pavement Repair - Asphalt Concrete Pavement                      | SY   | 5,000    | \$39.00               | \$195,000.00 | \$63.00                  | \$315,000.00 |
| 83SB                    | Pre-Coated Non-Woven Fabric Reinforcement (18 Inch Wide Mat)     | LF   | 10       | \$17.00               | \$170.00     | \$3.00                   | \$30.00      |
| 903                     | Adjustment of Water Value Boxes and Meter Pits                   | EA   | 10       | \$395.00              | \$3,950.00   | \$110.00                 | \$1,100.00   |
| 685.12                  | Yellow Epoxy Reflectorized Pavement Stripes, 20 mils             | LF   | 2,400    | \$0.96                | \$2,304.00   | \$1.30                   | \$3,120.00   |
| <b>Engineer's Total</b> |  |      |          | <b>\$1,288,684.00</b> |              | <b>\$1,620,000.00</b>    |              |
| Contractor's Total      |  |      |          | \$1,288,684.00        |              | \$1,620,000.00           |              |

Bid Opening:  
May 31, 2019



June 3, 2019

Ref: 46292.00

Ryan Coyne, City Engineer  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Re: Recommendation to Accept Annual Street Resurfacing Program Bid

Dear Mr. Coyne,

We have reviewed the bids that were received in response to the advertisement for the City of Rye Annual Street Resurfacing Program, Contract 2019-01 from an estimated cost perspective. The apparent low bidder was ELQ Industries, Inc. The unit costs included in the bid were reasonably close to other bids recently received by other communities in the Westchester County area. In addition, the total amount bid was within our estimate of probable cost. Based on the above, we recommend that the bid received from ELQ Industries be accepted.

Please note that we are assuming that others will confirm the conformance of the bid with other legal and administrative requirements.

Sincerely,

Vanasse Hangen Brustlin, Inc.

A handwritten signature in black ink, appearing to read "Gordon Daring", with a stylized flourish at the end.

Gordon Daring

Managing Director  
gdaring@vhb.com



City of Rye  
Ref: 46292.00  
[Click here to enter a date.](#)  
Page 2





# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: June 5, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request by Christ's Church for use of City streets on Sunday, June 16, 2019 from 9:00 a.m. to 1:30 p.m. for their semi-annual picnic.

**FOR THE MEETING OF:**

June 5, 2019

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council approve the request from Christ's Church.

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

**BACKGROUND:** Christ's Church is requesting use of City streets for their semi-annual picnic, asking that traffic be restricted on Rectory Street on Sunday, June 16, 2019 from 9:00 am to 1:30 pm.

See attached request from Charlotte Minor.

**From:** [Charlotte Minor](#)  
**To:** [Ruttenberg, Noga P.](#)  
**Subject:** Block party request  
**Date:** Thursday, May 23, 2019 3:03:37 PM

---

Noga,

Nice to meet you today. Our church is having our annual parish picnic on Sunday, June 16th and we would like to close Rectory Street from 9am to 1:30 pm. We would like a barricade at the intersection of Milton and Rectory.

Is there anything else you need from us?

Best regards,  
Charlotte Minor  
Parish Administrator

Christ's Church  
Rectory Street  
Rye, NY 10580  
914.967.1749 x228  
914.967.0398



RYENEW0002

DREH

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/24/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|   |  |                       |
|---|--|-----------------------|
| <b>PRODUCER</b><br>The Church Insurance Agency Corp<br>210 South St, Ste 2<br>Bennington, VT 05201-2894 | <b>CONTACT NAME:</b>                       |                       |
|   | <b>PHONE (A/C, No, Ext):</b>               | <b>FAX (A/C, No):</b> |
| <b>INSURED</b><br>Christ Church<br>2 Rectory St<br>Rye, NY 10580-3830                                   | <b>E-MAIL ADDRESS:</b>                     |                       |
|   | <b>INSURER(S) AFFORDING COVERAGE</b>       |                       |
|   | <b>INSURER A:</b> Church Ins Co of Vermont | <b>NAIC #</b> 10669V  |
|   | <b>INSURER B:</b>                          |                       |
|   | <b>INSURER C:</b>                          |                       |
|   | <b>INSURER D:</b>                          |                       |
| <b>INSURER E:</b>   |  |                       |
| <b>INSURER F:</b>   |  |                       |

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE  | ADDL INSD    | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS   |              |
|----------|--|--------------|----------|---------------|-------------------------|-------------------------|--|--------------|
| A        | <b>COMMERCIAL GENERAL LIABILITY</b><br><input checked="" type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: | N            | N        | NYS0001962    | 7/15/2019               | 7/15/2020               | EACH OCCURRENCE  | \$ 1,000,000 |
|          |  |              |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence)                            | \$ 1,000,000 |
|          |  |              |          |               |                         |                         | MED EXP (Any one person)   | \$ 30,000    |
|          |  |              |          |               |                         |                         | PERSONAL & ADV INJURY  | \$ 1,000,000 |
|          |  |              |          |               |                         |                         | GENERAL AGGREGATE  | \$ 5,000,000 |
|          | PRODUCTS - COMP/OP AGG   | \$ 1,000,000 |          |               |                         |                         |  |              |
|          |  |              |          |               |                         |                         |  | \$           |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY  |              |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident)                                  | \$           |
|          |  |              |          |               |                         |                         | BODILY INJURY (Per person)   | \$           |
|          |  |              |          |               |                         |                         | BODILY INJURY (Per accident)   | \$           |
|          |  |              |          |               |                         |                         | PROPERTY DAMAGE (Per accident)                                       | \$           |
|          |  |              |          |               |                         |                         |  | \$           |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED <input type="checkbox"/> RETENTION \$  |              |          |               |                         |                         | EACH OCCURRENCE  | \$           |
|          |  |              |          |               |                         |                         | AGGREGATE  | \$           |
|          |  |              |          |               |                         |                         |  | \$           |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N<br>If yes, describe under DESCRIPTION OF OPERATIONS below   |              | N / A    |               |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> |              |
|          |  |              |          |               |                         |                         | E.L. EACH ACCIDENT   | \$           |
|          |  |              |          |               |                         |                         | E.L. DISEASE - EA EMPLOYEE   | \$           |
|          |  |              |          |               |                         |                         | E.L. DISEASE - POLICY LIMIT  | \$           |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Proof of Insurance for Church Picnic 6/16/19

## CERTIFICATE HOLDER

## CANCELLATION

|  |  |
|--|--|
|  | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|  | AUTHORIZED REPRESENTATIVE<br>  |



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager's Office

DATE: May 29, 2019

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request from the Friends of Rye City School District to have 3-4 food trucks stationed on 1 Parsons Street from 3:00 - 9:00 pm on June 11, 2019. This will require waiving § 144-8D and G of the City Code.

**FOR THE MEETING OF:**

June 5, 2019

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the City Council approve the request for the food truck.

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

Waive § 144-8D and G of the City Code.

**BACKGROUND:** The City Manager's Office received a request from the Friends of Rye City School District to have 3-4 food trucks on 1 Parsons Street for the School Bond Vote on June 11, 2019. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

See attached.

**From:** [Jane Anne Anderson](#)  
**To:** [Ruttenberg, Noga P.](#)  
**Subject:** Re: Food Truck Permit  
**Date:** Tuesday, May 28, 2019 4:27:19 PM  
**Attachments:** [image001.png](#)

---

Hello Ms. Ruttenberg

I would like to request permission from the City Council for 3/4 food trucks to be permitted to park on 1 Parsons Street on June 11th from 3-9pm. If there is anything further you need from me to make this request please do not hesitate to contact me. Thank you.

Jane

---