

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

**REGULAR MEETING OF THE CITY COUNCIL
VIA ZOOM
Wednesday, January 19, 2022
6:30 p.m.**

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

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

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

<https://zoom.us/j/93240267228?pwd=YksyUkdEeDByR2Rscy9vcnZlREJlUT09>

Or Telephone:

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

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

Webinar ID: 932 4026 7228

Password: 439723

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

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held January 5, 2022.
3. Post Ida Storm Update.
4. Continue the public hearing to create a new local law amending Chapter 197 “Zoning” of the Code of the City of Rye setting new restrictions on lot width and configurations of properties in new subdivision.
5. Continue the public hearing to create a new local law, Chapter 166 “Steep Slope Protection” regulating development on steep slopes.

6. Continue the public hearing to create a new local law amending Chapter 53 “Architectural Review” of the Code of the City of Rye to amend authority and scope considered by the Architectural Review Board in reviewing applications.
7. Residents may be heard on matters for Council consideration that do not appear on the agenda.
8. Open the public hearing to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.
9. Resolution to adopt the 2021 Westchester County Hazard Mitigation Plan update.
10. Resolution to extend the curbside Food Scrap Recycling program through March 31, 2022 in order to gather and review the 2021 program data.
11. Authorization to transfer an amount not to exceed \$75,000 from the General Capital Projects account to the General Fund Engineering Consultant Account in order to complete the state required Emergency Action Plan and engineering assessment for the Bowman Avenue Dam.
12. Adjourn until March 16, 2022 the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.
13. Appointments to Boards and Commissions by the Mayor with Council approval.
14. Old Business/New Business.
15. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, February 2, 2022 at 6:30 p.m.

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

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on January 5, 2022, at 6:30
P.M.

PRESENT:

JOSH COHN, Mayor
BILL HENDERSON
EMILY HURD (after being appointed and sworn in)
CAROLINA JOHNSON
JOSHUA NATHAN
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

RICHARD MECCA, Councilmember (*resignation letter in Item 1)

The Council convened at 6:00 P.M. by videoconference pursuant to the NYS Legislature waiving requirements of the Open Meetings Law. Councilman Stacks made a motion, seconded by Councilwoman Souza, to adjourn briefly into executive session to discuss litigation and personnel matters. The Council reconvened in a public videoconference at 6:30 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

Additional Item 1

Mayor Cohn stated he had sad news and read the following statement:

“Please accept my letter of resignation, to the Rye City Council. Due to health reasons, I can no longer fulfill my obligation in a manner that the citizens of Rye expect and deserve. It has been both an honor and privilege to serve with you, my fellow council members and Rye City staff. I am extremely proud of their accomplishments and have full faith that the next four years will bring the same degree of ethical professionalism shown in the past.

Sincerely,
Richard Mecca”

Mayor Cohn then stated while he accepted and understood his choice, he was deeply saddened by his leaving the Council. He stated that Councilman Mecca has been a huge and constant contributor to the council's thinking, a wealth of knowledge, and has always held himself and us his colleagues to his high standards of right and wrong. He was the recipient of the John Carey Award earlier this year for his phenomenal record of service which includes, but not limited to, Board of Architectural Review member since 1988, eight-year City Council Member and Rye City volunteer firefighter. He stated on a personal level, he has been a terrific Deputy Mayor, excellent counselor and friend.

Councilwoman Johnson thanked Councilman Mecca for all of his wisdom and service. Councilman Stacks stated it was a pleasure to work with him, stating he has been a fantastic partner

and thanked him for his service and dedication to the City. Councilwoman Souza stated he made every person on the Council a better person with his patience, knowledge and positive demeanor. She expressed what a good friend he became and will miss him. Councilman Nathan thanked him for his contribution to the community and emphasized how highly respected he is by all. Councilman Henderson reminisced on when the Republican Party approached him to run, he met with Councilman Mecca and was very much inspired by what a great public servant he is and wished him the best.

1. Roll Call.

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

2. Draft unapproved minutes of the Regular Meeting of the City Council held December 15, 2021.

Councilwoman Souza stated she forwarded a ministerial change to the minutes in which the Deputy City Clerk acknowledged and amended.

Councilwoman Souza made a motion, seconded by Councilman Stacks to approve the minutes of the Regular Meeting of the City Council held December 15, 2021. Councilman Henderson abstained, as he was not a Councilmember for that meeting.

Additional Item 2

Mayor Cohn stated due to the resignation of Councilman Richard Mecca, he would like to propose former Councilmember and Deputy Mayor, Emily Hurd, fill the vacant seat for the rest of the year, until the next election in November 2022. He stated he spoke with Councilman Mecca prior to his departure who endorsed the choice of Emily Hurd as his temporary successor.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to appoint Emily Hurd to fill the unexpired seat of the Rye City Council until December 31, 2022.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Henderson, Johnson, Nathan, Souza, Stacks
NAYS: None
ABSENT: None

Emily Hurd, made the following statement prior to taking the oath of office:

“It is with incredible sadness and a tremendous honor that I accept this appointment to fill Richard Mecca’s seat for the remainder of this year. His resignation is an incredible loss to the City Council and to Rye. Richard epitomizes community and service, and everyone that knew him loved him and he loved Rye. His example of service is one that I will strive to follow in filling his

seat and I look forward to working with all of you, and some of you that I haven't worked with in the past and I'll do my best to honor his legacy. They're big shoes to fill.”

Emily Hurd was sworn in by the Deputy Clerk as City Councilmember.

3. Post Ida Storm Update.

Mayor Cohn stated he expected a meeting with a sub agency of the department of agriculture natural resources conservation service, to help the City get an idea of whether we have a floodplain that would fit into aspects of their floodplain easement program, which might allow for buyouts in the floodplain. Unfortunately, the representative was unable to meet due to a quarantine order.

City Manager, Greg Usry, stated that by next meeting, Superintendent of Public Works, Ryan Coyne, will be on hand with a report on various areas within the City that were flooded and the remediation that has already started to take place.

4. Continue the public hearing to create a new local law, Chapter 122, “Landscapers and Leaf Blower Regulations” requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.

Mayor Cohn stated that this item is on the agenda for additional constructive deliberation but suggested the public hearing be left open until the second meeting in February. He added that the DPW provided a report stating outside of spring and fall leaf clean up, as well as other specific tasks, they have been successful in using electric leaf blowers for the rest of its business. They have offered to keep record for the rest of 2022, if electric leaf blowers are inadequate for any particular task. He then invited the public to speak.

Suki van Dijk, 62 Garden Drive, spoke in opposition of the appointment of Emily Hurd as City Councilmember stating she was ineligible to serve because she did not live here for the last year. She stated you have to be a resident for a year to serve and Emily had her house rented out and her children enrolled in public school at a different location.

Mayor Cohn stated he did not think she changed her domicile and does not feel she is ineligible. He added this was an appointment and not an election.

Bob Zahm, 7 Ridgewood Drive, thanked the Council, or the person who prepared the packet, for putting together the summary of requested changes and feedback on the proposed ordinance regarding leaf blowers. He asked when a revised draft would be available to which the Mayor replied if the Council has revisions it would be available prior to the next hearing.

Gibb Kane, 350 Stuyvesant Ave, wanted to confirm that no entities will be exempt from this law in the next draft. He added that the definition for leaf blowers only refers to backpacks and omits rolling leaf blowers.

Curtis Spacavento, property owner on Theodore Fremd Ave and owner of a landscaping business, stated the law excludes other fields of construction that use blowers such as roofers, carpenters, or tree services. He felt removing the restriction on gas powered equipment for storm cleanup confirmed electric power was insufficient.

Kate Briggs, 1 Walnut Street, stated the technology of the equipment is not available for businesses. She stated California is giving the businesses a longer period of time to convert to electric, 4-5 years, and well as giving funding for new equipment. She added the number of blowers being used on one property should be determined by the size of the property.

Mr. Spacavento added he agreed with Ms. Briggs and felt there needs to be a phase out period so business owners can slowly replace equipment with the new technology.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to adjourn the public hearing to the February 16, 2022 meeting.

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

This item was taken out of order. Mayor Cohn asked Councilwoman Johnson to introduce the next items.

Councilwoman Johnson introduced the amendment to Chapter 197 by giving an overview of the formation of the committee organized pursuant to the moratorium. She then invited Nick Everett, Planning Commission Chairman, and Michael Harrington, Board of Architectural Review Chairman, to speak.

Councilwoman Johnson noted several major concerns that included cutting down too many trees and gerrymandering flag lots on lots that previously had one structure.

Mr. Everett stated that the Planning Commission first discussed the awkwardness flag lots creates in 2005. He explained that a subcommittee was created to identify different setback requirements on lots that are above one acre versus a smaller lot.

Councilwoman Souza asked if flag lots are a concern on larger lots, where it may not look so visually offensive. Mr. Everett confirmed that most of the properties are within the R-1 or R-2 districts. Councilwoman Johnson stated this law only refers to a minimal number of properties. Mr. Everett added that topographic issues also need to be considered during the sub-division of a property.

City Planner, Christian Miller, stated over the past 20 years, there is only a few additional lots that have been created every year.

Councilwoman Hurd stated that the community concern has been on subdivisions of undersized lots that have occurred on main roads so this legislation addresses those concerns.

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

John Hobbins, 75 Oakland Beach Ave., asked how much lot is required for a subdivision.

Mr. Everett stated that one would need to meet the requirements set forth by the zoning code, which varies by zone.

Mr. Miller stated this law will make it difficult to achieve a future subdivision when the property is long as narrow.

Kathy Grainger Hobbins, 75 Oakland Beach Ave., stated her neighborhood is hopeful that this law will prevent subdivisions such as 95-97 Oakland Beach Avenue to occur in the future.

Councilwoman Johnson confirmed that will not be allowed, with this new law, because of the zone the lot is in.

Nadine Waxenberg, 19 Thorne Pl., invited the councilmembers to her property since she backs up to the 95-97 Oakland Beach Avenue subdivision so they have perspective on how it impacts the neighbors.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to continue the public hearing to the January 19, 2022 meeting.

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

Councilwoman Johnson stated the need for protecting steep slopes occurred due to the concern about flooding, runoff, and loss of existing surroundings. This chapter of legislation is based on the language the County of Westchester proposed, and then the state adopted as their model legislation for municipalities.

Mr. Everett provided examples of how slope is calculated. He stated the average interstate is never more than 6% and most roads are less than 10%. This legislation will make any development on a 25 to 35% slope have some very careful review parameters.

Mr. Miller added that you have to impact the slope directly to trigger this review process. He stated there are exempt activities such as plant landscaping and the removal of dead trees, for example.

Councilman Nathan asked how this legislation differs for the state adopted model legislation. Mr. Everett stated that the model had 3 different definitions for steep slopes that is not in our language and they excludes ridges, where Rye would like to build on ridges so it does not build on the flood plain. Additionally, Rye is not seeking the authority to issue additional administrative permits.

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

John Hobbins asked if there was consideration to eliminating the use of dynamite blasting and chipping.

Mayor Cohn stated that is under a different portion of the code but will be reviewed again as it was last reviewed in 2016.

John Mayo-Smith, 3 Fairlawn Court, stated he had rock chipping next door measuring 101 decibels at the bedroom window. He asked how that related to the noise ordinance.

Mr. Miller stated that rock removal is allowed within very specific parameters but noise is not specified.

Mrs. Grainger-Hobbins spoke in opposition of blasting and reminded everyone that animals are directly affected from the noise and hide.

Mr. Mayo-Smith suggested there are sound mitigating options that should be considered for blasting.

Councilwoman Johnson made a motion, seconded by Councilwoman Hurd and unanimously carried, to continue the public hearing to the January 19, 2022 meeting.

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

Councilwoman Johnson stated the major changes include changing the meeting to every 31 days, changing a typo in the current language, and updating the appeals process.

Mr. Harrington stated the major change for the appeals process relates to the language. It has been noted the current language of beyond a reasonable doubt “burden of proof” is usually reserved for the highest standard possible and is typically reserved for criminal cases. Additionally, minor changes of verbiage in other sections have been made.

Councilwoman Souza asked if thought was put in to issue one approval for temporary or seasonal recreational facilities, instead of with each occasion. Mr. Miller clarified that in cases such as ice rinks, not all of the components are completely removed so it does not have to be reviewed every year.

Councilwoman Johnson asked how many time the BAR has been sued. Corporation Counsel, Kristen Wilson, clarified that the BAR does not get sued but rather an appeal is presented and goes to the Board of Appeals. The Board of Appeals has been sued perhaps once, around 2006-2007, that she can recall.

Councilman Nathan asked how many times the Board of Appeals reversed any BAR findings. Mr. Harrington stated in his 6 years on the board, they have not approved 2 or 3 projects and they were all overturned.

Councilwoman Souza asked if the overturning was a result of the burden of proof because the standard was so high. Mr. Harrington agreed and stated the last project that was denied was 95-97 Oakland Beach Avenue, which was overturned.

Councilman Henderson asked Corporation Counsel Wilson if any other municipalities use the language of “burden of proof.” She stated that most others use language such as the proposed language.

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

John Hobbins felt the Board of Appeals did not take the Board of Architectural Review serious, by overturning all of their decisions, and should be working together.

Corporation Counsel Wilson stated that it should be viewed as a separation of power, as they are essentially the administrative court for all appeals. They have some original jurisdiction regarding interpretation of our zoning code but for the architectural review board presenting their case to the board of appeals on a particular matter there shouldn't be any consistent or constant communication as far as what one board is doing versus another.

Carlos Peraza, 17 Thorne Pl., felt the Board of Architectural Review showed genuine interest in understanding the issues and in giving an objective decision, but felt the Board of Appeals was dismissive.

Councilwoman Johnson made a motion, seconded by Councilman Stacks and unanimously carried, to continue the public hearing to the January 19, 2022 meeting.

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

Suki van Dijk, Rye resident, asked if it was the policy of the Council to not allow residents to speak on a particular subject. She explained that during the last meeting, there were residents waiting to speak about the golf club.

9. Set a public hearing for January 19, 2022 to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd and unanimously carried, to set a public hearing for January 19, 2022 to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

6. Resolution to adopt provisions of Governor Hochul’s Executive Order 11.1 suspending the requirements of renewal applications as a condition to granting exemptions under sections 459-C and 467 of the Real Property Tax Law.

City Manager Usry explained that this item dealt with the recent provisions of the Executive Order suspending requirements of renewal applications of certain real property tax exemptions. This is due to the pandemic and would not require residents who have not had changes in their exemption circumstances in the last year to submit these annual applications.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to adopt the following resolution:

**RESOLUTION TO ADOPT PROVISIONS OF EXECUTIVE ORDER 202.83
SUSPENDING THE REQUIREMENTS OF RENEWAL APPLICATIONS AS A
CONDITION TO GRANTING EXEMPTIONS UNDER SECTIONS 459-C AND 467 OF
THE REAL PROPERTY TAX LAW**

WHEREAS, the Governor of the State of New York by Executive Order No. 202 dated March 7, 2020, declared a state disaster emergency for the entire State of New York; and

WHEREAS, both travel-related and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

WHEREAS, the City is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died;

NOW THEREFORE BE IT RESOLVED, that pursuant to Executive Order 11.1 issued by New York State Governor Kathy Hochul on December 26, 2021, the City Council of the City of Rye hereby adopts, as a local option, the suspension of subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law; and be it further

RESOLVED, that the Board of Assessment Review is hereby directed to grant exemptions pursuant to such sections on the 2021/2022 assessment roll to all property owners who received that exemption on the 2020/2021 assessment roll thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for the Board of Assessors to mail renewal applications to such persons; and, be it further

RESOLVED, that the Board of Assessment Review may, in the case that there is a change of status that would no longer qualify the homeowner, request renewal application from only such persons; and, be it further **RESOLVED**, that the City Clerk is hereby directed to forward a copy of this resolution to the Board of Assessors and the Office of the Corporation Council of the City of Rye; and be it further

RESOLVED, that all City Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the City Clerk. This Resolution shall take effect immediately.

7. Appointment of the 2022 Deputy Mayor by the Mayor.

Mayor Cohn made a motion, supported by the Council, to adopt the following resolution:

RESOLVED, that Councilwoman Hurd be appointed the Deputy Mayor for a one-year term commencing January 1, 2022, to serve as Acting Mayor in the Mayor's absence.

12. Designation of the City Council's Audit Committee by the Mayor.

Mayor Cohn made a motion, supported by the Council, to adopt the following resolution:

RESOLVED, that Mayor Cohn and Councilmembers Henderson and Stacks be appointed to the City Council's Audit Committee for a one-year term commencing December 31, 2022.

13. Designation of the City Council Liaisons by the Mayor.

Mayor Cohn designated the following Council members as Liaisons to the following:

Board of Appeals – Councilman Nathan
Board of Architectural Review – Councilwoman Hurd
Boat Basin – Councilman Nathan
Human Rights Commission – Councilwoman Souza
Conservation Commission Advisory Council - Councilman Henderson
Emergency Medical Services – Councilman Henderson
Finance Committee – Councilman Stacks
Flood Advisory Committee – Councilwoman Johnson
Landmarks Advisory Committee – Councilman Nathan
Planning Commission – Councilwoman Johnson
Police Advisory Committee – Councilwoman Johnson
Recreation Commission – Councilwoman Souza
Chamber of Commerce – Councilwoman Souza
Rye City School District – Councilwoman Souza and Mayor Cohn
Rye Free Reading Room – Councilman Nathan
Rye Golf Club – Councilman Stacks
Rye Playland Advisory Committee – Mayor Cohn
Rye Senior Advocacy Committee- Mayor Cohn
Rye Town Park Commission – Mayor Cohn & Councilwoman Hurd
Sustainability Committee – Councilman Henderson
Traffic and Pedestrian Safety – Councilman Stacks

14. Designation of the official City newspaper.

Mayor Cohn made a motion, unanimously carried, to designate the Journal News as the official City newspaper for the purpose of publishing legal notices.

15. Retroactive request by the Rye Free Reading Room to use the Village Green Monday – Friday from 9:30 am – 11:00 am for outdoor children’s activities from December 26, 2021 – January 21, 2022.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to retroactively approve the request by the Rye Free Reading Room to use the Village Green Monday – Friday from 9:30 am – 11:00 am for outdoor children’s activities from December 26, 2021 – January 21, 2022.

16. Resolution to authorize the City Manager to approve COVID-19 related requests to use the Village Green or other City property for programming events in an effort to reduce viral spread.

City Manager Usry explained that this agenda item would give him the ability to administratively permit events on the Village Green or other city property for programming events that would allow more opportunity for social distancing. These would be for nonprofit events.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to authorize the City Manager to approve COVID-19 related requests to use the Village Green or other City property for programming events in an effort to reduce viral spread.

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

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

Board of Appeals

Mayor Cohn thanked Scott Beechert and Anthony Piscionere for their service.

- Appointed Guy Dempsey and Lanier Saperstein for three-year terms to expire December 31, 2024

Board of Architectural Review

- Re-appointed Frank Gadaleta to a three-year term to expire December 31, 2024

Board of Assessment Review

Mayor Cohn thanked Rodney Brown for his service.

- Appointed Rick Cox for a five-year term, expiring December 31, 2026
- Reappointed Robert Byrne to a five-year term, expiring December 31, 2026

Finance Committee

Mayor Cohn thanked Sam Dimon for his service.

- Appointed Janice DeNagy to fill Mr. Dimon’s unexpired term, ending December 31, 2023

Human Rights Commission

Mayor Cohn thanked Emily Dorin, Alison Relyea and Danielle Tagger-Epstein for their service.

- Appointed Adrienne Mecca to the unexpired term expiring December 31, 2022
- Appointed Hanadi Zakour to the unexpired term expiring December 31, 2022
- Designated Rita Capek as chair.

Planning Commission

- Appointed Dan B’Sharat to fill the vacant unexpired term, expiring December 31, 2023
- Appointed Councilwoman Johnson to the Planning Commission as Council representative

Police Advisory Committee

- Appointed Faisal Kahn (all terms for this committee will be decided at a future date)
- Appointed Police Officer Latoya Anderson and Commissioner Kopy as ex-officio members from the Police Department

Senior Advocacy

Mayor Cohn thanked Hal Schwartz for his service.

- Appointed Barbara Brunner to a three-year term, expiring December 31, 2024

Sustainability Committee

Mayor Cohn thanked Judith Linton for her service.

- Appointed DJ Haley

Traffic and Pedestrian Safety

Mayor Cohn thanked James Burke, Molly Scioli and Lisa Urban for their service.

- Appointed Sue Autry for a three-year term, expiring December 31, 2024
- Appointed Anna Maria LaMonte to fill an unexpired term, ending December 31, 2022

18. Old Business/New Business.

There was nothing discussed under this agenda item.

19. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Henderson and unanimously carried, to adjourn the meeting at 8:34 P.M.

Respectfully submitted,

Carolyn D’Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 14, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Post Ida Storm Update

FOR THE MEETING OF:

January 19, 2022

RECOMMENDATION: That the City Council hear the update.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 19, 2022

CONTACT: Greg Usry, City Manager

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

FOR THE MEETING OF:

January 19, 2022

RECOMMENDATION: That the Council conduct the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

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

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

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

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

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

§ 197-36 Lot width required.

- A. Within any residence district no part of any dwelling, house or other structure housing a main use, and within any business district no part of any residence structure shall be erected on any part of the lot which has a width of less than the distances specified in the table incorporated as Article VIII, except as hereinafter provided. In addition, for any lot created after **January 1, 2022 in the R1 through R-6 District**, no part of the lot that lies between the street line and the minimum required rear yard setback for the district in which the lot is located shall be narrower in width than sixty (60) feet **or narrower in width than fifty (50) feet in any other residence district in which a single-family dwelling is proposed.**
- B. For any lot created after **January 1, 2022**, that has frontage on a turn-around or cul-de-sac, the required lot width between the street line and the principal building shall not be narrower in width than thirty-five (35) feet and the lot width shall not be less than the distances specified in the table incorporated as Article VIII between the front of the principal building and the minimum required rear yard setback.

Section 2. **Severability.**

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

Section 3. **Effective Date.**

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

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

George Latimer
County Executive

December 23, 2021

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

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

Dear Mr. Miller:

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

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

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

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond
Commissioner

NVD/LH

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: A local law to Amend the City Zoning Code Regarding Lot Width and Configuration of Properties in New Subdivisions		
Project Location (describe, and attach a general location map): The Zoning Code Amendment would apply to all residentially zoned properties in the City.		
Brief Description of Proposed Action (include purpose or need): The proposed action involves the adoption of a local law amending Chapter 197, Zoning, of the Rye City Code to change the lot width and configuration requirements for properties in new subdivisions. The intent of the law is to reduce community character impacts associated with undesirable lot arrangements such as "flag lots" and other gerrymandered property configurations.		
Name of Applicant/Sponsor: Rye City Council		Telephone: 914-967-7404
		E-Mail: manager@ryeny.gov
Address: 1051 Boston Post Road		
City/PO: Rye	State: New York	Zip Code: 10580
Project Contact (if not same as sponsor; give name and title/role): Christian K. Miller, City Planner		Telephone: 914-967-7372
		E-Mail: cmiller@ryeny.gov
Address: 1051 Boston Post Road		
City/PO: Rye	State: New York	Zip Code: 10580
Property Owner (if not same as sponsor): N/A		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, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Rye City Council	Public Hearing 1/5/22
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		
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		

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? Rye City and Rye Neck School Districts

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

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

d. What parks serve the project site?
City of Rye

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? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

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

If Yes:

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

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

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):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

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? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

 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)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

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? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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? Yes No
 If Yes:
 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) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

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? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

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

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

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

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

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

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

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

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

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

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

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

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

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

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Christian K. Miller Date 12/17/21

Signature _____ Title City Planner

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

Agency Use Only [If applicable]

Project :
 Date :

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

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features

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

NO

YES

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

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

3. Impacts on Surface Water

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

NO

YES

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

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

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If “Yes”, answer questions a - h. If “No”, move on to Section 5.

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

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. NO YES
(See Part 1. E.2)
If “Yes”, answer questions a - g. If “No”, move on to Section 6.

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

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

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

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

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

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

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

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. 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:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

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

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

13. Impact on Transportation

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

 NO YES

(See Part 1. D.2.j)

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

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

14. Impact on Energy

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

 NO YES

(See Part 1. D.2.k)

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

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

15. Impact on Noise, Odor, and Light

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

 NO YES

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

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

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

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

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

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

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
 If “Yes”, answer questions a - h. If “No”, go to Section 18.

NO

YES

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

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
 If “Yes”, answer questions a - g. If “No”, proceed to Part 3.

NO

YES

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



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 14, 2022

CONTACT: Greg Usry, City Manager

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

FOR THE MEETING OF:

January 19, 2022

RECOMMENDATION: That the Council conduct the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

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

LOCAL LAW
CITY OF RYE NO. ____ -2021
A local law to add a new Chapter 166 “Steep Slope Protection”
to the Code of the City of Rye, New York

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

Chapter 166
STEEP SLOPE PROTECTION

ARTICLE I
General Provisions

§ 166-1. Title; findings and policy.

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

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

§ 166-2. Definitions.

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

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

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

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

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

CITY — The City of Rye.

CITY COUNCIL — The City of Rye City Council.

CITY ENGINEER — The Engineer for the City of Rye.

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

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

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

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

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

MATERIAL — All liquid, solid or gaseous substances.

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

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

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

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

STEEP SLOPE — Any contiguous land area greater than 1,000 square feet having a topographical gradient of 25% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 25 feet measured along a horizontal plane.

STEEP SLOPE, EXTREME — Any contiguous land area greater than 1,000 square feet having a topographical gradient of 35% or greater (ratio of vertical distance to horizontal distance) and a minimum horizontal distance of 25 feet measured along a horizontal plane.

STEEP SLOPE WORK APPROVAL — The written form of authorization issued by the Planning Commission and required by this chapter prior to the issuance of a steep slope work

permit by the Building Inspector and commencement of work within a regulated steep slope area.

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

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

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

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

§ 166-4. Applicability.

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

ARTICLE II
Regulated Activities and Review Standards

§ 166-5. Allowable and regulated activities.

- A. Allowable activities. The following activities within a steep slope area shall be allowed without a steep slope work permit:
- (1) Any activity where the total combined area of steep slope and extreme steep slope is less than ten percent (10%) of the total land area of the lot or property.
 - (2) Normal ground maintenance which does not require disturbance of existing terrain, including mowing, trimming of vegetation and removal of dead or diseased vegetation, provided that such activity does not involve regrading, and further provided that such activity conforms with all other applicable laws and regulations.
 - (3) Routine and minimally invasive landscaping activities including adding new plants or removing existing plants.

- (4) The disturbance to steep slopes under temporary emergency conditions, as determined by the City Engineer, where such disturbance is necessary to protect persons or property from present and imminent danger.
- (5) Repair or replacement in-kind of existing walkways, walls and decks.
- (6) Any new structure or addition to an existing structure involving not more than 100 square feet.
- (7) Public health activities and emergency uses pursuant to orders of the Westchester County Department of Health and/or the New York State Department of Health.
- (8) Alteration of the interior of a building.
- (9) The demolition of a part or all of the exterior of an existing building unless all or a portion of the building is on a steep slope as defined herein.

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

§ 166-6. Review standards.

- A. Considerations. During its review of the application, the Planning Commission shall evaluate, as necessary and appropriate, the extent to which the application accomplishes the following:
- (1) The alignment of roads and driveways shall follow the natural topography to the maximum extent practicable, shall minimize regrading and shall comply with design standards for maximum grades set forth in the City Code.
 - (2) All regrading shall blend in with the natural contours of the land.
 - (3) Cuts and fills shall be shaped to eliminate sharp angles at the top, bottom and sides of regraded slopes.
 - (4) The angle of cut and fill slopes shall not exceed the natural angle of repose of the soil or rock materials in the cut or fill, except where retaining walls or other structural stabilization is used; generally, for soils, cut and fill slopes shall be not steeper than two horizontal to one vertical.
 - (5) Natural slopes of two horizontal to one vertical, or steeper, shall not be altered by fill slopes. The toe of a fill slope shall not be located within 12 feet horizontally of the top of an existing or proposed cut slope.

- (6) Tops and bottoms of cut and fill slopes shall be set back from existing and proposed property lines a distance at least equal to the lesser of three feet plus $1/5$ of the height of the cut or fill, or 10 feet.
 - (7) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes; generally, such distance will be considered to be six feet plus $1/5$ the height of the cut or fill, but need not exceed 10 feet. Nevertheless, a structure may be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope.
- B. Decision. In granting, denying or conditioning any steep slope permit under this chapter, the Planning Commission shall consider all relevant facts and circumstances and determine the following:
- (1) That the proposed activity and the manner in which it is to be accomplished are in accordance with the findings and policy set forth in § 166-1 of this chapter.
 - (2) That the proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize the potential for erosion to the maximum extent practicable.
 - (3) That the proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses and floodplains.
 - (4) That the proposed regulated activity is compatible with the public health and welfare.
 - (5) That the proposed regulated activity cannot practicably be relocated or modified so as to eliminate or reduce the disturbance of the steep slope area to the maximum extent practical.
 - (6) Disturbance to slopes in excess of 35% shall be avoided and shall only be authorized by the Planning Commission upon a finding that such disturbance is necessary and there are no other feasible alternatives.
- C. Burden of proof. The applicant shall have the burden of proof to demonstrate compliance with this chapter.

ARTICLE III
Application Procedure

§ 166-7. Approval authority.

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

§ 166-8. Procedures for application.

A. Application contents. The application and an application review shall be submitted to the City Planner. The application shall contain the following information:

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

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

- B. Additional information. The following information and materials shall be supplied if requested by the City Planning Commission:
- (1) A site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, or professional engineer licensed in the State of New York showing:
 - (a) Cross sections of all disturbed steep slope areas.
 - (b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factors, and soil and rock strata in all areas of proposed disturbance shall be identified.
 - (c) A cut/fill map delineating proposed areas of disturbance at affected depths in increments of zero to three feet, three to six feet, six to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.
 - (d) A slope map showing existing and proposed slopes within the proposed disturbed area for each of the soil types described in Subsection B(1)(b) above.
 - (e) A stabilization and revegetation plan.
 - (f) Other information, including specific reports by qualified professionals regarding soils, geology and hydrology, as may be determined to be necessary by the Planning Commission.
 - (2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the Planning Commission, proposed controls and diversions of upland water.
 - (3) Estimates for the proposed site improvements, which shall be certified by a professional engineer, architect, or landscape architect licensed in the State of New York.
 - (4) Any additional information as needed. Such additional information may include, but is not limited to, the study of flood, erosion or other hazards at the site; the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to evaluate the proposed use in terms of the goals and standards hereof.

§ 166-9. Fees

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

§ 166-10. Approval procedures; public hearing.

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

§ 166-11. Approval.

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

ARTICLE IV
Steep Slope Work Permits

§ 166-12. Conditions and expiration.

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

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

C. Expiration of steep slope work permit; extensions.

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

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

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

- D. Any proposed revision to work covered by a steep slope work permit shall be reviewed by the City Engineer. Where the City Engineer determines that a substantial revision is proposed, the submission of a new application shall be required.

ARTICLE V
Enforcement

§ 166-15. Inspections, violations and fines.

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

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

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

§ 166-16. Injunctive relief.

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

Section 2. Severability

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

Section 3. Effective Date

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project: Steep Slope Projection Local Law				
Project Location (describe, and attach a location map): City of Rye, New York				
Brief Description of Proposed Action: The proposed action involves the adoption of a new local law providing new regulations for construction activities and earthwork disturbances on slopes in excess of the 25% in the City. Under the proposed law certain regulated activities would be required to obtain a permit from the Rye City Planning Commission authorizing construction and disturbances to slopes in excess of 25%. The intent of the local law is to provide for greater protection of steep slope areas, which are important natural features in the community. The proposed action involves the adoption of a local law that would apply to future development projects and does not involve a specific construction activity at a specific location. The proposed action is intended to provide greater protection to the environment and will not have any significant adverse environmental impact.				
Name of Applicant or Sponsor: Rye City Council		Telephone: 914-967-7404 E-Mail: gusry@ryeny.gov		
Address: 1051 Boston Post Road				
City/PO: Rye		State: NY	Zip Code: 10580	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Rye City Council</u> Date: <u>January, 2022</u>		
Signature: <u>Christian K. Miller, preparer</u> Title: <u>City Planner</u>		

Project:	Steep Slope Protection Local Law
Date:	January 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project: Steep Slope LL

Date: January 2022

Short Environmental Assessment Form

Part 3 Determination of Significance

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

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

Name of Lead Agency	Date
Rye City Council	January 2022
Print or Type Name of Responsible Officer in Lead Agency Josh Cohn, Mayor	Title of Responsible Officer Christian K. Miller, City Planner
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: January 14, 2022

CONTACT: Greg Usry, City Manager

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

FOR THE MEETING OF:

January 19, 2022

RECOMMENDATION: That the Council conduct the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

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

CITY OF RYE
LOCAL LAW NO. __ OF 2022
A Local Law amending Chapter 53 “Architectural Review” to change membership requirements, timing of decisions, elements to consider during decision making process and standard of review.

Section 1.

§ 53-1 Legislative findings; definitions.

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

ERECTED, RECONSTRUCTED or ALTERED

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

ORDINARY MAINTENANCE AND REPAIR

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

SMALL PROJECT

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

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

- (1) For which a valid certificate of occupancy exists for all structures on the property;
- (2) Upon which property there are no open building permits and no building permit or certificate of occupancy was issued within the immediate past 12 months;

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

STRUCTURE

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

§ 53-2 Membership of Architectural Review Board.

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

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

§ 53-3 Meetings and procedures of Board.

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

- A. Meetings of the Board of Architectural Review shall be held at the call of the Chair and at such other times as the Board may determine but shall be held within ~~31~~ **24** days of the date of referral to the Board of any application for building permit as required in § **53-4** of this chapter. The Chair or, in his/her absence, the Acting Chair may administer oaths and compel the attendance of witnesses. A majority of the appointed members of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Building Inspector shall act as the Secretary of the Board and shall keep in the City Hall a comprehensive record of all meetings and transactions by the Board. The Board

shall have power from time to time to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter and subject to review of the Council, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § 53-5 of this chapter.

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

§ 53-4 Referrals of applications for building permits.

- A. Every application for a building permit for the construction of any structure within the City of Rye or for the reconstruction or alteration of any structure, including any addition thereto, within the City of Rye that would affect the exterior appearance of such structure shall be referred by the Building Inspector to the Board of Architectural review within ~~31~~ 24 days of the date of the application, provided that it conforms in all respects to all other applicable laws and ordinances. The term "structure" shall be construed in accordance with the legislative findings and definitions set forth in § 53-1 of this chapter. The requirements of this section do not apply to "small projects" as defined in § 53-1 of this chapter and § A201-1 of the Rules of the Building Inspector, except for small projects that require or have been granted a variance by the Zoning Board of Appeals; or that involve a recreational or accessory structure or facility; or when the Building Inspector refers the small project to the Board of Architectural Review upon finding that the small project may meet one or more of the guidelines for such referral as prepared by the Board of Architectural Review, thereby having a substantial aesthetic impact upon immediately neighboring properties. The requirements of this section do not apply to additions or alterations that meet the requirements of § 68-5F or

197-84C(5) of this Code. [Amended 5-31-1995 by L.L. No. 6-1995]

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

§ 53-5 Standards and considerations for approval.

- A. Approval or disapproval of any building permit shall be by a vote of a majority of the members of the Board of Architectural Review. In considering an application for a permit, the Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures in the area and the character of the area and its peculiar suitability for particular purposes, with a view to conserving the values of property, encouraging the most appropriate use of property and preventing the harmful effects referred to in § 53-1 of this chapter.
- B. Findings for approval; conditions.
 - (1) The Board shall, subject to the provisions of Subsection **B(2)** of § 53-5, approve any application referred to it upon finding that the structure for which the permit was requested if erected, reconstructed or altered in accordance with the submitted plan would be in harmony with the purpose of this chapter, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the site or surroundings, would not mar the appearance of the area, would not impair the user enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development or preservation and/or utilization of the site or of adjacent lands or would not adversely affect the economic stability, health, safety and general welfare of the community.
 - (2) In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in § 53-1 of this chapter. The Board may also suggest interior change(s) that would improve the exterior appearance.
- C. The Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan, or provided that the Board finds and states that the structure for which the permit was requested would, if erected, reconstructed or altered as indicated, provoke one or more of the harmful effects set forth in § 53-1 of this chapter by reason of:
 - (1) Excessive similarity to any other structure or structures existing or for which a permit has

been issued or to any other structure included in the same permit application, ~~facing the same street~~ within ~~1,000~~ 500 feet of the proposed site, in respect to one or more of the following features of exterior design and appearance: apparently identical facade; substantially identical size and arrangement of either doors, windows, porticoes or other openings or breaks in the facade facing the street, including reverse arrangements; or other significant identical features, such as but not limited to material, roofline and height or other design elements, provided that a finding of excessive similarity shall state not only that such similarity exists, but further that it is of such a nature as to be expected to provoke more likely than not ~~beyond a reasonable doubt~~ one or more of the harmful effects set forth in § 53-1 of this chapter.

- (2) Excessive dissimilarity or inappropriateness in relation to any other structure or structures existing or for which a permit has been issued or to any other structure included in the same permit application, within 1,000 feet of the proposed site, in respect to one or more of the following features: cubical contents; gross floor area; height of building or height of roof; inappropriate relationship to the site, its contours, shape or natural characteristics; inappropriate relationship to immediately adjacent properties; dissimilarity related to the orientation of the front of the house in relationship to streets; inappropriate location of features incorporated into the structure, including but not limited to windows, doors, chimneys, stairs, porches, air conditioners or air-conditioning equipment, or of features ancillary to the structure, including but not limited to antennas, toolsheds, greenhouses, patios, decks, balconies, garages or refuse storage areas; or other significant design features, such as material or quality or architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such nature as to be expected to provoke more likely than not ~~beyond a reasonable doubt~~ one or more of the harmful effects set forth in § 53-1 of this chapter and that the finding is not based on personal preference as to taste or choice of architectural style.
- D. The Board of Architectural Review shall examine, review, approve or disapprove applications for permits for the following exterior facilities: swimming pools (inground and above ground), jacuzzis, hot tubs, tennis courts, paddle tennis courts and other permanent or seasonal courts or rinks (hereinafter collectively referred to as "recreational facility" or "recreational facilities") as to the necessary screening required by § 197-86 of the Code of the City of Rye, Table A, Column 3, Subsections (9)(a) and (9)(b). Approval or disapproval must be by majority vote of the total Board. A ten-foot wide landscape strip planted and maintained with at least a double row of alternately spaced evergreens, with an actual height of at least six feet above the natural grade when installed, is the preferred screening method for recreational facilities and must be approved by the Board. However, the Board may approve alternate screening under the following conditions:
- (1) There is existing landscaping on the lot between the recreational facility and the property line equal in effectiveness, height and density to the required evergreen screening.

- (2) There is an existing six-foot-high opaque fence or wall on the lot between the recreational facility and the property line, which is totally owned and controlled by the lot owner and in conformity with the fence height regulations of this chapter, provided that the Board further finds that the increased height of matured evergreen screening is not necessary to screen the recreational facility from the view of the abutting property and that the fence was installed at least two years prior to the application for the waiver.
- (3) The existing topography of the lot where the recreational facility is to be located, relative to the topography of the abutting property, is such that the recreational facility will not be within the view of the abutting property, provided that the Board further finds that it is reasonable to expect that this topographic relationship will not be adversely altered in order to facilitate future development of either property.
- (4) The soil conditions where the landscaping strip would be required to be installed are such that the evergreens cannot be expected to survive or to properly mature, provided that the Board further finds the recreational facility cannot be reasonably placed in another location with suitable soil conditions, and further provided that a six-foot-high opaque fence or wall which conforms to the fence height regulations of this chapter will be installed between the property line and the recreational facility in place of the landscaping strip.
- (5) Conditions do exist which are not specifically covered in Subsection **C(1)** through (4) above, but which are of a similar nature, provided that the Board further finds that approval of the waiver will not be inconsistent with the spirit and intent of this section or less protective of the view from the abutting properties.
- (6) The approval of any alternate screening as described in Subsection **C(1)** through (5) above and the acceptance of it by the owner shall also be subject to the following limitations and conditions:
 - (a) A variance has not been granted by the Board of Appeals permitting a reduction of the minimum property line setbacks required by this chapter.
 - (b) The recreational facility was not constructed prior to the application for approval, except that this limitation shall not apply to recreational facilities constructed prior to the effective date of the screening requirements for which an owner wishes to seek compliance.
 - (c) After construction of the recreational facility, the owners of the lot shall thereafter be required to maintain, repair and replace such existing landscaping, fencing, walls or topographical features which served as the basis for approval as if they were required by this chapter in the first instance and enforced in the same manner.
 - (d) The approval shall become null and void one year after its approval by the Board of

Architectural Review unless the recreational facility has been substantially completed.

- (e) The approval shall become null and void if the recreational facility is removed. **Temporary or seasonal recreational facilities will require new approvals each occasion or season erected/installed.**

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

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

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

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

§ 53-8 Advisory powers.

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

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

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

§ 53-10 Appeals.

Any applicant aggrieved by the action of the Board of Architectural Review in disapproving a building permit application and of the Building Inspector in denying such permit because of such disapproval may request the Board to make formal findings of fact. In the event of such a request, the Board shall make findings of fact within 30 days after the request is filed in the office of the City Clerk, shall thereafter provide the applicant with an opportunity to answer the findings by the

submission of formal proof and shall reconsider the application on the basis of such answer. If the application is disapproved after such reconsideration, the applicant may take an appeal therefrom to the duly constituted Board of Appeals of the City of Rye. The standard of review shall be whether the decision of the Board of Architectural Review was arbitrary, capricious and/or unsupported by substantial evidence of record. The Board of Appeals may reverse or affirm the action of the Board of Architectural Review and reverse or affirm any action taken by the Building Inspector pursuant to that action of the Board of Architectural Review.

§ 53-11 Powers of Board under Chapter 117.

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

Section 6. Severability

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

Section 7. Effective Date

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Steep Slope Projection Local Law			
Project Location (describe, and attach a location map): City of Rye, New York			
Brief Description of Proposed Action: The proposed action involves the adoption of a new local law providing new regulations for construction activities and earthwork disturbances on slopes in excess of the 25% in the City. Under the proposed law certain regulated activities would be required to obtain a permit from the Rye City Planning Commission authorizing construction and disturbances to slopes in excess of 25%. The intent of the local law is to provide for greater protection of steep slope areas, which are important natural features in the community. The proposed action involves the adoption of a local law that would apply to future development projects and does not involve a specific construction activity at a specific location. The proposed action is intended to provide greater protection to the environment and will not have any significant adverse environmental impact.			
Name of Applicant or Sponsor: Rye City Council		Telephone: 914-967-7404 E-Mail: gusry@ryeny.gov	
Address: 1051 Boston Post Road			
City/PO: Rye		State: NY	Zip Code: 10580
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Rye City Council</u> Date: <u>January, 2022</u> Signature: <u>Christian K. Miller, preparer</u> Title: <u>City Planner</u>		

Project: Steep Slope Protection Local Law

Date: January 2022

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project: Steep Slope LL

Date: January 2022

Short Environmental Assessment Form

Part 3 Determination of Significance

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

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

Name of Lead Agency

Rye City Council

Date

January 2022

Print or Type Name of Responsible Officer in Lead Agency

Josh Cohn, Mayor

Title of Responsible Officer

Christian K. Miller, City Planner

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 14, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Open the public hearing to amend Chapter 177 "Taxation" Article X "Cold War Veterans Exemption" of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

FOR THE MEETING OF:

January 19, 2022

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The new law will expand the Veterans' tax exemption by increasing the exemption cap to provide property tax relief for those who have served our country.

See attached.



CITY OF RYE

To: Greg Usry
Kristen Wilson, Esq.

From Patrick McEvily

December 29, 2021

RE: Veteran's Exemption Cap Increase

Please be advised that Westchester County recently adopted local law No. 311-2021 (attached) which increases the Cold War Veterans' real property tax exemption authorized by Section 485-b of the Real Property Tax Law. A Cold War veteran is defined by state statute as an individual who was honorably discharged following service in the armed forces between the dates of September 2, 1945 and December 29, 1991. The City and County originally adopted this exemption in 2008.

Presently, 25 City property owners (including co-op owners) receive this exemption which currently provides a maximum \$168/year in City tax savings. In addition, one homeowner also receives an additional exemption amounting to \$283/year in City tax savings due to a service connected disability. Combined, the total City tax savings for all Cold war veterans is currently \$4,283. Under the proposed legislation, the total City tax savings would increase by approximately \$1,378 to \$5,661 which represents an increase of approximately \$66 per recipient for a total of \$234/year.

Since the City has historically followed the County's lead in adopting local option exemptions which simplifies administration of exemptions by this office and because the fiscal impact is nominal, it is my recommendation that this legislation be adopted.

If you have any questions, please advise.

Patrick McEvily, MAI SRA
Assessor
City of Rye

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

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

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

§ 177-67. Amount of exemption; limitations.

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed ~~\$54,000~~ **\$75,000** or the product of ~~\$54,000~~ **\$75,000** multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the cold War veteran received a compensation rating from the United States Department of Veteran Affairs or from the United States Department of Defense because of a service-related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed ~~\$180,000~~ **\$250,000** or the product of ~~\$180,000~~ **\$250,000** multiplied by the latest state equalization rate for the assessing unit, or , in the case of a special assessing unit, the latest class ratio, whichever is less.
- C. If a Cold War Veteran receives either an eligible funds veterans exemption authorized by § 458 of the Real Property Tax Law or an alternative veterans exemption under Article II of this chapter, the Cold War veteran shall not be eligible to receive an exemption under this article.

Section 2. Severability.

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

Section 3. Effective Date.

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



CITY COUNCIL AGENDA

DEPT.: Planning

DATE: January 14, 2022

CONTACT: Christian K. Miller, City Planner

AGENDA ITEM: Resolution to adopt the 2021 Westchester County Hazard Mitigation Plan update.

FOR THE MEETING OF:
January 19, 2022

RECOMMENDATION: That the City Council adopts the HMP resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: As it has in the past, the City of Rye has again participated in the update of the Westchester County Hazard Mitigation Plan. Per Federal regulation, all local governments must have a FEMA approved Hazard Mitigation Plan (HMP) in order to be eligible for Federal mitigation grant funding for public and private mitigation projects. These plans must be formally updated on a five-year cycle. The County has been working to update the County plan as a full multi-jurisdictional HMP that includes specific risk profiles and mitigation strategies for each municipality that chooses to participate in the plan (a complete review of the plan can be found online at www.westchesterhmp.com). Due to Covid-related delays, this planning process resulted in a very compressed schedule to meet FEMA deadlines. Staff has been working with the Flood Action Committee to review and revise the draft City of Rye appendix to the plan and was able to meet aggressive target dates for the submission of required plan information.

The City Council must adopt the attached resolution before the end of January. The resolution has been modified to specifically request that the final draft "City of Rye" Appendix to the plan be amended to include the most recent comments and suggested revisions of the Flood Action Committee. For the Council's convenience, those revisions are shown in attached Appendix.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE
AUTHORIZING THE ADOPTION OF THE
2020 WESTCHESTER COUNTY, NY
HAZARD MITIGATION PLAN UPDATE**

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy; and

WHEREAS, the Rye City Council has reviewed the draft City of Rye appendix to the Hazard Mitigation Plan and hereby approves the revisions to that appendix as attached hereto, which revisions incorporate the comments of the City Council, City Staff, Flood Advisory Committee and City residents;

NOW, THEREFORE, BE IT RESOLVED that the City of Rye:

- 1) Adopts in its entirety, the 2021 Westchester County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

9.5 City of Rye

This section presents the jurisdictional annex for the City of Rye. It includes resources and information to assist public and private sectors to reduce losses from future hazard events. This annex is not guidance of what to do when a disaster occurs. Rather, this annex concentrates on actions that can be implemented prior to a disaster to reduce or eliminate damage to property and people. This annex includes a general overview of the municipality and who in the City participated in the planning process; an assessment of the City of Rye’s risk and vulnerability; the different capabilities utilized in the City; and an action plan that will be implemented to achieve a more resilient community.

9.5.1 Hazard Mitigation Planning Team

The following individuals have been identified as the City of Rye’s hazard mitigation plan primary and alternate points of contact. The City of Rye followed the planning process described in Section 3 (Planning Process) in Volume I of this plan update. This annex was developed over the course of several months with input from many City departments, including: Planning, Building Department. The City Planner represented the community on the Westchester County Hazard Mitigation Plan Planning Partnership and supported the local planning process requirements by securing input from persons with specific knowledge to enhance the plan. All departments were asked to contribute to the annex development through reviewing and contributing to the capability assessment, reporting on the status of previously identified actions, and participating in action identification and prioritization.

The following table summarizes municipal officials that participated in the development of the annex and in what capacity. Additional documentation on the municipality’s planning process through Planning Partnership meetings is included in Section 3 (Planning Process) and Appendix C (Meeting Documentation).

Table 9.5-1. Hazard Mitigation Planning Team

Primary Point of Contact	Alternate Point of Contact
Name/Title: Christian K. Miller, City Planner Address: 1051 Boston Post Road, Rye, NY 10580 Phone Number: 914-967-7167 Email: cmiller@ryeny.gov	Name/Title: Greg Usry, City Manager Address: 1051 Boston Post Road, Rye, NY 10580 Phone Number: 914-967-7404 Email: cmanager@ryeny.gov
NFIP Floodplain Administrator	
Name/Title: Kerry Lenihan, Building Inspector Address: 1051 Boston Post Road, Rye, NY 10580 Phone Number: 914-967-7372 Email: building@ryeny.gov	
Additional Contributors	
Name/Title: Christian K. Miller, City Planner Method of Participation: Provided information on past events, building permits. Contributed to mitigation strategy.	
Name/Title: Kerry Lenihan, Rye City Building Inspector Method of Participation: Provided information on NFIP floodplain administration	

9.5.2 Municipal Profile

The City of Rye is situated in southeastern Westchester County, approximately 20 miles northeast of New York City. The City is bordered by the villages of Rye Brook and Port Chester to the northeast, the Town/Village of Harrison to the north and northwest, and the Village of Mamaroneck to the southwest.

According to the U.S. Census, the 2010 population for the City of Rye was 15,720. The estimated 2019 population was 15,820, a 0.6 percent increase from the 2010 Census. Data from the 2019 U.S. Census American

Community Survey indicate that 5.5 percent of the population is 5 years of age or younger and 15.5 percent is 65 years of age or older. Communities must deploy a support system that enables all populations to safely reach shelters or to quickly evacuate a hazard area.

9.5.3 Jurisdictional Capability Assessment and Integration

The City of Rye performed an inventory and analysis of existing capabilities, plans, programs, and policies that enhance its ability to implement mitigation strategies. Section 5 (Capability Assessment) describes the components included in the capability assessment and their significance for hazard mitigation planning. This section summarizes the following findings of the assessment:

- An assessment of legal and regulatory capabilities.
- Development and permitting capabilities.
- An assessment of administrative and technical capabilities
- An assessment of fiscal capabilities.
- An assessment of education and outreach capabilities.
- Classification under various community mitigation programs.
- The community’s adaptive capacity to withstand hazard events.

For a community to succeed in reducing long-term risk, hazard mitigation must be integrated into the day-to-day local government operations. As part of this planning effort, planning/policy documents were reviewed, and each jurisdiction was surveyed to obtain a better understanding of their progress in plan integration. Areas with current mitigation integration are summarized in this Jurisdictional Capability Assessment (Section 9.5.3). The City of Rye’s identified opportunities for integration of mitigation concepts to be incorporated into municipal procedures are included in the updated mitigation strategy.

Planning, Legal, and Regulatory Capability and Integration

The table below summarizes the regulatory tools that are available to the City of Rye. The comment field provides information as to where hazard mitigation has been integrated.

Table 9.5-2. Planning, Legal, and Regulatory Capability and Integration

	Jurisdiction has this? (Yes/No)	Required by State? (Yes/No)	Code Citation and Date (code chapter, name of plan, date of plan)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
Codes, Ordinances, & Regulations					
Building Code	Yes	Yes	Chapter 68 Building Construction	State and Local	Building Department
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> • Identifies the Building Inspector, process for building permits. 					
Zoning/Land Use Code	Yes	No	Chapter 197, Zoning, adopted 1923 with various revisions, most recent in 2021.	Local	Board of Appeals
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> • Establishes the Zoning Districts and maps, regulations per district, floodplain zoning, and regulates development in the special flood hazard area. 					
Subdivision Ordinance	Yes	No	Chapter 170, Subdivision of Land, approved 1957	Local	Planning Commission
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> • The ordinance was adopted in order to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the city. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Proper provision shall be made for drainage, water, sewerage and other needed improvements. 					

	Jurisdiction has this? (Yes/No)	Required by State? (Yes/No)	Code Citation and Date (code chapter, name of plan, date of plan)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
Site Plan Ordinance	Yes	No	Chapter 197, Zoning, adopted 1923 with various revisions, most recent in 2021.	Local and County	Planning Commission
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> States that a site development plan for the lots and subdivision shall be approved by the Planning Commission. 					
Stormwater Management Ordinance	Yes	Yes	Chapter 174	Local	Stormwater Management Officer
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the City. This article seeks to meet those purposes by achieving the following objectives: <ul style="list-style-type: none"> A. Meet the requirements of minimum measures 4 and 5 of New York State's SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, or as amended or revised; B. Require land development and redevelopment activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP02-01, or as amended or revised; C. Minimize increases in stormwater runoff from land development and redevelopment activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels, watercourses or waterways; D. Minimize increases in pollution caused by stormwater runoff from land development and redevelopment activities which would otherwise degrade local water quality; E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development and redevelopment to the maximum extent practicable; and F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices, devices and/or structures, and to ensure that these management practices, devices and/or structures are properly maintained and eliminate threats to public safety. 					
Post-Disaster Recovery/ Reconstruction Ordinance	No	No	-	-	-
<i>How does this reduce risk?</i>					
Real Estate Disclosure	Yes	Yes	Property Condition Disclosure Act, NY Code - Article 14 §460-467	State	NYS Department of State, Real Estate Agent
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> In addition to facing potential liability for failing to disclose under the exceptions to "caveat emptor," a home seller must make certain disclosures under the law or pay a credit of \$500 to the buyer at closing. While the PCDA requires a seller to complete a standardized disclosure statement and deliver it to the buyer before the buyer signs the final purchase contract, in practice, most home sellers in New York opt not to complete the statement and instead pay the credit. 					
Growth Management	No	No	-	-	-
<i>How does this reduce risk?</i>					
Environmental Protection Ordinance	Yes	Yes	Chapter 73 CZM/Waterfront Consistency, Chapter 162 Storm Sewer Systems, Chapter 174 Stormwater Management, Chapter 187 Trees, Chapter 194 Water, Chapter 195 Wetlands and Watercourses	Local	Planning Commission
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> Chapter 73 Coastal Zone Management Waterfront Consistency Review: The purpose of this chapter is to provide a framework for agencies of the City of Rye to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area and to ensure that such actions and direct actions are consistent with said policies and purposes. It is the intent of the City of Rye that the preservation, enhancement and utilization of the natural and man-made resources of the unique coastal area of the city take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting beneficial use of the coastal resources while preventing loss of living estuarine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of the shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to the ecological systems. 					

	Jurisdiction has this? (Yes/No)	Required by State? (Yes/No)	Code Citation and Date (code chapter, name of plan, date of plan)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<ul style="list-style-type: none"> Chapter 162 Storm Sewer System: The purpose of this chapter is to provide for the health, safety and general welfare of the residents of the City of Rye through the regulation of connections to the City's municipal separate storm sewer system (MS4) and the regulation of nonstormwater discharges to the (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the New York State Department of Environmental Conservation's (NYSDEC) SPDES General Permit (GP-02-02) for Municipal Separate Storm Sewer Systems. The objectives of this chapter are: <ul style="list-style-type: none"> A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or as amended or revised; B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes; C. To prohibit unauthorized and illicit connections, activities and discharges to the MS4; D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4. Chapter 187 Trees: Lays out requirements for preservation and removal/trimming of trees. The preservation and maintenance of trees is necessary to protect the health, safety and general welfare of the City of Rye because trees provide shade, impede soil erosion, aid water absorption, enhance air quality, yield advantageous microclimate effects, offer a natural barrier to noise, provide a natural habitat for wildlife and add to the aesthetic quality of the community. Chapter 194 Water: From time to time, the levels of the reservoirs will require the declaration of a water supply emergency. When a water supply emergency is declared, there are certain water use restrictions that must be implemented. Accordingly, the purposes of this article are: <ul style="list-style-type: none"> A. To codify and thereby enable the City of Rye to enforce water-use restrictions imposed during a water supply emergency by the water companies, acting in conjunction with the municipalities it services; B. To restrict the wasteful, inefficient and/or nonessential use of water during periods of drought; and C. To establish penalties for violations and to provide for enforcement of water conservation measures in the City of Rye for the protection of the health, safety and welfare of the City. Chapter 195 Wetlands and Watercourses: Adopted to prevent the despoilation and destruction of wetlands and watercourses while taking into account varying ecological, economic, recreational and aesthetic values. Activities that may damage wetlands or watercourses should be located on upland sites in such a manner as not to degrade these systems. 					
Flood Damage Prevention Ordinance	Yes	Yes	Chapter 100, Floodplain Management, adopted 2007	Federal, State, County and Local	FPA
<i>How does this reduce risk?</i>	<ul style="list-style-type: none"> It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: <ul style="list-style-type: none"> Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; Control filling, grading, dredging and other development which may increase erosion or flood damages; Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and Qualify for and maintain participation in the National Flood Insurance Program. Objectives are: <ul style="list-style-type: none"> To protect human life and health; To minimize expenditure of public money for costly flood control projects; To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; To minimize prolonged business interruptions; To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard; To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; To provide that developers are notified that property is in an area of special flood hazard; and To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. BFE+2 feet is required for all construction in the SFHA (residential and non-residential). 				
Wellhead Protection	No	No	-	-	-
<i>How does this reduce risk?</i>					
Emergency Management Ordinance	No	No	-	-	-

	Jurisdiction has this? (Yes/No)	Required by State? (Yes/No)	Code Citation and Date (code chapter, name of plan, date of plan)	Authority (local, county, state, federal)	Individual / Department / Agency Responsible
<i>How does this reduce risk?</i>					
Climate Change Ordinance	No	No	-	-	-
<i>How does this reduce risk?</i>					
Other	No	-	-	-	-
Planning Documents					
Comprehensive Plan	Yes	No	Comprehensive Plan, adopted 1984	Local	Planning Dept.
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> The Comprehensive Plan includes policies and strategies to reduce flood impacts. The Comprehensive Plan includes mapping that identifies natural hazard areas The Comprehensive Plan includes land use policies discourage development or redevelopment within natural hazard areas. 					
Capital Improvement Plan	Yes	No	Capital Improvement Plan	Local	Planning Dept.
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> The Capital Improvement Plan includes funding for flood mitigation and drainage projects. 					
Disaster Debris Management Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Floodplain Management or Watershed Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Stormwater Management Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Open Space Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Urban Water Management Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Habitat Conservation Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Economic Development Plan	Yes	No	Neighborhood Business District Study, 1985	Local	Planning Dept.
<i>How does this reduce risk?</i>					
Shoreline Management Plan	Yes	Yes, in jurisdictions with CEHA areas	Article 34, Environmental Conservation Law, Coastal Erosion Hazard Areas 6 NYCRR Part 505, Coastal Erosion Management Regulations, Local Waterfront Revitalization Plan adopted 1991. Chapter 73 CZM/Waterfront Consistency	State, Local	NYSDEC
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> NYSDEC regulations discourage development activities within CEHA areas. 					
Community Wildfire Protection Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					

	Jurisdiction has this? (Yes/No)	Required by State? (Yes/No)	Code Citation and Date (code chapter, name of plan, date of plan)	Authority (local, county, state, federal)	Individual / Department / Agency / Responsible
Community Forest Management Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Transportation Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Agriculture Plan	No	Yes	-	-	-
<i>How does this reduce risk?</i>					
Climate Action/ Resiliency/Sustainability Plan	Yes	No	City of Rye Sustainability Plan, 2013	Local	City Council
<i>How does this reduce risk?</i>					
<ul style="list-style-type: none"> The plan identifies strategies to reduce greenhouse gas emissions. It also outlines prescriptive actions for all sectors to reach emission reduction goals. 					
Tourism Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Business/ Downtown Development Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Other	No	-	-	-	-
Response/Recovery Planning					
Comprehensive Emergency Management Plan	Yes	Yes	-	Local	Police Dept.
<i>How does this reduce risk?</i>					
<i>Consider the following:</i>					
<ul style="list-style-type: none"> The CEMP addresses emergency response including short-term response and long-term recovery to address communications, evacuation, and housing necessary for identified hazards? 					
Continuity of Operations Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Strategic Recovery Planning Report	No	No	-	-	-
<i>How does this reduce risk?</i>					
Threat & Hazard Identification & Risk Assessment (THIRA)	No	Yes	-	-	-
<i>How does this reduce risk?</i>					
Post-Disaster Recovery Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Public Health Plan	No	No	-	-	-
<i>How does this reduce risk?</i>					
Other	Yes	No	Mutual Aid Plan in place for entire County	Local	OEM

Development and Permitting Capability

The table below summarizes the capabilities of the City of Rye to oversee and track development.



Table 9.5-3. Development and Permitting Capability

Indicate if your jurisdiction implements the following	Yes/No	Comment
Do you issue development permits? -If yes, what department is responsible? -If no, what is your process for development?	Yes	The City Building Department issues permits for all types of building and land disturbing activities
Are permits tracked by hazard area? (For example, floodplain development permits.)	Yes	The City Building Department tracks all permit activity including issuance of Floodplain Management Permits.
Do you have a buildable land inventory? -If yes, describe. -If no, quantitatively describe the level of buildout in the jurisdiction.	No	The City does not maintain an inventory of buildable land as there are very few undeveloped parcels in the City. Most land use activities involve redevelopment.

Administrative and Technical Capability

The table below summarizes potential staff and personnel resources available to the City of Rye and their current responsibilities which contribute to hazard mitigation.

Table 9.5-4. Administrative and Technical Capabilities

Resources	Available? (Yes/No)	Comments (available staff, responsibilities, support of hazard mitigation)
Administrative Capability		
Planning Board	Yes	The Planning Commission is responsible for decisions on a variety of land use applications including site plans, subdivisions, wetland permits, coastal consistency determinations, special use permits and outdoor dining permits. The Commission also periodically provides advisory recommendations to the City Council regarding long-range planning concerns and zoning matters.
Board of Appeals	Yes	The Board of Appeals (sometimes also referred to as the Zoning Board of Appeals) is the appellate board for the City's administrative proceedings and City Code requirements. The Board most commonly considers applications seeking relief from the bulk and dimensional requirements (i.e. area variances) or use restrictions (i.e. use variances) of Chapter 197, Zoning, of the City Zoning Code. The Board also considers relief from the requirements of Chapter 100, Floodplain Management, of the Rye City Code.
Planning Department	Yes	The Planning Department assists the Planning Commission in the review and administration of land development applications in accordance with the City Code, City Planning Documents and New York State Law; provides technical assistance to the City Council, other City Boards and Commissions and City staff; prepares and/or oversees special planning studies and analysis; and assists Rye residents, businesses and professionals with planning related matters.
Mitigation Planning Committee	No	-
Environmental Board/Commission	Yes	The Conservation Commission/Advisory Council assists in the administration of environmental regulatory activities, provides education materials and advice related to environmental issues, and provides public services by fostering citizen involvement in local and regional environmental issues. CC/AC also comments on the acceptability of each wetlands permit

Resources	Available? (Yes/No)	Comments (available staff, responsibilities, support of hazard mitigation)
		<p>application to come before the City of Rye Planning Commission.</p> <p>The Rye Sustainability Committee's mission is to draft and assist in the implementation of a Sustainability Plan for the City of Rye while addressing significant environmental issues in the community.</p>
Open Space Board/Committee	No	-
Economic Development Commission/Committee	Yes	The Finance Committee reviews all financial policies and procedures, and makes recommendations to improve the fiscal health of The City of Rye.
Public Works/Highway Department	Yes	<p>The Department of Engineering provides engineering service and advice to all agencies and departments of the City; prepares and administers contracts for major public work projects and purchases; reviews all proposed improvements submitted to the Planning Commission for code compliance in the area of surface water control, erosion control, and adequacy of road, sewer and utility plans; administers various street opening and obstruction permits; provides field inspection for all of the above and oversees the administration of the Department of Public Works.</p> <p>The City Engineer directs the Department of Public Works which is responsible for maintaining the City's physical infrastructure, refuse collection, recycling, and vehicle maintenance.</p> <p>Key services include:</p> <ul style="list-style-type: none"> • Maintain: <ul style="list-style-type: none"> ○ All city vehicles ○ City trees - trimming, removal, and planting ○ Storm Drains ○ Parks ○ Roads ○ Sanitary Sewers ○ Traffic signs, traffic signals and streetlights • Collect: <ul style="list-style-type: none"> ○ Leaves ○ Sanitation • Conducts: <ul style="list-style-type: none"> ○ Snow removal - plowing, salting, sanding ○ Street cleaning
Construction/Building/Code Enforcement Department	Yes	The Building Department administers and enforces the New York State Fire Prevention and Uniform Building Code as well as chapters in the City of Rye Code relating to building new construction, renovations, additions and alterations, certifications of compliance and occupancy, property maintenance, construction within FEMA-designated flood zones, signage, fences and zoning. The Department interprets Building and Zoning codes, flood insurance rate maps, and inspects work being conducted in conjunction with Building Permits.
Emergency Management/Public Safety Department	Yes	Police and Fire are managed by a Public Safety Commissioner.

Resources	Available? (Yes/No)	Comments (available staff, responsibilities, support of hazard mitigation)
Warning Systems / Services (mass notification system, outdoor warning signals)	Yes	Police and Fire use reverse 911 to notified residents and businesses of hazards.
Maintenance programs to reduce risk (stormwater maintenance, tree trimming, etc.)	Yes	See Department of Public Works above
Mutual aid agreements	Yes	Mutual Aid Plan in place for entire County through OEM
Human Resources Manual - Do any job descriptions specifically include identifying or implementing mitigation projects or other efforts to reduce natural hazard risk?	No	-
Other	Yes	The Flood Advisory Committee was established by resolution on January 11, 2011 by the City Council. Discusses the impact of development on flooding and provides recommendations to the council and Planning Board. The Zoning Revisions Advisory Committee is a temporary advisory committee established at the June 9, 2021 City Council meeting. The Committee consists of representatives that sit on various land use Boards for the City and will assist in the language and research related to the zoning moratorium.
Technical/Staffing Capability		
Planners or engineers with knowledge of land development and land management practices	Yes	Engineering and Planning Departments
Engineers or professionals trained in building or infrastructure construction practices	Yes	Engineering, Planning, and Building Departments
Planners or engineers with an understanding of natural hazards	Yes	Engineering and Planning Departments
Staff with expertise or training in benefit/cost analysis	No	-
Professionals trained in conducting damage assessments	Yes	Building Department
Personnel skilled or trained in GIS and/or Hazards United States (HAZUS) – Multi-Hazards (MH) applications	Yes	Engineering and Planning Departments, Rye City Geographic Information System
Scientist familiar with natural hazards	No	-
Surveyor(s)	No	-
Emergency Manager	Yes	
Grant writer(s)	Yes	Finance
Resilience Officer	No	-
Other (this could include stormwater engineer, environmental specialist, etc.)	No	-

Deleted: 2019

Deleted: The Master Plan Task Force Members shall be appointed by the Mayor with City Council approval pursuant to City Council resolution passed at the July 8, 2016 City Council meeting. The Task Force will continue the up-date of the 1985 City of Rye Development Plan to completion.¶

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Fiscal Capability

The table below summarizes financial resources available to the City of Rye.

Table 9.5-5. Fiscal Capabilities

Financial Resources	Are these accessible or eligible to use for mitigation? (Yes/No) If yes, please describe. If no, can this be used to support in the future?
Community development Block Grants (CDBG, CDBG-DR)	Yes
Capital improvements project funding	Yes
Authority to levy taxes for specific purposes	Yes



Financial Resources	Are these accessible or eligible to use for mitigation? (Yes/No) If yes, please describe. If no, can this be used to support in the future?
User fees for water, sewer, gas or electric service	Yes
Impact fees for homebuyers or developers of new development/homes	No
Stormwater utility fee	No
Incur debt through general obligation bonds	Yes
Incur debt through special tax bonds	Yes
Incur debt through private activity bonds	Yes
Withhold public expenditures in hazard-prone areas	No
Other federal or state funding programs	Yes
Open Space Acquisition funding programs	No
Other (for example, Clean Water Act 319 Grants [Nonpoint Source Pollution])	Yes

Education and Outreach Capability

The table below summarizes the education and outreach resources available to the City of Rye.

Table 9.5-6. Education and Outreach Capabilities

Outreach Resources	Available? (Yes/No)	Does the jurisdiction have any public outreach mechanisms / programs in place to inform citizens on natural hazards, risk, and ways to protect themselves during such events? If yes, please describe.
Public information officer or communications office	No	-
Personnel skilled or trained in website development	Yes	City staff
Hazard mitigation information available on your website	Yes	Storm Emergency Information Center
Social media for hazard mitigation education and outreach	No	-
Citizen boards or commissions that address issues related to hazard mitigation	Yes	Flood Advisory Committee , City of Rye Recreation Commission, Senior Advocacy Committee, Town Park Advisory Committee, Traffic and Pedestrian Safety Committee, Chamber of Commerce, Rye Nature Center, Sustainability Committee, City Boards and Commissions
Other programs already in place that could be used to communicate hazard-related information	Yes	Reverse 911, Floodplain Mapping on City website.
Warning systems for hazard events	Yes	Reverse 911
Natural disaster/safety programs in place for schools	No	-
Other	No	-

Community Classifications

The table below summarizes classifications for community programs available to the City of Rye.

Table 9.5-7. Community Classifications

Program	Participating? (Yes/No)	Classification (if applicable)	Date Classified (if applicable)
Community Rating System (CRS)	On-going	-	-
Building Code Effectiveness Grading Schedule (BCEGS)	No	-	-

Deleted: No



Program	Participating? (Yes/No)	Classification (if applicable)	Date Classified (if applicable)
Public Protection (ISO Fire Protection Classes 1 to 10)	No	-	-
NYSDEC Climate Smart Community	No	-	-
Storm Ready Certification	No	-	-
Firewise Communities classification	No	-	-
Other	No	-	-

Note:

N/A Not applicable

NP Not participating

- Unavailable

Adaptive Capacity

Adaptive capacity is defined as “the ability of systems, institutions, humans and other organisms to adjust to potential damage, to take advantage of opportunities, or respond to consequences” (IPCC 2014). In other words, it describes a jurisdiction’s current capabilities to adjust to, protect from, or withstand a future hazard event, future conditions, and changing risk. The table below summarizes the adaptive capacity for each hazard of concern and the jurisdiction’s rating.

Table 9.5-8. Adaptive Capacity

Hazard	Adaptive Capacity - Strong/Moderate/Weak*
Disease Outbreak	Moderate
Earthquake	Moderate
Extreme Temperature	Moderate
Flood	Moderate
Severe Storm	Moderate
Severe Winter Storm	Strong
Wildfire	Moderate
CBRN	Moderate

*Strong Capacity exists and is in use

Moderate Capacity may exist; but is not used or could use some improvement

Weak Capacity does not exist or could use substantial improvement

9.5.4 National Flood Insurance Program (NFIP) Compliance

This section provides specific information on the management and regulation of the regulatory floodplain, including current and future compliance with the NFIP.

National Flood Insurance Program (NFIP) Summary

The following table summarizes the NFIP statistics for the City of Rye, [but does not include losses related to Hurricane IDA in September 2021.](#)

Table 9.5-9. NFIP Summary

Municipality	# Policies	# Claims (Losses)	Total Loss Payments	# RL Properties
City of Rye	664	1,891	40,459,618	227

Source: FEMA 7-2021

Notes:

RL Repetitive Loss; SRL Severe Repetitive Loss

Flood Vulnerability Summary and NFIP Compliance

The following table provides a summary of the NFIP program in the City of Rye.

Table 9.5-10. Flood Vulnerability Summary and NFIP Compliance

NFIP Topic	Comments
Flood Vulnerability Summary	
Describe areas prone to flooding in your jurisdiction. <ul style="list-style-type: none"> Do you maintain a list of properties that have been damaged by flooding? 	Areas in Rye prone to flooding are as designated on the FIRM. Flooding losses are as per FEMA claim data.
Do you maintain a list of property owners interested in flood mitigation? <ul style="list-style-type: none"> How many homeowners and/or business owners are interested in mitigation (elevation or acquisition)? 	No. Elevation of homes and flood-proofing of non-residential structures is initiated by property owners or required by City Code when there a “substantial improvement”.
Are any RiskMAP projects currently underway in your jurisdiction? <ul style="list-style-type: none"> If so, state what projects are underway. 	No
How do you make Substantial Damage determinations? <ul style="list-style-type: none"> How many were declared for recent flood events in your jurisdiction? 	Substantial Damage and Substantial Improvement is assessed as the time a building permit is issued to repair a flood damaged structure or improve a structure in a flood zone.
How many properties have been mitigated (elevation or acquisition) in your jurisdiction? <ul style="list-style-type: none"> If there are mitigation properties, how were the projects funded? 	Many. Rye is an active market for residential tear-downs. New residences are constructed as flood resistant structures with a 2-foot freeboard requirement. After the 2007 floods there were approximately a dozen homes that elevated. <u>Additional elevation will occur in response to Hurricane Ida.</u> All mitigation has been funded by property owners.
Do your flood hazard maps adequately address the flood risk within your jurisdiction? <ul style="list-style-type: none"> If not, state why. 	No. The 2007 FIRM <i>lowered</i> flood elevations on Blind Brook south of I-95. Based on actual flooding experience in the April 2007 flood, the former 1984 FIRM elevations were more accurate.
NFIP Compliance	
What local department is responsible for floodplain management?	Building and Planning Department
Are any certified floodplain managers on staff in your jurisdiction?	No.
Do you have access to resources to determine possible future flooding conditions from climate change?	No.
Does your floodplain management staff need any assistance or training to support its floodplain management program? <ul style="list-style-type: none"> If so, what type of assistance/training is needed? 	Building Inspector should be CFM
Provide an explanation of NFIP administration services you provide (e.g. permit review, GIS, education/outreach, inspections, engineering capability)	Permit review, identification of floodplains for real estate due diligence.
How do you determine if proposed development on an existing structure would qualify as a substantial improvement?	The City uses the market value of the structure maintained by the City Assessor and reviews/validates the improvement value stated in the building permit.
What are the barriers to running an effective NFIP program in the community, if any?	None
Does your jurisdiction have any outstanding NFIP compliance violations that need to be addressed? <ul style="list-style-type: none"> If so, state the violations. 	No

NFIP Topic	Comments
When was the most recent Community Assistance Visit (CAV) or Community Assistance Contact (CAC)?	A Community Assistance Contact took place on January 23, 2013. A Community Assistance Visit took place on July 30, 2014.
What is the local law number or municipal code of your flood damage prevention ordinance? <ul style="list-style-type: none"> What is the date that your flood damage prevention ordinance was last amended? 	Rye City Code Chapter 100 (last amended in 2007)
Does your floodplain management program meet or exceed minimum requirements? <ul style="list-style-type: none"> If exceeds, in what ways? 	Exceeds. City requires a two-foot freeboard (i.e. FFE has to be two feet above BFE).
Are there other local ordinances, plans or programs (e.g. site plan review) that support floodplain management and meeting the NFIP requirements? For instance, does the planning board or zoning board consider efforts to reduce flood risk when reviewing variances such as height restrictions?	Yes. Planning and Zoning Board considers and reviews floodplain compliance for site plans, subdivisions, wetland permits and variances.
Does your jurisdiction participate in CRS? <ul style="list-style-type: none"> If yes, is your jurisdiction interested in improving its CRS Classification? If no, is your jurisdiction interested in joining the CRS program? 	No, but the City is currently reviewing potential implementation of some measures to achieve some CRS classification, but unlikely to support more aggressive regulatory requirements for a higher CRS rating.

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9.5.5 Evacuation, Sheltering, Temporary Housing, and Permanent Housing

Evacuation routes, sheltering measures, temporary housing, and permanent housing must all be in place and available for public awareness to protect residents, mitigate risk, and relocate residents, if necessary, to maintain post-disaster social and economic stability.

Evacuation Routes and Procedures

The City of Rye has identified the following routes and procedures to evacuate residents prior to and during an event.

- Milton Road
- Stuyvesant Avenue
- Forest Avenue
- Midland Road (Westchester County Road)
- Theodore Fremd Avenue (Westchester County Road)
- Boston Post Road
- Purchase Street
- Oakland Beach Avenue
- Peck Avenue
- Locust Avenue
- Grace Church Street
- Manursing Avenue

Sheltering

The City of Rye has identified the following designated emergency shelters within the City.

Table 9.5-11. Designated Emergency Shelters

Site Name	Address	Capacity	Accommodates Pets?	ADA Compliant?	Backup Power?	Types of Medical Services Provided	Other Services Provided
Rye Country Day School	Cedar Street	50+	Unknown	Yes	Yes	Unknown	Unknown

Temporary Housing

Each jurisdiction must identify sites for the placement of temporary housing units to house residents displaced by a disaster. The City of Rye has identified the following sites suitable for placing temporary housing units.

Table 9.5-12. Temporary Housing Locations

Site Name	Site Address	Capacity (number of sites)	Type	Infrastructure / Utilities Available (water, electric, septic, etc.)	Actions Required to Ensure Conformance with the NYS Uniform Fire Prevention and Building Code
Rye Playland	Playland Parkway	Unknown	Trailer	Yes	Unknown
NYS Thruway Property	Boston Post Road	Unknown	Trailer	Unknown	Unknown

Permanent Housing

Structures located in the regulatory floodplain may need to be relocated due to high flood risk or new properties must be built once severely damaged properties are demolished. Jurisdictions must identify suitable sites currently owned by the jurisdiction and potential sites under private ownership that meet applicable local zoning requirements and floodplain laws. The City of Rye has identified the following areas suitable for relocating homes outside of the floodplain.

Table 9.5-13. Permanent Housing Locations

Site Name	Site Address	Capacity (number of sites)	Type	Infrastructure / Utilities Available (water, electric, septic, etc.)	Actions Required to Ensure Conformance with the NYS Uniform Fire Prevention and Building Code
The City has not identified appropriate locations for the placement of permanent housing outside of the Special Flood Hazard Area. The City will work with Westchester County to identify appropriate locations for the siting of permanent housing within the region (action 2021-City of Rye-005).					

9.5.6 Growth/Development Trends

Understanding how past, current, and projected development patterns have or are likely to increase or decrease risk in hazard areas is a key component to understanding a jurisdiction’s overall risk to its hazards of concern. Table 9.5-14 summarizes recent and expected future development trends, including major residential/commercial development and major infrastructure development.

Table 9.5-14. Recent and Expected Future Development

Type of Development	2014	2015	2016	2017	2018	2019	2020

Number of Building Permits for New Construction Issued Since the previous HMP* (total/within regulatory floodplain)														
	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA	Total	Within SFHA
Single- and Two-Family**	56	4	32	2	37	2	28	0	37	0	23	2	23	4
Multi-Family	0	0	0	0	1	0	0	0	1	0	0	0	0	0
Other (commercial, mixed-use, etc.)	0	0	0	0	1	1	1	0	0	0	1	0	1	0
Total Permits Issued	56	4	32	2	39	3	29	0	38	0	24	2	24	4
Property or Development Name	Type of Development	# of Units / Structures	Location (address and/or block and lot)		Known Hazard Zone(s)*		Description / Status of Development							
Recent Major Development and Infrastructure from 2015 to Present														
The St. Regis Residences	Residential	92 units	120 Old Post Road 146-13-1-7		None		Completed							
The Vienna Senior Living	Residential	41 units	250 Theodore Fremd Avenue 146-10-1-66		None		Completed							
Known or Anticipated Major Development and Infrastructure in the Next Five (5) Years														
None anticipated														

SFHA Special Flood Hazard Area (1% flood event)

* Only location-specific hazard zones or vulnerabilities identified.

** Substantial majority of all new residential construction is a tear-down of an existing residence and construction of a new residence.

9.5.7 Jurisdictional Risk Assessment

The hazard profiles in Section 5 (Risk Assessment) provide detailed information regarding each plan participant’s vulnerability to the identified hazards. Refer to Section 5.2 (Methodology and Tools) and Section 5.4 (Hazard Ranking) for a detailed summary for the City of Rye’s risk assessment results and data used to determine the hazard ranking discussed later in this section.

Hazard area extent and location maps were generated to illustrate the probable areas impacted within the jurisdiction. These maps are based on the best available data at the time of the preparation of this plan and are adequate for planning purposes. Maps have been generated only for those hazards that can be clearly identified using mapping techniques and technologies and for which the City of Rye has significant exposure. The maps also show the location of potential new development, where available. These maps are illustrated below.

Figure 9.5-1. City of Rye Hazard Area Extent and Location Map 1

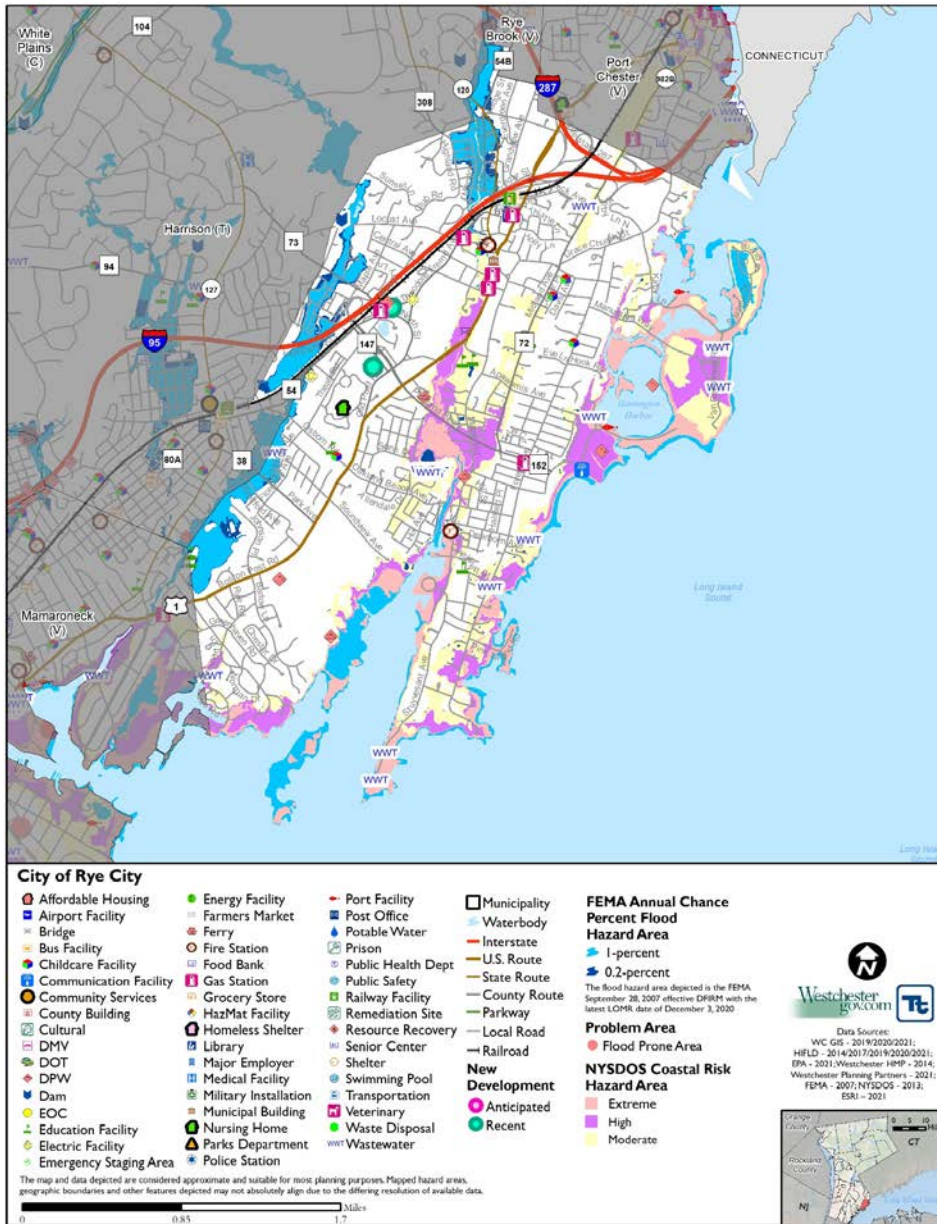


Figure 9.5-2. City of Rye Hazard Area Extent and Location Map 2

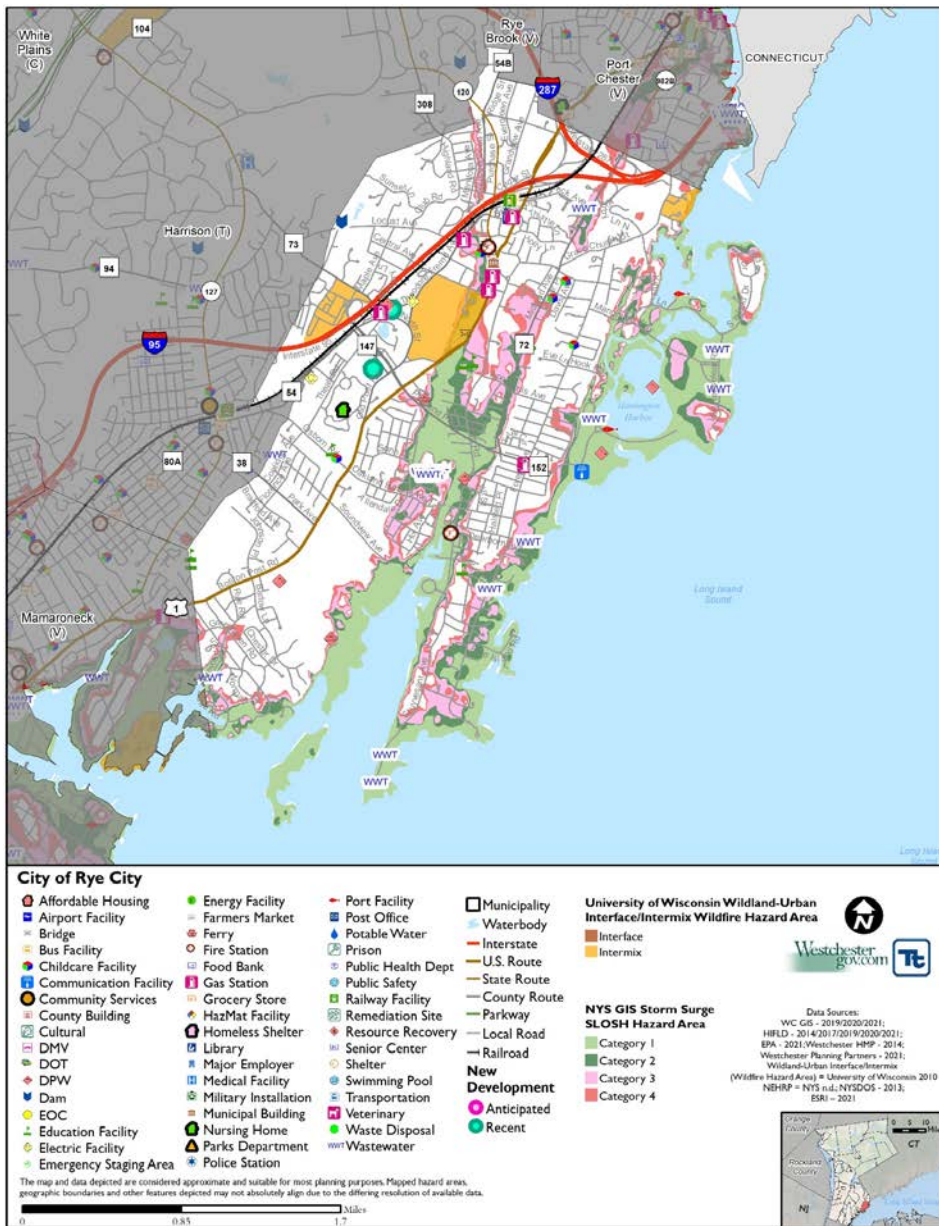


Figure 9.5-3. City of Rye Hazard Area Extent and Location Map 3

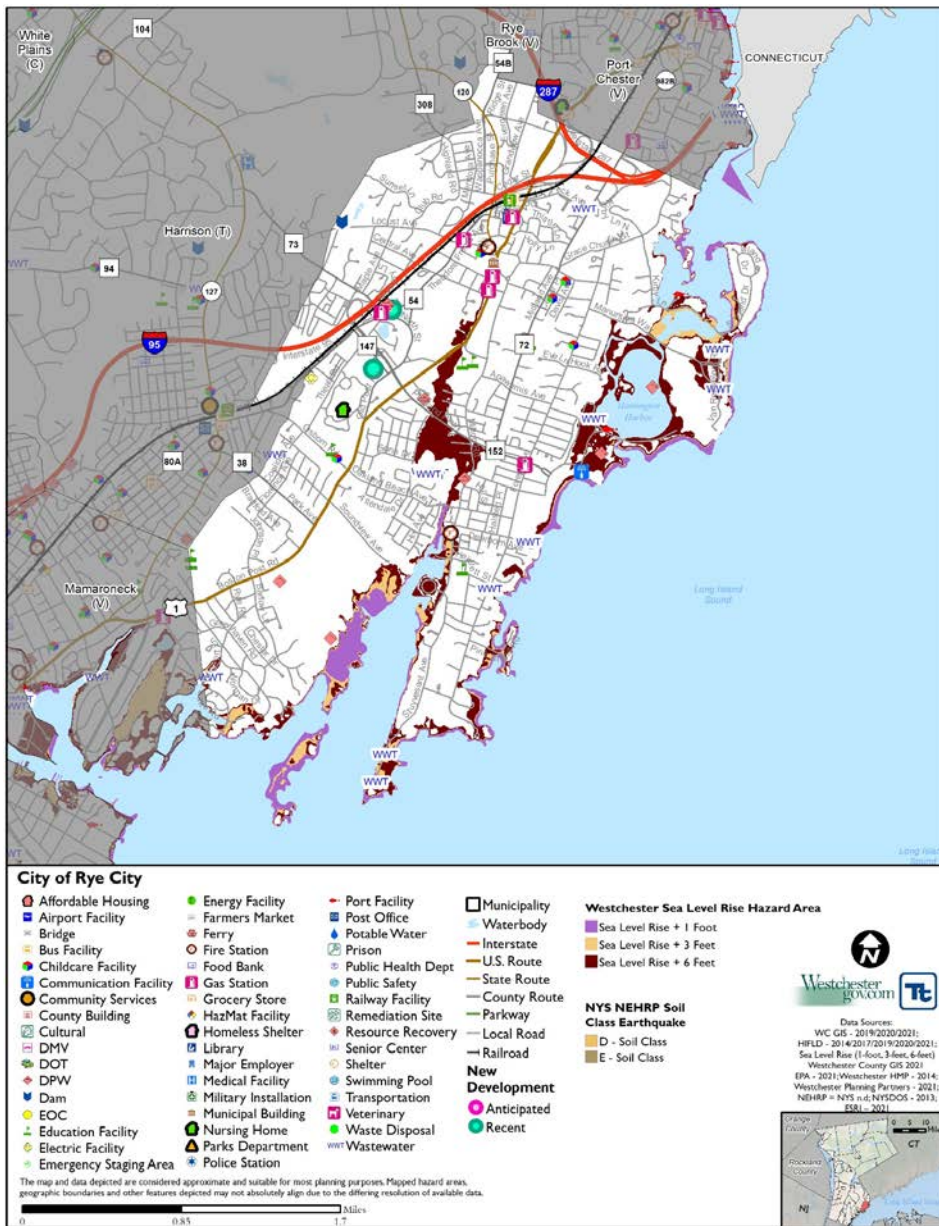
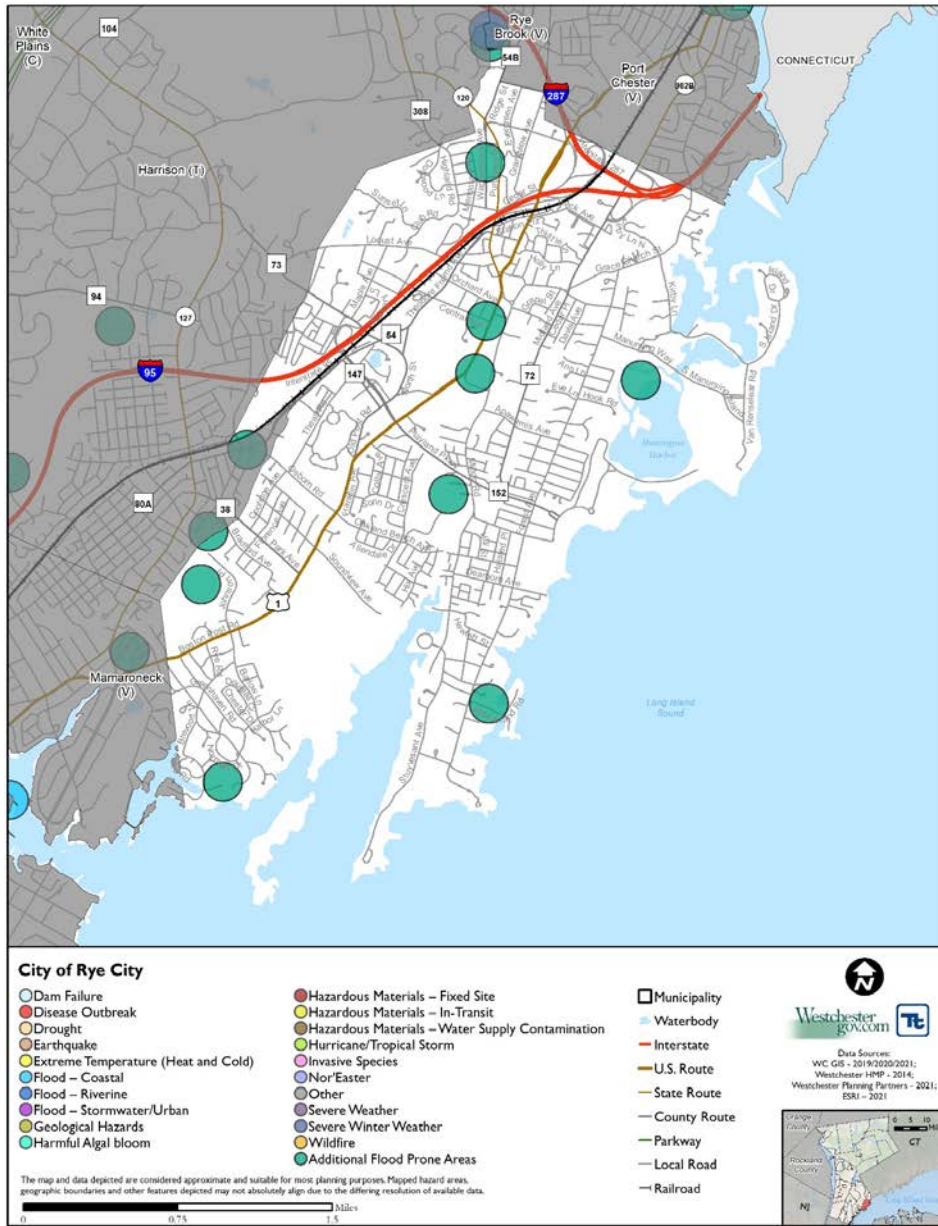


Figure 9.5-4. City of Rye Hazard Area Extent and Location Map 4



Hazard Event History

Westchester County has a history of natural and non-natural hazard events as detailed in Volume I, Section 5 (Risk Assessment) of this plan. A summary of historical events is provided in each of the hazard profiles and includes a chronology of events that have affected the county and its municipalities.

The City of Rye’s history of federally-declared (as presented by FEMA) and significant hazard events (as presented in NOAA-NCEI) is consistent with that of Westchester County. Table 9.5-15 provides details regarding municipal-specific loss and damages the City experienced during hazard events since the last hazard mitigation plan update. Information provided in the table below is based on reference material or local sources. For details of these and additional events, refer to Volume I, Section 5.0 of this plan.

Table 9.5-15. Hazard Event History

Dates of Event	Event Type (Disaster Declaration if applicable)	County Designated?	Summary of Event	Municipal Summary of Damages and Losses
February 13, 2017	High Wind	No	Low pressure passed to the east of Westchester County and rapidly deepened, resulting in strong winds with gusts exceeding 70 mph.	Although the County was impacted, the City did not report damages.
March 2, 2018	High Wind	No	A deep area of low pressure passed off the coast resulting in strong winds with gusts exceeding 70 mph.	Although the County was impacted, the City did not report damages.
April 13, 2020	High Wind	No	Deep low pressure passed to the west of the area resulting in high winds with gusts near 70 mph.	Although the County was impacted, the City did not report damages.
August 4, 2020	Tropical Storm (DR-4567)	Yes	Tropical Storm Isaias passed over the region, resulting in high winds with gusts between 60-80 mph.	Although the County was impacted, the City did not report damages.
January 20, 2020 – Present	Covid-19 Pandemic (EM-3434) (DR-4480)	Yes	Between March 1, 2020 and June 6, 2021, Westchester County reported 129,488 confirmed cases of COVID-19, and 2,284 total fatalities.	The City was subject to closures and social distancing and masking requirements
September 2021	IDA	Yes	<u>Remnants of Hurricane IDA resulted in the most significant riverine flood event in Rye in many decades. Nearly every property in a designated flood zone was flooded and flood levels on Blind Brook exceeded the 100-year elevation by an estimated 1-2 feet.</u>	<u>Damage to homes, businesses, infrastructure and critical facilities was widespread and substantial. Tallies of damage costs, reductions in property and assessed values and loss of economic activity remain ongoing at the time of plan preparation.</u>

Notes:

- EM Emergency Declaration (FEMA)
- FEMA Federal Emergency Management Agency
- DR Major Disaster Declaration (FEMA)
- N/A Not applicable

Hazard Ranking and Vulnerabilities

The hazard profiles in Section 5.0 (Risk Assessment) of this plan have detailed information regarding each plan participant’s vulnerability to the identified hazards. The following summarizes the City of Rye’s risk assessment results and data used to determine the hazard ranking.

Hazard Ranking

This section provides the community specific identification of the primary hazard concerns based on identified problems, impacts and the results of the risk assessment as presented in Section 5 (Risk Assessment) of the plan. The ranking process involves an assessment of the likelihood of occurrence for each hazard, along with its



potential impacts on people, property, and the economy as well as community capability and changing future climate conditions. This input supports the mitigation action development to target those hazards with highest level of concern.

As discussed in Section 5.3 (Hazard Ranking), each participating jurisdiction may have differing degrees of risk exposure and vulnerability compared to Westchester County as a whole. Therefore, each municipality ranked the degree of risk to each hazard as it pertains to their community. The table below summarizes the hazard risk/vulnerability rankings of potential natural hazards for the City of Rye. The City of Rye has reviewed the county hazard risk/vulnerability risk ranking table as well as its individual results to reflect the relative risk of the hazards of concern to the community.

During the review of the hazard/vulnerability risk ranking, the City indicated the following:

- The City agreed with the calculated hazard rankings.

Table 9.5-16. Hazard Ranking Input

Disease Outbreak	Earthquake	Extreme Temperature	Flood	Severe Storm	Severe Winter Storm	Wildfire	CBRN
Low	Low	Low	High	High	Medium	Low	Low

Note: The scale is based on the hazard rankings established in Section 5.3 and modified as appropriate during review by the jurisdiction

Critical Facilities

New York State Department of Environmental Conservation (DEC) Statute 6 CRR-NY 502.4 sets forth floodplain management criteria for State projects located in flood hazard areas. The law states that no such projects related to critical facilities shall be undertaken in a Special Flood Hazard Area (SFHA) unless constructed according to specific mitigation specifications, including being raised 2’ above the Base Flood Elevation (BFE). This statute is outlined at <http://tinyurl.com/6-CRR-NY-502-4>. While all vulnerabilities should be assessed and documented, the State places a high priority on exposure to flooding. Critical facilities located in an SFHA, or having ever sustained previous flooding, must be protected to the 0.2-percent annual chance flood event, or worst damage scenario. For those that do not meet these criteria, the jurisdiction must identify an action to achieve this level of protection (NYS DHSES 2017).

The table below identifies critical facilities in the community located in the 1-percent and 0.2-percent floodplain and presents Hazards United States (HAZUS) – Multi-Hazards (MH) estimates of the damage and loss of use to critical facilities as a result of a 1-percent annual chance flood event.

Table 9.5-17. Potential Flood Losses to Critical Facilities

Name	Type	Exposure		Potential Loss from 1% Flood Event		Addressed by Proposed Action
		1% Event	0.2% Event	Percent Structure Damage	Percent Content Damage	
Blind Brook Wastewater Treatment Facility	Wastewater Treatment Facility	N	Y	0.0	0.0	-
Rye City F.D. (Milton and Locust Fire Houses)	Fire Stations	Y	Y	25.0	30.0	2021-City of Rye-017
Rye Middle School	Primary Education	N	Y	0.0	0.0	-
Rye High School	Secondary Education	N	Y	0.0	0.0	-

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Name	Type	Exposure		Potential Loss from 1% Flood Event		Addressed by Proposed Action
		1% Event	0.2% Event	Percent Structure Damage	Percent Content Damage	
Rye Neck Middle School	Primary Education	N	Y	0.0	0.0	-
Rye YMCA	Childcare Facility	Y	Y	12.5	56.2	2021-City of Rye-005
Rye Beach Playland DK	Port Facility	Y	Y	9.4	31.3	2021-City of Rye-005
Jakes Boat Yard Kirby Pond	Port Facility	Y	Y	17.9	60.8	2021-City of Rye-005
Rye Farmers' Market	Food, Water, Shelter	Y	Y	1.6	3.9	2021-City of Rye-005
Bowman Dam/Spillway	Safety and Security	N	Y	0.0	0.0	-
Beaver Brook Pump Station	Wastewater Pump Station	Y	Y	0.0	0.0	2021-City of Rye-017
Edith G/ Read Wildlife Sanctuary	DPW	Y	Y	59.0	100.0	2021-City of Rye-017
Playland Amusement Park	DPW	Y	Y	12.1	71.3	2021-City of Rye-005
UnNamed	Safety and Security	Y	Y	6.2	41.3	2021-City of Rye-017
Playland	Communications	Y	Y	7.7	25.9	2021-City of Rye-005
Rye Brook SVC CTR INC	Energy	N	Y	0.0	0.0	-
Locust Ave, Orchard Ave and Highland Rd.	Bridges	Y	Y	50.0	0.0	2021-City of Rye-017
Nature PR Park Rd	Bridge	Y	Y	50.0	0.0	2021-City of Rye-008
Wastewater Pump Stations	Wastewater Pump Station	Y	Y	0.0	40.0	2021-City of Rye-017

Source: Westchester HMP 2021; FEMA 2007

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Identified Issues

After review of the City of Rye's hazard event history, hazard rankings, jurisdiction specific vulnerabilities, hazard area extent and location, and current capabilities, the City of Rye has identified the following vulnerabilities within their community:

- Frequent flooding events have resulted in damages to residential properties. These properties have been repetitively flooded as documented by paid NFIP claims. The City has 227 repetitive loss properties (excluding losses sustained from Hurricane Ida), but other properties may be impacted by flooding as well. Specifically identified are properties in the following locations:
 - Milton Road
 - Stuyvestant Avenue
 - Ellsworth Street
 - Pine Island Road
 - Mendota Avenue
 - Laurel Street
 - Mendota Avenue
 - Van Rensselaer Road
 - Phillips Lane



- Lowen Court
 - Boston Post Road
 - Brookdale Place
 - Wappanocca Avenue
 - Mead Place
 - Oneida Street
 - Mohawk Street
 - Pine Lane
 - Purchase Street
 - Douglas Circle
 - Locust Avenue
 - Shore Road
 - Midland Avenue
 - Barbara Court
 - Oakdale Avenue
 - Meadow Place
 - Park Street
 - Ann Lane
 - Theodore Fremd Avenue
 - Central Avenue
 - Orchard Avenue
 - Mayfield Street
 - Sonn Drive
 - Dale Street
 - Red Oak Drive
 - Fairlawn Street
- Critical facilities require backup power sources to maintain continuity of services. City Hall does not have backup power.
 - Official snow removal storage areas and disposal sites are needed.
 - More hazard-resistant regulations for development and redevelopment within flood prone areas are needed. City laws need to be updated to encourage/require meeting of flood standards.
 - The City has not identified appropriate locations for the placement of permanent housing outside of the Special Flood Hazard Area.
 - The FIRM along Blind Brook downstream of I-95 through a LOMR or PMR is not accurate.
 - Integration of HMP concepts are needed in other plans.
 - Nature Park Road bridge is prone to flooding.
 - The ability of Westchester County Blind Brook Sewage Treatment to provide continuous operation during major flooding events is unknown.
 - Improved resilience during power outages is needed.
 - Westchester County Airport requires improved stormwater detention.
 - The current City Emergency Operations Center (EOC) is undersized.
 - A new salt storage facility is needed to protect the City's salt supply to respond to severe winter storm events.
 - Bowman Avenue dam sluice gate needs to become operational with new engineering settings. The dam is owned by Rye City but maintained through an IMA.
 - Blind Brook and Beaver Swamp Brook lack flood gauges.
 - Potential flooding could occur to future development including "Red Maple Swamp".

- Numerous critical facilities owned by the City are located in the SFHA and exposed to flooding.

Specific areas of concern based on resident response to the Westchester County Hazard Mitigation Citizen survey include:

- City is floodprone. Some flooding takes place outside flood zones.
- Power Outages, brown outs during heat waves.
- Rye zoning board allows 4500+ sq foot houses on rather small properties. The existing codes in Rye desperately need review.
- Flooding from Ida took place on Grace Church St, Forest Ave, Stuyvesant, Milton Ave, Midland Ave, Oakland Beach Ave, Hill St, Hewlett, Fairway, Mayfield St, Ellsworth St, Dale St, Winthrop, Hidden Spring Ln, Peck Ave, Mendota Ave, Mohawk St, Oneida, Onondaga St, Cayuga St, Seneca St Highland Rd, Purchase St, Rye High School Rye Middle School Osborn Middle School, Meade Pl, Rye YMCA, Rye Library, Central Ave, Maple Ave, Marlene Court, Sharon Lane, Claremont Ave, Crescent Ave, Sonn Dr, Chamberlain St, Woods Lane, Glen Oaks, Coolidge Ave, Wilson Dr, Park Ave.
- Storm sewer system along Milton Road by the marina / catch basins cannot handle the amount of water in them. You can see people have tied their gutters to some. Water comes up and out of the drains during storms resulting in road flooding and closure.
- The area of Rye between Forest and Roosevelt Ave, bordered by Beck and Sanford on the south and north, suddenly in the summer of 2021 is experiencing flooding. Something has changed and must be remediated. Many of us whom never had water before have flooded three times, Elsa, Henri and Ida.
- Sewage treatment plant at Disbrow Park in Rye is often over maximum capacity because of increasingly frequent rain events and they have to either release untreated sewage into the LI Sound or it backs up into the local sewer lines. Homes and businesses along the Blind Brook are overwhelmed with the amount of water from storms and high tides.
- Purchase St. & Highland Road. Blind Brook overflows and floods the entire area.

9.5.8 Mitigation Strategy and Prioritization

This section discusses past mitigations actions and status, describes proposed hazard mitigation initiatives, and their prioritization.

Past Mitigation Initiative Status

The following table indicates progress on the community's mitigation strategy identified in the 2015 HMP. Actions that are carried forward as part of this plan update are included in the following subsection in its own table with prioritization. Previous actions that are now on-going programs and capabilities are indicated as such in the following table and may also be found under 'Capability Assessment' presented previously in this annex.

Table 9.5-18. Status of Previous Mitigation Actions

Project #	Project Name	Hazard(s) Addressed	Responsible Party	Brief Summary of the Original Problem and the Solution (Project)	Status (In Progress, Ongoing Capability, No Progress, Complete)	Evaluation of Success (if complete)	Next Steps 1. Project to be included in 2021 HMP or Discontinue 2. If including action in the 2021 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
RC-1	Designate or construct a new EOC with sufficient space and appropriate furnishing and equipment.	All		City Manager	In Progress	Cost: \$5M Level of Protection: Moderate Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. Building 5 will have EOC capability. 3.].
RC-2	Acquire a generator for City Hall.	All		City Manager	In Progress	Cost: \$100K Level of Protection: Moderate Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-3	Acquire a new salt storage facility.	Winter Storms		Public Works	In Progress	Cost: \$600 Level of Protection: High Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-4	Identify and designate snow removal storage areas and disposal sites.	Winter Storms		Public Works	In Progress	Cost: Unknown Level of Protection: Moderate Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-5	Repair the Kirby Lane seawall.	Flooding and Erosion		Public Works	Complete	Cost: Level of Protection: Damages Avoided; Evidence of Success:	1. Discontinue 2. 3. Complete
RC-6	Modify City regulations to promote more hazard-resistant development and redevelopment within flood prone areas. Examples could be additional freeboard or applying V zone standards in all coastal A zones.	Flooding		Planning, Building	No Progress	Cost: Low Level of Protection: Moderate/High Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-7	Update the Bowman Dam Emergency Action Plan and Engineering Assessment.	Flooding, Dam Failure		Engineer	Ongoing Capability	Cost: Level of Protection: Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.

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Project #	Project Name	Hazard(s) Addressed	Responsible Party	Brief Summary of the Original Problem and the Solution (Project)	Status (In Progress, Ongoing Capability, No Progress, Complete)	Evaluation of Success (if complete)	Next Steps 1. Project to be included in 2021 HMP or Discontinue 2. If including action in the 2021 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
RC-8	Revise the FIRM along Blind Brook downstream of I-95 through a LOMR or PMR.	Flooding		Engineer	No Progress	Cost: \$200K Level of Protection: High Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-9	Acquire vacant parcels in the "Red Maple Swamp" residential area before additional construction occurs in the SFHA.	Flooding		Planning	In Progress	Cost: \$100K Level of Protection: High Damages Avoided; Evidence of Success: Removes future development	1. Include in HMP Update 2. 3.
RC-10	Incorporate elements of this plan into the Comp Plan when it is updated.	All		Planning	No Progress	Cost: \$200K Level of Protection: Low Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-11	Incorporate elements of this plan into the LWRP when it is updated.	Flooding and Erosion		Planning	No Progress	Cost: Level of Protection: Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-12	Promote and support non-structural flood hazard mitigation alternatives for at risk properties within the floodplain, including those that have been identified as Repetitive Loss (RL) and Severe Repetitive Loss (SRL), such as acquisition/relocation or elevation depending on feasibility. The parameters for this initiative would be: funding, benefits versus cost, and willing participation	All		City Engineering via NFIP FPA with NYSOEM, FEMA support	In Progress	Cost: Low Level of Protection: High Damages Avoided; Evidence of Success: Elevation and floodproofing reduces damage.	1. Include in HMP Update 2. 3.

Project #	Project Name	Hazard(s) Addressed	Responsible Party	Brief Summary of the Original Problem and the Solution (Project)	Status (In Progress, Ongoing Capability, No Progress, Complete)	Evaluation of Success (if complete)	Next Steps 1. Project to be included in 2021 HMP or Discontinue 2. If including action in the 2021 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
	of property owners. Specifically identified are properties in the following locations: <ul style="list-style-type: none"> • Milton Road • Stuyvestant Avenue • Ellsworth Street • Pine Island Road • Mendota Avenue • Laurel Street • Mendota Avenue • Van Rensselaer Road • Phillips Lane • Lowen Court • Boston Post Road • Brookdale Place • Wappanocca Avenue • Mead Place • Oneida Street • Mohawk Street • Pine Lane • Purchase Street • Douglas Circle • Locust Avenue • Shore Road • Midland Avenue • Barbara Court • Oakdale Avenue • Meadow Place • Park Street • Ann Lane • Theodore Fremd Avenue • Central Avenue 						

Project #	Project Name	Hazard(s) Addressed	Responsible Party	Brief Summary of the Original Problem and the Solution (Project)	Status (In Progress, Ongoing Capability, No Progress, Complete)	Evaluation of Success (if complete)	Next Steps 1. Project to be included in 2021 HMP or Discontinue 2. If including action in the 2021 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
	<ul style="list-style-type: none"> Orchard Avenue Mayfield Street Sonn Drive Dale Street Red Oak Drive <p>Fairlawn Street</p>						
RC-13	Acquire property, easements or development rights to prevent future development within flood prone areas.	Flooding		City Manager	No Progress	Cost: Moderate Level of Protection: High Damages Avoided; Evidence of Success: Reduces impact	1. Include in HMP Update 2. 3.
RC-14	Explore additional modifications to Bowman Avenue Dam property or implementation of other upstream regional flood mitigation projects to enhance flood control.	Flooding		City Manager	In Progress	Cost: High Level of Protection: Low/Mod Damages Avoided; Evidence of Success: Reduces flood elevation for smaller storm events	1. Include in HMP Update 2. 3.
RC-15	Improve maintenance of streams to remove flood obstructions and accumulated sediment and review modifications to City and County storm drainage infrastructure to reduce damage from flood events.	Flooding		Public Works	Ongoing Capability	Cost: Low Level of Protection: Low Damages Avoided; Evidence of Success: Eliminates potential obstructions that can contribute to flooding.	1. Include in HMP Update 2. 3. Ongoing Capability
RC-16	Amend existing City Laws to better encourage/require existing structures to comply with current flood mitigation construction measures, such as	Flooding		Planning, Building	No Progress	Cost: Low Level of Protection: High Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.

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Project #	Project Name	Hazard(s) Addressed	Responsible Party	Brief Summary of the Original Problem and the Solution (Project)	Status (In Progress, Ongoing Capability, No Progress, Complete)	Evaluation of Success (if complete)	Next Steps 1. Project to be included in 2021 HMP or Discontinue 2. If including action in the 2021 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
	cumulative substantial damage/improvement.						
RC-17	Explore funding sources for the cost, provide incentives to encourage, and/or modify regulations to encourage flood resistant construction for existing structures (i.e., elevation)	Flooding		Planning, Building	No Progress	Cost: Moderate Level of Protection: High Damages Avoided; Evidence of Success: Elevates structures above 1% flood.	1. Include in HMP Update 2. 3.
RC-18	Restore and add flood gauges on Blind Brook and Beaver Swamp Brook to provide advance flood warning and improve operation of "Sluice Gate" dynamic control structure on Bowman Dam.	Flooding		Engineer	In Progress	Cost: Level of Protection: Low/Mod Damages Avoided; Evidence of Success: Provides data and advance warning of flood elevations	1. Include in HMP Update 2. 3.
RC-19	Confirm ability of Westchester County Blind Brook Sewage Treatment to provide continuous operation during major flooding event. The City of Rye should partner with the County to provide upgrades or mitigation as deemed necessary.	Flooding		Public Works	No Progress	Cost: Low Level of Protection: Moderate Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3.
RC-20	Establish partnerships with local business and real estate community to improve awareness of flood risks.	Flooding		Planning, Engineer	Ongoing Capability	Cost: Low Level of Protection: Low Damages Avoided; Evidence of Success:	1. Include in HMP Update 2. 3. Ongoing Capability
RC-21	Review or establish evacuation and emergency response	Flooding		EMD	Ongoing Capability	Cost:	1. Include in HMP Update 2. 3. Ongoing Capability

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Project #	Project Name	Hazard(s) Addressed	Responsible Party	Brief Summary of the Original Problem and the Solution (Project)	Status (In Progress, Ongoing Capability, No Progress, Complete)	Evaluation of Success (if complete)	Next Steps 1. Project to be included in 2021 HMP or Discontinue 2. If including action in the 2021 HMP, revise/reword to be more specific (as appropriate). 3. If discontinue, explain why.
	plans for major recreational uses such as Playland and beach clubs.					Level of Protection: Damages Avoided; Evidence of Success:	

Completed Mitigation Initiatives Not Identified in the Previous Mitigation Strategy

The City of Rye has identified the following mitigation projects/activities that have also been completed but were not identified in the previous mitigation strategy in the 2015 HMP:

- None identified

Proposed Hazard Mitigation Initiatives for the HMP Update

The City of Rye participated in a mitigation action workshop in October 2021 and was provided the following FEMA publications to use as a resource as part of their comprehensive review of all possible activities and mitigation measures to address their hazards: FEMA 551 ‘Selecting Appropriate Mitigation Measures for Floodprone Structures’ (March 2007) and FEMA ‘Mitigation Ideas – A Resource for Reducing Risk to Natural Hazards’ (January 2013).

The table below indicates the range of proposed mitigation action categories.

Table 9.5-19. Analysis of Mitigation Actions by Hazard and Category

Hazard	FEMA				CRS					
	LPR	SIP	NSP	EAP	PR	PP	PI	NR	SP	ES
Disease Outbreak	X	X			X					X
Earthquake	X	X			X					X
Extreme Temperature	X	X			X					X
Flood	X	X		X	X	X	X		X	X
Severe Storm	X	X			X	X				X
Severe Winter Storm	X	X			X					X
Wildfire	X	X			X					X
CBRN	X	X			X					X

Note: Section 6 (Mitigation Strategy) provides for an explanation of the mitigation categories.

Table 9.5-20 summarizes the comprehensive-range of specific mitigation initiatives the City of Rye would like to pursue in the future to reduce the effects of hazards. Some of these initiatives may be previous actions carried forward for this plan update. These initiatives are dependent upon available funding (grants and local match availability) and may be modified or omitted at any time based on the occurrence of new hazard events and changes in municipal priorities. Both the four FEMA mitigation action categories and the six CRS mitigation action categories are listed in the table below to further demonstrate the wide-range of activities and mitigation measures selected.

As discussed in Section 6, 14 evaluation/prioritization criteria are used to complete the prioritization of mitigation initiatives. For each new mitigation action, a numeric rank is assigned (-1, 0, or 1) for each of the 14 evaluation criteria to assist with prioritizing your actions as ‘High’, ‘Medium’, or ‘Low.’ The table below summarizes the evaluation of each mitigation initiative, listed by Action Number.

Table 9.5-21 provides a summary of the prioritization of all proposed mitigation initiatives for the HMP update.

Table 9.5-20. Proposed Hazard Mitigation Initiatives

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2021-City of Rye-001	Repetitive Loss Mitigation	1, 2	Flood, Severe Storm	<p>Problem: Frequent flooding events have resulted in damages to residential properties. These properties have been repetitively flooded as documented by paid NFIP claims. The City has 227 repetitive loss properties, but other properties may be impacted by flooding as well. Specifically identified are properties in the following locations:</p> <ul style="list-style-type: none"> • Milton Road • Stuyvestant Avenue • Ellsworth Street • Pine Island Road • Mendota Avenue • Laurel Street • Mendota Avenue • Van Rensselaer Road • Phillips Lane • Lowen Court • Boston Post Road • Brookdale Place • Wappanocca Avenue • Mead Place • Oneida Street • Mohawk Street • Pine Lane • Purchase Street • Douglas Circle • Locust Avenue • Shore Road • Midland Avenue • Barbara Court • Oakdale Avenue • Meadow Place • Park Street 	No	None	3 years	NFIP Floodplain Administrator, supported by homeowners	High	Eliminates flood damage to homes and residents, creates open space for the municipality increasing flood storage.	FEMA HMGP and FMA, local cost share by residents	High	SIP	PP

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
				<ul style="list-style-type: none"> Ann Lane Theodore Fremd Avenue Central Avenue Orchard Avenue Mayfield Street Sonn Drive Dale Street Red Oak Drive Fairlawn Street <p>Solution: Conduct outreach to 250 flood-prone property owners, including RL/SRL property owners and provide information on mitigation alternatives. After preferred mitigation measures are identified, collect required property-owner information and develop a FEMA grant application and BCA to obtain funding to implement acquisition/purchase/moving/elevating residential homes in the flood prone areas that experience frequent flooding (high risk areas).</p>										
2021-City of Rye-002	Backup Power for City Hall	1, 2	All Hazards	<p>Problem: Critical facilities require backup power sources to maintain continuity of services. City Hall does not have backup power.</p> <p>Solution: The Engineer will research what size generator is needed to power City Hall. The City will then purchase and install the selected generator and necessary electrical components to supply backup power to the City Hall. Public Works will be responsible for maintenance and testing of the generator following installation.</p>	Yes	None	Within 5 years	Engineer, Public Works	High	Protect public health and safety, and ensure continued operation of critical facility and essential functions during power outages.	FEMA HMGP and BRIC, USDA Community Facilities Grant Program, Emergency Management Performance Grants (EMPG) Program, Municipal Budget	High	SIP	ES

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2021-City of Rye-003	Snow Storage and Disposal	2	Severe Winter Storm	Problem: Official snow removal storage areas and disposal sites are needed. Solution: Public Works will identify and designate snow removal storage areas and disposal sites.	No	None	2 years	Public Works	Staff time	Snow removal storage areas and disposal sites identified	City budget	High	LPR	ES
2021-City of Rye-004	Flood Regulations	2	Flood	Problem: More hazard-resistant regulations for development and redevelopment within flood prone areas are needed. City laws need to be updated to encourage/require meeting of flood standards. Solution: The Administration will amend existing City Laws to better encourage/require existing structures to comply with current flood mitigation construction measures, such as cumulative substantial damage/improvement. The City will also modify City regulations to promote more hazard-resistant development and redevelopment within flood prone areas. Examples could be additional freeboard or applying V zone standards in all coastal A zones.	No	None	2 years	Administration, FPA	Staff time	Increased flood protection for new development and redevelopment	City budget	High	LPR	PR
2021-City of Rye-005	Permanent Housing	1, 2	All Hazards	Problem: The City has not identified appropriate locations for the placement of permanent housing outside of the Special Flood Hazard Area. Solution: The City will work with Westchester County to identify appropriate locations for the siting of permanent housing within the region.	No	None	6 months	Administration working with Westchester County	Staff time	Permanent housing locations identified	City budget	High	LPR	ES

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2021-City of Rye-006	FIRM Revision	3	Flood	Problem: The FIRM along Blind Brook downstream of I-95 through a LOMR or PMR is not accurate. Solution: The City will advocate for the revision of the FIRM along Blind Brook downstream of I-95 through a LOMR or PMR.	No	None	Within 5 years	FPA	Staff time	FIRM revised for accuracy	City budget	High	LPR, EAP	PR
2021-City of Rye-007	HMP Integration	1, 2, 3, 4	All Hazards	Problem: Integration of HMP concepts are needed in other plans. Solution: The City will integrate the HMP in the Comprehensive Plan and LWRP during updates.	No	None	Within 5 years	Administration	Staff time	Integration of HMP concepts and information	City budget	High	LPR	PR
2021-City of Rye-008	Nature Park Road Bridge	2	Flood	Problem: Nature Park Road bridge is prone to flooding. Solution: The City will promote and implement new entrance to Rye Nature Center as per City's 2014 NY Rising Reconstruction Plan.	Yes 💧	None	Within 5 years	Engineer	High	Access to Rye Nature Center maintained	BRIC, HMGP, City budget	High	SIP	PP
2021-City of Rye-009	Westchester County Blind Brook Sewage Treatment	1, 3	Flood	Problem: The ability of Westchester County Blind Brook Sewage Treatment to provide continuous operation during major flooding events is unknown. Solution: The City will confirm the ability of the Westchester County Blind Brook Sewage Treatment to provide continuous operation during major flooding event. The City of Rye will partner with the County to provide upgrades or mitigation as deemed necessary.	No	None	1 year	City Administration, County, Westchester County Blind Brook Sewage Treatment	Staff time	Flood risk to Sewage Treatment identified	City budget	High	EAP	PI

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2021-City of Rye-010	Alternative Energy Sources	1	Severe Storm, Severe Winter Storm	Problem: Improved resilience during power outages is needed. Solution: The City will promote and support alternative energy sources (e.g. solar) to improve resilience during power outages.	No	None	Within 5 years	Administration	Staff time	Increased use of alternative energy sources for better energy resilience	City budget	High	LPR	PR
2021-City of Rye-011	Westchester County Airport Stormwater	2	Flood	Problem: Westchester County Airport requires improved stormwater detention. Solution: The City will advocate for improved stormwater detention at Westchester County Airport as per City's 2014 NY Rising Reconstruction Plan.	Yes	None	Within 5 years	Westchester County Airport, City Administration	Staff time	Increased stormwater retention at County Airport	City budget	High	EAP	PI
2021-City of Rye-012	Emergency Operations Center	1, 2	All Hazards	Problem: The current City Emergency Operations Center (EOC) is undersized. Solution: The City will designate or construct a new EOC with sufficient space and appropriate furnishing and equipment.	Yes	None	Within 5 years	OEM	High	EOC capabilities meet City need	FEMA HMGP and BRIC, USDA Community Facilities Grant Program, Emergency Management Performance Grants (EMPG) Program, Municipal Budget	High	SIP	ES
2021-City of Rye-013	Salt Storage Facility	1	Severe Winter Storm	Problem: A new salt storage facility is needed to protect the City's salt supply to respond to severe winter storm events. Solution: The City will acquire a new salt storage facility.	Yes	None	Within 5 years	Public Works	High	Protection of City salt supply for severe winter storm response	USDA Community Facility Grant Program, City budget	High	SIP	ES

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
2021-City of Rye-014	Bowman Avenue Dam	1, 2	Flood	<p>Problem: Bowman Avenue dam sluice gate needs to become operational with new engineering settings. The dam is owned by Rye City but maintained through an IMA.</p> <p>Solution: The City will explore additional modifications to Bowman Avenue Dam property or implementation of other upstream regional flood mitigation projects to enhance flood control. This includes installing flow meters. Advance Bowman Avenue Dam Upper Pond Resizing project as per City's 2014 NY Rising Reconstruction Plan <u>and other studies</u>.</p>	Yes	None	With 10 years	Rye City, Administration	Staff time	Bowman Avenue dam safety increased	High Hazard Dam Rehabilitation Grant Program, BRIC, HMGP, City budget	High	SIP	SP
2021-City of Rye-015	Flood Gauges	2	Flood	<p>Problem: Blind Brook and Beaver Swamp Brook lack flood gauges.</p> <p>Solution: The City will restore former gauges and add new flood gauges on Blind Brook and Beaver Swamp Brook.</p>	No	None	Within 5 years	Engineer, OEM	High	Increased flood warning on Blind Brook and Beaver Swamp Brook	USGS, HMGP, City budget	High	SIP	ES
2021-City of Rye-016	Red Maple Swamp Land Preservation	4	Flood	<p>Problem: Potential flooding could occur to future development including "Red Maple Swamp".</p> <p>Solution: The City will acquire vacant parcels in the "Red Maple Swamp" and other flood-prone residential areas before additional construction occurs in the SFHA.</p>	No	None	Within 5 years	Administration	High	Natural floodplain functions protected	BRIC, HMGP, FMA, City budget, land preservation grants	High	SIP	PP
2021-City of Rye-017	Critical Facility Flood Protection	1, 2	Flood	<p>Problem: Numerous critical facilities owned by the City are located in the SFHA and exposed to flooding.</p>	Yes	None	Within 5 years	Engineer	High	Reduction in flood risk	BRIC, HMGP, FMA, City budget	High	SIP	PP

Deleted: 5

Project Number	Project Name	Goals Met	Hazard(s) to be Mitigated	Description of Problem and Solution	Critical Facility (Yes/No)	EHP Issues	Estimated Timeline	Lead Agency	Estimated Costs	Estimated Benefits	Potential Funding Sources	Priority	Mitigation Category	CRS Category
				Solution: The City will promote and implement flood proofing of structures such as Locust Firehouse as per City's 2014 NY Rising Reconstruction Plan. Floodproofing measures that are cost-effective will be implemented.										

Notes:

Not all acronyms and abbreviations defined below are included in the table.

Acronyms and Abbreviations:

CAV	Community Assistance Visit
CRS	Community Rating System
DPW	Department of Public Works
EHP	Environmental Planning and Historic Preservation
FEMA	Federal Emergency Management Agency
FPA	Floodplain Administrator
HMA	Hazard Mitigation Assistance
N/A	Not applicable
NFIP	National Flood Insurance Program
OEM	Office of Emergency Management

Potential FEMA HMA Funding Sources:

FMA	Flood Mitigation Assistance Grant Program
HMGP	Hazard Mitigation Grant Program
BRIC	Building Resilient Infrastructure and Communities Program

Timeline:

The time required for completion of the project upon implementation

Cost:

The estimated cost for implementation.

Benefits:

A description of the estimated benefits, either quantitative and/or qualitative.

Critical Facility:

Yes Critical Facility located in 1% floodplain

Mitigation Category:

- Local Plans and Regulations (LPR) – These actions include government authorities, policies or codes that influence the way land and buildings are being developed and built.
- Structure and Infrastructure Project (SIP) - These actions involve modifying existing structures and infrastructure to protect them from a hazard or remove them from a hazard area. This could apply to public or private structures as well as critical facilities and infrastructure. This type of action also involves projects to construct manmade structures to reduce the impact of hazards.
- Natural Systems Protection (NSP) – These are actions that minimize damage and losses, and also preserve or restore the functions of natural systems.
- Education and Awareness Programs (EAP) – These are actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. These actions may also include participation in national programs, such as StormReady and Firewise Communities

CRS Category:

- Preventative Measures (PR) - Government, administrative or regulatory actions, or processes that influence the way land and buildings are developed and built. Examples include planning and zoning, floodplain local laws, capital improvement programs, open space preservation, and storm water management regulations.
- Property Protection (PP) - These actions include public activities to reduce hazard losses or actions that involve (1) modification of existing buildings or structures to protect them from a hazard or (2) removal of the structures from the hazard area. Examples include acquisition, elevation, relocation, structural retrofits, storm shutters, and shatter-resistant glass.



- *Public Information (PI) - Actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. Such actions include outreach projects, real estate disclosure, hazard information centers, and educational programs for school-age children and adults.*
- *Natural Resource Protection (NR) - Actions that minimize hazard loss and also preserve or restore the functions of natural systems. These actions include sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.*
- *Structural Flood Control Projects (SP) - Actions that involve the construction of structures to reduce the impact of a hazard. Such structures include dams, setback levees, floodwalls, retaining walls, and safe rooms.*
- *Emergency Services (ES) - Actions that protect people and property during and immediately following a disaster or hazard event. Services include warning systems, emergency response services, and the protection of essential facilities*

Table 9.5-21. Summary of Prioritization of Actions

Project Number	Project Name	Life Safety	Property Protection	Cost-Effectiveness	Technical	Political	Legal	Fiscal	Environmental	Social	Administrative	Multi-Hazard	Timeline	Agency Champion	Other Community Objectives	Total	High / Medium / Low
2021-City of Rye-001	Repetitive Loss Mitigation	1	1	1	1	1	1	0	1	0	0	1	0	1	1	10	High
2021-City of Rye-002	Backup Power for City Hall	1	1	1	1	1	1	0	1	1	1	1	0	1	1	12	High
2021-City of Rye-003	Snow Storage and Disposal	0	1	1	1	1	1	1	1	1	1	0	1	1	1	12	High
2021-City of Rye-004	Flood Regulations	0	1	1	1	0	1	1	1	1	1	0	1	1	1	11	High
2021-City of Rye-005	Permanent Housing	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	High
2021-City of Rye-006	FIRM Revision	1	1	1	1	1	1	1	1	1	1	0	0	1	1	12	High
2021-City of Rye-007	HMP Integration	1	1	1	1	1	1	1	1	1	1	1	0	1	1	13	High
2021-City of Rye-008	Nature Park Road Bridge	1	1	1	1	1	1	0	1	1	1	0	0	1	1	11	High
2021-City of Rye-009	Westchester County Blind Brook Sewage Treatment	1	1	1	1	1	1	1	1	1	1	0	1	1	1	13	High
2021-City of Rye-010	Alternative Energy Sources	1	1	1	1	1	1	1	1	1	1	1	0	1	1	13	High
2021-City of Rye-011	Westchester County Airport Stormwater	1	1	1	1	1	1	1	1	1	1	0	0	1	1	12	High
2021-City of Rye-012	Emergency Operations Center	1	1	1	1	1	1	0	1	1	1	1	0	1	1	12	High
2021-City of Rye-013	Salt Storage Facility	1	0	1	1	1	1	0	1	1	1	0	0	1	1	10	High
2021-City of Rye-014	Bowman Avenue Dam	1	1	1	1	1	1	0	1	1	1	0	0	1	1	11	High
2021-City of Rye-015	Flood Gauges	1	0	1	1	1	1	0	1	1	1	0	0	1	1	10	High
2021-City of Rye-016	Red Maple Swamp Land Preservation	1	1	1	1	1	1	0	1	1	1	0	0	1	1	11	High
2021-City of Rye-017	Critical Facility Flood Protection	1	1	1	0	1	1	0	1	1	1	0	0	1	1	10	High

Note: Refer to Section 6, which conveys guidance on prioritizing mitigation actions. Low (0-4), Medium (5-8), High (9-14).

9.5.9 Action Worksheets

The following action worksheets have been developed by the City of Rye to aid in the submittal of grant applications to support the funding of high priority proposed actions.

Action Worksheet			
Project Name:	Repetitive Loss Mitigation		
Project Number:	2021-City of Rye-001		
Risk / Vulnerability			
Hazard(s) of Concern:	Severe Storm, Flood		
Description of the Problem:	<p>Frequent flooding events have resulted in damages to residential properties. These properties have been repetitively flooded as documented by paid NFIP claims. The City has 227 repetitive loss properties, but other properties may be impacted by flooding as well. Specifically identified are properties in the following locations:</p> <ul style="list-style-type: none"> • Milton Road • Stuyvestant Avenue • Ellsworth Street • Pine Island Road • Mendota Avenue • Laurel Street • Mendota Avenue • Van Rensselaer Road • Phillips Lane • Lowen Court • Boston Post Road • Brookdale Place • Wappanocca Avenue • Mead Place • Oneida Street • Mohawk Street • Pine Lane • Purchase Street • Douglas Circle • Locust Avenue • Shore Road • Midland Avenue • Barbara Court • Oakdale Avenue • Meadow Place • Park Street • Ann Lane • Theodore Fremd Avenue • Central Avenue • Orchard Avenue • Mayfield Street • Sonn Drive • Dale Street • Red Oak Drive • Fairlawn Street 		
Action or Project Intended for Implementation			
Description of the Solution:	Conduct outreach to 250 flood-prone property owners, including RL/SRL property owners and provide information on mitigation alternatives. After preferred mitigation measures are identified, collect required property-owner information and develop a FEMA grant application and BCA to obtain funding to implement acquisition/purchase/moving/elevating residential homes in the flood prone areas that experience frequent flooding (high risk areas).		
Is this project related to a Critical Facility or Lifeline?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Is this project related to a Critical Facility located within the 100-year floodplain?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
(If yes, this project must intend to protect the 500-year flood event or the actual worse case damage scenario, whichever is greater)			
Level of Protection:	1% annual chance flood event + freeboard (in accordance with flood ordinance)	Estimated Benefits (losses avoided):	Eliminates flood damage to homes and residents, creates open space for the

			municipality increasing flood storage.
Useful Life:	Acquisition: Lifetime Elevation: 30 years (residential)	Goals Met:	1, 2
Estimated Cost:	High	Mitigation Action Type:	Structure and Infrastructure Project
Plan for Implementation			
Prioritization:	High	Desired Timeframe for Implementation:	6-12 months
Estimated Time Required for Project Implementation:	Three years	Potential Funding Sources:	FEMA HMGP and FMA, local cost share by residents
Responsible Organization:	NFIP Floodplain Administrator, supported by homeowners	Local Planning Mechanisms to be Used in Implementation if any:	Hazard Mitigation
Three Alternatives Considered (including No Action)			
Alternatives:	Action	Estimated Cost	Evaluation
	No Action	\$0	Current problem continues
	Elevate homes	\$500,000	When this area floods, the entire area is impacted; elevating homes would not eliminate the problem and still lead to road closures and impassable roads
	Elevate roads	\$500,000	Elevated roadways would not protect the homes from flood damages
Progress Report (for plan maintenance)			
Date of Status Report:			
Report of Progress:			
Update Evaluation of the Problem and/or Solution:			

Action Worksheet		
Project Name:	Repetitive Loss Mitigation	
Project Number:	2021-City of Rye-001	
Criteria	Numeric Rank (-1, 0, 1)	Provide brief rationale for numeric rank when appropriate
Life Safety	1	Families moved out of high-risk flood areas.
Property Protection	1	Properties removed from high-risk flood areas.
Cost-Effectiveness	1	Cost-effective project
Technical	1	Technically feasible project
Political	1	
Legal	1	The Village has the legal authority to conduct the project.
Fiscal	0	Project will require grant funding.
Environmental	1	
Social	0	Project would remove families from the flood prone areas of the Village.
Administrative	0	
Multi-Hazard	1	Severe Storm, Flood
Timeline	0	
Agency Champion	1	NFIP Floodplain Administrator, supported by homeowners
Other Community Objectives	1	
Total	10	
Priority (High/Med/Low)	High	

Action Worksheet			
Project Name:	Bowman Avenue Dam		
Project Number:	2021-City of Rye-014		
Risk / Vulnerability			
Hazard(s) of Concern:	Flood		
Description of the Problem:	Bowman Avenue dam sluice gate needs to become operational with new engineering settings. The dam is owned by Rye City but maintained through an IMA.		
Action or Project Intended for Implementation			
Description of the Solution:	The City will explore additional modifications to Bowman Avenue Dam property or implementation of other upstream regional flood mitigation projects to enhance flood control. This includes installing the flow meters. Advance Bowman Avenue Dam Upper Pond Resizing project as per City's 2014 NY Rising Reconstruction Plan.		
Is this project related to a Critical Facility or Lifeline?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Is this project related to a Critical Facility located within the 100-year floodplain?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
(If yes, this project must intend to protect the 500-year flood event or the actual worse case damage scenario, whichever is greater)			
Level of Protection:	500-year flood	Estimated Benefits (losses avoided):	Bowman Avenue dam safety increased
Useful Life:	50 years	Goals Met:	1, 2
Estimated Cost:	High	Mitigation Action Type:	Structure and Infrastructure Project
Plan for Implementation			
Prioritization:	High	Desired Timeframe for Implementation:	Within 5 years
Estimated Time Required for Project Implementation:	5 years	Potential Funding Sources:	High Hazard Dam Rehabilitation Grant Program, BRIC, HMGP, City budget
Responsible Organization:	City of Rye, Village of Rye Brook Administration	Local Planning Mechanisms to be Used in Implementation if any:	Hazard Mitigation Planning
Three Alternatives Considered (including No Action)			
Alternatives:	Action	Estimated Cost	Evaluation
	No Action	\$0	Current problem continues
	Buyout properties exposed to dam failure	Very high	Negative social impacts
	Remove Dam	Very high	Dam cannot be removed for safety reason.
Progress Report (for plan maintenance)			
Date of Status Report:			
Report of Progress:			
Update Evaluation of the Problem and/or Solution:			

Action Worksheet		
Project Name:	Bowman Avenue Dam	
Project Number:	2021-City of Rye-014	
Criteria	Numeric Rank (-1, 0, 1)	Provide brief rationale for numeric rank when appropriate
Life Safety	1	Project protects life from dam failure
Property Protection	1	Project protects property from dam failure
Cost-Effectiveness	1	
Technical	1	
Political	1	There is public support for the project
Legal	1	The City has the legal authority to complete the project. The Village will provide support
Fiscal	0	The project requires funding support
Environmental	1	
Social	1	
Administrative	1	
Multi-Hazard	0	Flood
Timeline	0	Within 5 years
Agency Champion	1	City of Rye, Village of Rye Brook Administration
Other Community Objectives	1	
Total	11	
Priority (High/Med/Low)	High	



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 19, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution to extend the curbside food scrap recycling (FSR) program through March 31, 2022 in order to gather and review the 2021 program data.

FOR THE MEETING OF:

January 19, 2022

RECOMMENDATION: That the City Council adopt the resolution.

Resolved that the City Council extends the curbside food scrap recycling (FSR) program through March 31, 2022 in order to gather and review the 2021 program data.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The FSR program was initiated in 2019 with both a curbside pickup route and a drop-off site at Disbrow Park. The City has since continued curbside pickup with 156 homes. At the October 21, 2020 meeting, the City Council agreed to continue the pilot program through January 31, 2022 with a goal of achieving a consistent 85% participation rate by that date. Program registrants have paid for services through March 31, 2022 and in order to provide the City enough time to gather and present the data collected by DPW, the Council may consider extending the program.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 14, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Authorization to transfer an amount not to exceed \$75,000 from the General Capital Projects account to the General Fund Engineering Consultant Account in order to complete the State-required Emergency Action Plan and Engineering Assessment for the Bowman Avenue Dam.

FOR THE MEETING OF:

January 19, 2022

RECOMMENDATION: That the City Council authorizes the transfer of funds.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Bowman Avenue Dam is a NYS Regulated Class B Dam and requires certain documents to be developed and maintained.

Specifically, the City is required to develop an Emergency Action Plan (EAP) to be submitted to the NYSDEC and updated annually thereafter. The EAP outlines the responsibilities of the dam owner during an emergency, which personnel are responsible for performing various duties, and the resources available for use by the dam owner.

Additionally, the City is required to develop an Engineering Assessment (EA) of the dam every 10 years. The EA is a written report resulting from visual inspections, investigation and engineering analyses and conclusions as to whether the dam is in conformance with current dam safety regulations.

Both the EAP and EA were included within the scope of the NY Rising projects; however, due to budget constraints, had been removed from consideration by the State. Due to the availability of additional State funds for the NY Rising projects, it may be possible that the City be reimbursed for these reports by the State NY Rising funds.

Attached is the engineering proposal.

Mr. Ryan Coyne, PE
City Engineer
3rd Floor City Hall
1051 Boston Post Road
Rye, NY 10580

RE: Engineering Services for Bowman Avenue Dam
FILE: 12247/CRM 72546

Date January 6, 2022

Dear Mr. Coyne,

Ramboll Americas Engineering Solutions, Inc. (Ramboll), formerly known as O'Brien & Gere Engineers, Inc., is pleased to present this proposed scope of services for an Inspection & Maintenance (I&M) Plan, Emergency Action Plan (EAP) and the 2nd Engineering Assessment (EA) for the Bowman Avenue Dam to bring the dam into compliance with NYSDEC Dam Safety regulations.

Ramboll
751 Arbor Way
Suite 200
Blue Bell, PA 19422
USA

T 484-804-7200
F 215-628-9953
<https://ramboll.com>

According to the NY State Inventory of Dams, Bowman Avenue Dam is a 22-ft high, 122-ft long, concrete gravity dam located along Blind Brook in the City of Rye, NY. The dam is currently classified as a Class B, Intermediate Hazard dam. The dam is equipped with a large (~16 ft. wide) sluice gate that is typically in a partially open position to pass the normal stream flow. Heavy flows are temporarily impounded for downstream flood control during significant precipitation events.

Scope of Services

Background - Bowman Ave Dam Engineering Assessment and Emergency Action Plan

According to NYCRR Part 673, Engineering Assessments of Class "B" (*Intermediate* Hazard) dams were to be submitted to the New York State Department of Environmental Conservation (NYSDEC) by August 19, 2015, and performed every 10 years thereafter. The purpose of the Engineering Assessment (EA) is to provide the dam owner with a comprehensive review and investigation

into the overall condition of the structure, its capacity to meet current dam safety criteria and to identify potential deficient conditions.

In a letter to the City dated October 26, 2016, the NYSDEC stated that the *Sluice Gate Design Report* prepared by WSP-Sells in 2008 is considered the first EA and that the 2nd EA for Bowman Ave Dam would be due in 2020. Furthermore, the letter states that an Inspection & Maintenance (I&M) Plan should be developed and implemented and that an Emergency Action Plan (EAP) also needs to be developed. The City has requested a proposal from Ramboll to perform the EA and to develop the I&M Plan and the EAP.

In accordance with Part 673.13 and Division of Water (DOW) Technical and Operational Guidance Series (TOGS) 3.1.4 – *Guidance for Dam Engineering Assessment Reports*, a Dam Engineering Assessment shall consist of:

- A complete Safety Inspection, including a visual inspection of the dam and its appurtenances and a review of available records
- A Hazard classification evaluation
- An evaluation of spillway capacity
- An evaluation of the structural stability of the dam
- An evaluation of the outlet works (reservoir drain) capacity
- A review of the EAP
- A conclusion as to whether the dam is in conformance with current dam regulations and safety guidance.

Ramboll’s proposed scope of work for the tasks involved in developing the EAP and I&M Plan and performing the EA is provided below.

Task 1 – Bowman Ave Dam Post-Storm Inspection

The City of Rye requested that Ramboll perform a post-storm inspection at Bowman Avenue Dam, following the flash flood impacts from Tropical Storm Ida that passed through the area on September 1, 2021. The flood overtopped the dam, which prompted the inspection. Dreher Whetstone (Ramboll engineer) visited the site on September 13, 2021 to complete a visual inspection of the dam and nearby upstream and downstream areas.

Task 2 – Spillway Design Flood and Hazard Classification Assessment

Ramboll will perform a hazard classification assessment (HCA) in accordance with the guidance and procedures outlined in the DOW TOGS 3.1.5 Draft *Guidance for Dam Hazard Classification* (TOGS 3.1.5) to develop the appropriate Spillway Design Flood (SDF) for Bowman Avenue Dam. The impacts of a breach of the structure on the downstream area will be evaluated by considering several flood scenarios in the HCA. These include the ‘sunny day’ (or normal pool) with breach, the Spillway Design Flood (SDF) with and without a breach, and potentially the 50% Probable Maximum Flood (50% PMF) with and without a breach of the dam. As a class “B” *Intermediate* Hazard structure, the DEC-mandated SDF is 150% of the 100-year flood (150% 100-yr.). However, the results of the HCA could indicate that the appropriate hazard classification for the dam is Class “C” or *High* hazard. The SDF for a Class “C” dam is the 50% PMF. ‘Lives in jeopardy’ as a direct result of a dam breach, especially during a ‘sunny day’ breach, is the primary indicator of hazard potential. Thus, the hazard classification of Bowman Ave Dam

could change if the results of the 'sunny day' breach analysis indicate that inundation water depths and velocities in the densely developed downstream hazard area could place human life in jeopardy. Impacts to highways, railroads and other critical infrastructure are also considered in the HCA.

The dam breach analysis and hazard classification assessment will be implemented with the assistance of a digital terrain model and with information obtained during the visual inspection and review of available data. The United States Army Corps of Engineers HEC-HMS, HEC-RAS, and HEC-GeoRAS computer programs will be used to develop flood inflow hydrographs, outflow hydrographs and inundation limits and to estimate flood-wave travel times to key locations within the inundated area during the SDF.

A HEC-HMS hydrologic model of the Bowman Ave Dam watershed will be developed using information presented in reports provided by the City. The HEC-HMS model will be used to generate flood inflow hydrographs that will be routed through the Bowman Pond, the Bowman Ave Dam and the downstream channel in the HEC-RAS model outlined below. The 100-year rainfall depth and distribution used to develop the SDF will be based on data obtained from the Northeast Regional Climate Center (NRCC). Rainfall depth and distribution for the Probable Maximum Precipitation (PMP), used to develop the SDF for a Class 'C' dam (50% PMF), will be generated using Hydrometeorological Reports 51 and 52 (HMR 51/52).

Ramboll will develop a 2-dimensional HEC-RAS model, incorporating some data from the HEC-RAS model developed by Parsons Brinckerhoff and further refined by Ramboll during performance of the Upper Bowman Pond Modifications Study performed for the City. The HEC-RAS model may be appended with data from the effective FEMA FIS HEC-RAS model, additional topographic information obtained from available LiDAR data, Westchester County elevation data, the Microsoft Maps building footprint data set, and/or publicly available New York State Ortho-imagery.

Ramboll will follow the guidance and procedures outlined in the DOW TOGS 3.1.5 and the United States Bureau of Reclamation (USBR) ACER-11 Guidelines to assess flood impacts in the downstream hazard area and to make recommendations for the hazard classification for Bowman Ave Dam. The assessment, and any recommendations derived therefrom, will be included in the EA which will be appended with the hydrologic and hydraulic computations, computer output and mapping required by NYSDEC.

Inundation Mapping

A key feature of an EAP (see Task 3 below) is the inundation map that delineates areas potentially flooded in the event of a dam failure. Ramboll will prepare inundation maps in accordance with the EAP guidelines developed by NYSDEC. The inundation mapping will be geo-referenced in three dimensions and will be based on the HEC-RAS model discussed above. TOGS 3.1.5 recommends that inundation limits should be delineated far enough downstream of a dam that the difference in flood elevations between failure and non-failure events is less than two feet, or further based upon engineering judgment. It is anticipated that the inundation mapping will extend from Bowman Avenue Dam downstream through the City of Rye to the terminus of Blind Brook in the Long Island Sound.

Inundation Mapping

A key feature of an EAP (see Task 3 below) is the inundation map that delineates areas potentially flooded in the event of a dam failure. Ramboll will prepare inundation maps in accordance with the EAP guidelines developed by NYSDEC. The inundation mapping will be geo-referenced in three dimensions

and will be based on the HEC-RAS model discussed above. TOGS 3.1.5 recommends that inundation limits should be delineated far enough downstream of a dam that the difference in flood elevations between failure and non-failure events is less than two feet, or further based upon engineering judgment. It is anticipated that the inundation mapping will extend from Bowman Avenue Dam downstream through the City of Rye to the terminus of Blind Brook in the Long Island Sound.

Task 3 – Emergency Action Plan

Ramboll will prepare an EAP for Bowman Ave Dam in accordance with TOGS 3.1.3 – *Emergency Action Plan for Dams*. The dam is currently classified as Class “B”, Intermediate Hazard.

In addition to the responsibilities of various State and Local agencies, an EAP outlines the responsibilities of the dam owner during an emergency; which personnel are responsible for performing the various duties; and resources available for use by the dam owner. Ramboll anticipates working with the City of Rye during the development of the EAP, as completing a list of these items requires extensive knowledge of the dam owner’s resources. Note that the NYSDEC requires preparation of a Promulgation & Consent (P&C) form where the dam owner must transmit the EAP to local emergency response agencies and receive a return acknowledgement. Ramboll will contact the emergency managers listed in the EAP notification flowchart and discuss their roles and responsibilities under the EAP. Ramboll will send copies of the EAP to the Emergency Managers and request a written response acknowledging their concurrence with their role and responsibilities. Ramboll has found that these agencies often do not return the P&C form. Therefore, Ramboll will retain a transmission record for this document should the NYSDEC inquire.

A draft version of the EAP (including the inundation mapping) will be electronically submitted to the City of Rye for review. Ramboll will develop a final version of the EAP that addresses the City’s comments and meets requirements of the NYSDEC Dam Safety Program. It is assumed that a conclusion of Task 2 is that the dam remains a Class “B” structure.

Task 4 – Review of Available Data

Ramboll will review copies of as-built drawings, the *Sluice Gate Design Report*, previous inspection reports, and other information that may be available from the City or from the NYSDEC files prior to performing a visual inspection of the structure.

Task 5 – Visual Inspection and Dam Safety Inspection Report

A visual inspection of the dam will be performed by a team of two engineers that are experienced in dam inspection, investigation, design and construction. As described in Task 4, the engineers will review copies of previous inspection reports (by NYSDEC and others) prior to the site visit and will further investigate potential deficiencies or problem areas noted during these previous inspections. The team will also identify and note visual deficiencies or potential deficiencies that may not have been identified in previous inspections. A Dam Safety Inspection (DSI) report will be prepared in accordance with Part 673.12 and incorporated into the Engineering Assessment Report (EAR).

Task 6 - Stability Analysis Review

Since no modifications to the dam has occurred since the previous stability analysis performed by WSP Sells, Ramboll will simply review the previous stability analysis to confirm the results of the previous analysis are accurate and appropriate, based on available information. Should this review indicate that

an updated stability analysis is warranted, Ramboll will contact the City to discuss any necessary scope changes.

Task 7 - Engineering Assessment Report

The results of the visual inspection, investigations and engineering analyses described above, including a conclusion as to whether the dam is in conformance with current dam safety regulations, and recommendations for dam safety improvements will be presented in the EAR. The EAR will meet the requirements of the NYSDEC document TOGS 3.1.4. Draft copies of the EAR will be submitted to the City for review and comment, and Ramboll will meet with the City to discuss the review comments before finalizing the report. The final copies of the report will be submitted to the City and the NYSDEC Dam Safety Section and will contain executable copies of the computer model files used in the analyses of the dam, as required by DEC.

Task 8 – Inspection and Maintenance Plan

Ramboll will develop an Inspection and Maintenance (I&M) Plan for the Bowman Ave Dam in accordance with Part 673.6. The I&M Plan will be based on the NYSDEC “Template for an Inspection and Maintenance Plan for Dams” and will include the following general sections:

- A written narrative that describes the dam and appurtenant structures
- Checklist of routine inspection and maintenance procedures, including a plan view of the dam with areas for the inspector or maintenance personnel to make notes of actions taken or recommended
- Schedule for Informal Inspections, Dam Safety Inspections and Engineering Assessments
- Manufacturers’ literature for operation and maintenance of mechanical/electrical components (if provided by the City)
- Correspondence related to safety and performance of the dam
- Blank Copies of the Annual Certification form required by the 6 NYCRR Part 673.8 to be submitted by the dam owner to the NYSDEC – Dam Safety Section by January 31 of each year.

After consulting with operations and maintenance personnel that will be responsible for dam inspection and repairs (assumed to be representatives of the City), a draft of the I&M Plan will be submitted to the City for review. After the City’s review, Ramboll will develop the final version of the I&M Plan. The plan will be bound in a 3-ring binder to allow for inclusion of copies of key documents pertaining to the dam, including updated inspection reports.

PRICE PROPOSAL

Ramboll proposes to undertake the scope of work described in Tasks 1 through 8 above for a lump sum fee of **\$60,300**, as defined below.

Task	Task Fee
1 – Post-Storm Inspection	\$3,800
2 – SDF and Hazard Classification	\$21,300
3 – Emergency Action Plan	\$9,500
4 – Data/Records Review	\$1,500



5 – Visual Dam Safety Inspection & Report	\$6,600
6 –Stability Analysis Review	\$3,200
7 – Engineering Assessment Report	\$11,800
8 – Inspection & Maintenance Plan	\$5,200
Total:	\$62,900

Ramboll appreciates this opportunity to provide continued engineering services to the City of Rye. Please contact the undersigned at your convenience to discuss the contents of this proposal.

Yours sincerely

Dreher Whetstone

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CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 14, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Adjourn until March 16, 2022 the public hearing for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.

FOR THE MEETING OF
January 19, 2022

RECOMMENDATION: That the City Council adjourn the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City Council has received a petition from Miriam Osborn Memorial Home Association (“The Osborn”) to amend Chapter 197, *Zoning*, of the City Code to allow “Senior Living Facilities” (“SLF”) in the City’s R-2, *Single-Family Residence*, District. The petition submitted by The Osborn seeks to amend the text of the City Zoning Code to allow SLF in the City’s R-2 District. The proposed amendment would allow SLF as a new permitted use in the R-2 Residence District on those properties with 50 or more contiguous acres. The proposed amendment also includes new restrictions and requirements regarding maximum floor area, building setbacks, lot coverage and other development standards.

As currently proposed, the amendment would only apply to property currently owned by The Osborn. This property is the only property currently located in the R-2 District that meets the proposed 50-acre minimum lot area requirement. Currently, The Osborn is regulated outside of the City Zoning Code by way of a Declaration of Covenants and Restrictions, dated October 15, 1993.

The proposed amendment would regulate land use at The Osborn to include new standards that would allow The Osborn to make improvements to its campus that the current Covenants and Restrictions do not allow.

The latest submission (February 19, 2021), which includes findings from a traffic and sewer evaluation is attached. For prior submissions and other related information, please visit: [Osborn Zoning](#) on our website.