

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

**REGULAR MEETING OF THE CITY COUNCIL  
VIA ZOOM  
Wednesday, February 16, 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/92790948157?pwd=OEFBZWtSSlptK244cFlQWmlBUWJkQT09>

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: 927 9094 8157

Password: 508716

*[The Council will convene via ZOOM CONFERENCE at 6:00 p.m. and it is expected they will adjourn into a teleconference Executive Session at 6:01 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 February 2, 2022.
3. Acknowledgement of Jim Buonaiuto's service to the City of Rye.
4. Post Ida Storm Update.
5. Approve the application of Luke Henry Goldszer for the position of Volunteer Firefighter for the City of Rye Fire Department.

6. 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.
7. Continue the public hearing to create a new local law, Chapter 166 “Steep Slope Protection” regulating development on steep slopes.
8. 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.
9. Residents may be heard on matters for Council consideration that do not appear on the agenda.
10. Transfer \$180,000 from general fund to BV fund for technology upgrades to City Hall and to amend the prior authorization of an amount not to exceed from \$150,000 to \$160,000 for Council Chamber upgrades.
11. Adjourn until March 2, 2022 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.
12. Appointments to Boards and Commissions by the Mayor with Council approval.
13. Old Business/New Business.
14. Adjournment

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, March 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](http://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 February 2, 2022, at 6:30  
P.M.

PRESENT:

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

ABSENT: NONE

The Council convened at 5:30 P.M. by videoconference pursuant to the NYS Legislature waiving requirements of the Open Meetings Law. Councilman Henderson made a motion, seconded by Councilwoman Johnson, 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](http://www.ryeny.gov) for public viewing.

1. Roll Call.

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

2. Draft unapproved minutes of the Regular Meeting of the City Council held January 19, 2022.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd to approve the minutes of the Regular Meeting of the City Council held January 19, 2022.

3. Post Ida Storm Update.

Mayor Cohn stated that the City met with Congressman Bowman, senior Army Corps staff, and senior NYS Department of Environmental Conservation staff, hosted by Councilwoman Johnson and Councilman Henderson. The site visit included a tour that went as far north as the top of Wappanocca Avenue and as far south as the boat basin, discussing flooding stormwater drainage issues and dredging of the harbor.

City Manager Usry continued the update. He stated that this evening's presentation will focus on the 12 neighborhoods that were impacted during Hurricane Ida, and some during Hurricane Henri, that were not in connection with the Blind Brook and outside of the floodplain. He reminded the public that the presentations are available on the city's website.

Superintendent of Public Works, Ryan Coyne, presented a comprehensive and detailed report on various areas within the City that were flooded during Hurricane Ida, the underground pipes, and in-house solutions to help certain areas or pipes. (To see the entire presentation, go to <https://ryeny.new.swagit.com/videos/153938> at minute 6:00).

In summary, Superintendent Coyne discussed the location of certain City and County drainage pipes could not handle the level of water and that caused a backup. He gave a detailed report on the shortcomings of each major area that saw flooding.

Superintendent Coyne stated a report will be provided to the Council of the various remediation options that could be performed by City Staff, or on a bigger scale by engaging in design engineers for larger projects, for Council consideration in the near future.

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

City Manager Usry stated Superintendent Coyne and City Planner, Christian Miller, with input from the Flood Advisory Committee, put together a very comprehensive scope and proposed we utilize Ramboll Engineering to provide various options along the Blind Brook as well as areas not previously studied. The City is looking to identify potential viable flood mitigation measures by May of 2022.

While the Army Corps of Engineers may perform a study in the future that could take years, with opportunities for grant projects, Mayor Cohn emphasized the importance of performing a study ourselves so the Council and community can understand the funding process and the costs associated with beneficial projects.

Councilman Henderson clarified that this is not starting from scratch, as there has been many studies done in the past, but rather will be piggybacking on existing studies so we can advance these projects.

Councilman Nathan stated Ramboll Engineering is a firm that has worked on the New York Rising projects, but under a different name due to reorganizations and mergers. As such, this is not a new company but one that has developed extensive knowledge of the watershed and is familiar with prior studies conducted by other engineering firms.

Superintendent Coyne stated they have asked Ramboll to build on work they have previously done but also look at the downtown and other flood projects that may have not been studied previously. They would be tasked with a full hydraulic and hydrological analysis with up to 25 options, which should provide a robust study. There was emphasis on having projects ready and prepared for when Federal funding becomes available.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to engage Ramboll Engineering pursuant to its proposed scope of services

with respect to a study relating to flood mitigation in the Blind Brook watershed in an amount not to exceed \$350,000.

ROLL CALL

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

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

Corporation Council Kristin Wilson gave a brief overview of the changes from the last public hearing to this one. She stated that the only substantive change was increasing the minimum lot width from sixty feet to seventy-five feet in the R-1 through R-6 districts for new subdivisions.

Councilman Henderson asked for clarification regarding minimum lot width in the residential zones. City Planner Christian Miller provided clarification. There was general discussion about how this would impact the various residential zones among the council members.

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

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

Corporation Counsel Wilson explained that this is a new law, and explained the changes from the last version to the version before the Council this evening. First, she explained that the definition of “steep slope” had originally been defined it as 1000 square feet with a 25% gradient or more with a minimal horizontal distance of 25 feet. That definition has changed to 500 square feet, having a topical gradient of 25% or greater and a minimum distance of 10 feet. She also explained that the draft substantively changed on the review standard of the Planning Commission on slopes that are 35% or greater. This standard would be tied into when the property owner purchased the property (whether before or after the regulations were adopted). The Commission would conduct a site visit pursuant to the language of the law.

Mayor Cohn noted that the steep slope definition in the current draft echoes that of Rye’s municipal neighbors. After speaking with Planning Commission Chairman Everett, the recommendation would be to start with the 25% grade and see how it works. If the law is inadequately protective at 25%, the City can consider moving to a 15% grade.

Councilman Nathan asked about the impact be on the 35% exclusion and whether it may be extreme or not allow a property owner to exercise certain rights or enjoy their property.

Corporation Counsel Wilson stated that the draft seeks to find a balance between purchasing property with the new regulations on the books vs a property that was owned prior to the new regulations. The draft is currently written so that the Planning Commission could grant a property owner the necessary steep slope permit if it meets the criteria set forth in Section (B)(1) (a)-(d).

Mayor Cohn pointed out that this occurrence would be very rare. But he said to Councilman Nathan's point, if one acquires property of 35% slope after this law is in effect, the property is untouchable. A homeowner could always go to the Board of Appeals to seek relief from this, though.

There was general discussion about different scenarios with regard to slopes, gradients, percentages and dates of purchase of the property, and exigent circumstances.

Councilman Nathan inquired if waterfront properties should have separate consideration. Councilwoman Johnson responded that this is why the City has land use boards to use their skills on a case by case basis. There was discussion about waterfront properties, docks and decks.

There was discussion over the Planning Commission process. Simply put, City Planner Miller stated that the 25% slopes are subject to a series of requirements, which raises to a higher standard of requirements when they reach 35%. Councilman Stacks raised the issue of due diligence when it comes to purchasing new property. There was discussion about ensuring that there be a process to review this kind of development to avoid the issue of a taking occurring.

City Planner Miller discussed the standards of reviewing slope issues by both the Planning Commission and the Board of Appeals.

Councilman Henderson brought up the issue of the burden of proof being on the applicant in these types of cases. There was general discussion on that topic.

Councilwoman Souza inquired about whether there may be property owners who are stuck in the queue between the moratorium and the new law being passed. City Planner Miller responded that they would be held to the standard of the new law when it is passed.

Planning Commission Chairman Everett clarified that a waterfront property application would be subject to obtaining a wetland permit if doing anything within the 100 feet of the high water line or wetland edge.

Councilman Nathan stated he just wanted to make sure that the law does not add unnecessary burden to a homeowner in this case.

Jonathan Kraut, Rye resident, addressed the Council. He stated that if its overdevelopment that the City is trying to mitigate, that the Council focus on those issues, rather than the issues of steep slopes. He asked that the public be provided with the number of properties that this legislation would affect.

Councilwoman Souza made a motion, seconded by Councilman Nathan and unanimously carried, to hold the public hearing over to the next Council meeting.

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

Corporation Council Wilson introduced the changes to the amendment to Chapter 53.

Councilman Henderson recounted the reason behind the changes to the language regarding the standard of review. He stated that the language was amended in an effort make the standard attainable. There was further general discussion regarding the changes to the language.

Councilwoman Hurd reminded the Council that the purpose of the amendment is to protect the ARB’s decision when they go to the Zoning Board of Appeals. Mayor Cohn noted that the goal was to make the standard of review between the two boards more cohesive.

There was general discussion regarding seasonal applicants.

Jonathan Kraut, Rye Resident, asked how many applicants have been denied by the BAR and then approved by the Board of Appeals in the last year, five years and ten years. He suggested that the Council get a recommendation from the Board of Appeals regarding the proposed amendment. He recommended that the Council reconsider the requirements for the BAR board members.

Nick Everett, Rye Resident, confirmed that Town of Greenwich has an Architectural Review Board that is solely focused on commercial buildings.

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

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

There was no one from the public to speak.

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

City Manager Usry reported that the US Coast Guard intends to remove the Federal Channel buoys, as the sediment levels have reached a point where the area can may no longer fit into the coastguard guidelines. With the City’s plans to dredge forthcoming, which will hopefully restore the levels to that of a federal channel, the City’s consultant has advised that the City send a letter to the US Coast Guard objecting to the removal. Many constituencies across the City and in the surrounding areas are in agreement.

Mayor Cohn was hopeful that federal representatives would relay this message to the US Coast Guard.

Councilman Nathan, Boat Basin Commission liaison, reported that over 5,000 people traverse the channel annually, and spoke in support of the letter. He asked about the fact that the draft letter was addressed to the Department of State.

Corporation Counsel Wilson reported that the Department of State was the property entity to address the letter to, as it is the procedure for that entity to act as a “middle man” between the City and the Coast Guard.

Councilman Hurd applauded these efforts and those who have come forward to object to the removal of the buoys.

Councilman Stacks asked for an overview of the buoys that were to be removed. Councilman Nathan showed an aerial map presentation to explain the extent of the intended removal area.

Councilman Nathan made a motion, seconded by Councilman Stacks, and unanimously carried, to send a letter on behalf of the City of Rye to the US Coast Guard objecting to the removal of the federal channel buoys.

Suki van dijk, Rye resident, stated that this had been an ongoing issue. She felt that the Boat Basin should not be expected to be responsible for raising the funding for dredging the entire channel.

City Manager Usry briefly provided an overview and timeline of all the work that had been done on behalf of the City to secure permits to be able to move forward with dredging and the funding of these projects. He felt that at this time, the City has moved as forward as it can on its end to ensure that this endeavor can happen.

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

City Manager Usry explained that this is an Intermunicipal Agreement that is renewed every five years with the County, in which the City maintains a bus shelter. The City’s is located at the Rye Train Station.

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

**RESOLVED**, that the City Council authorize the City Manager to enter into an Intermunicipal Agreement with the County of Westchester Department of Public Works and Transportation for Bus Passenger Shelters.



**ROLL CALL**

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

**CONSENT AGENDA**

Councilwoman Johnson made a motion, seconded by Councilwoman Hurd and unanimously carried to approve the following requests:

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

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

- Lisa Dominici appointed as Chair of the Police Advisory Committee

16. Old Business/New Business.

There was nothing discussed under this agenda item.

17. Adjournment.

There being no further business to discuss, Councilman Henderson made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 9:33 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 11, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Post Ida Storm Update

**FOR THE MEETING OF:**

February 16, 2022

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: Department of Public Safety

DATE: February 16, 2022

CONTACT: Mike Kopy, Commissioner of Public Safety

**AGENDA ITEM:** Approve the application of Luke Henry Goldszer for the position of Volunteer Firefighter for the City of Rye Fire Department.

**FOR THE MEETING OF:**

February 16, 2022

**RECOMMENDATION:** That the Council approve this application.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

A background investigation was completed and it was determined that the applicant, a resident of Rye, is a viable candidate for the position of Volunteer Firefighter for the City or Rye Fire Department.



## Department of Public Safety

Michael A. Kopy

Commissioner of Public Safety

City of Rye, New York

21 McCullough Place Rye N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8867



TO: Greg Usry, Rye City Manager

FROM: Michael A. Kopy, Public Safety Commissioner

SUBJECT: Luke Henry Goldszer – Volunteer Firefighter Candidate

DATE: January 21, 2022

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The attached volunteer firefighter application is being forwarded for your review. Please be advised the applicant's background check has been cleared and he is acceptable to the department.

A handwritten signature in black ink, appearing to read "Michael A. Kopy", written over a horizontal line.

Commissioner Michael A. Kopy

MK/tc



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: February 16, 2022

CONTACT: Greg Usry, City Manager

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

**FOR THE MEETING OF:**  
February 16, 2022

**RECOMMENDATION:** That the Council conduct the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

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

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

George Latimer  
County Executive

December 23, 2021

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

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

Dear Mr. Miller:

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


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

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

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond  
Commissioner

NVD/LH

**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)~~ **seventy-five (75)** feet or narrower in width than fifty (50) feet in any other residence district in which a single-family dwelling is proposed.
- 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**.



**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		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

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

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

**C.2. Adopted land use plans.**

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

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

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

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

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

\_\_\_\_\_

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

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

If Yes,

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

**C.4. Existing community services.**

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

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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:
 

- 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)
- Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_
- 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:
 

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

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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:
 

- 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
- In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ 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): \_\_\_\_\_

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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): \_\_\_\_\_

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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

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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

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l. Hours of operation. Answer all items which apply.  
 i. During Construction:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_  
 ii. During Operations:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_

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



s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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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 coverytypes on the project site.

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

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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**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: \_\_\_\_\_  
 \_\_\_\_\_

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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: \_\_\_\_\_

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<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.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
		<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 <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) 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"/>

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

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

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may 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.  NO  YES  
(See Part 1. C.2.c, E.1.c., E.2.q.)  
*If “Yes”, answer questions a - e. If “No”, go to Section 12.*

	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)  NO  YES  
*If “Yes”, answer questions a - c. If “No”, go to Section 13.*

	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: February 16, 2022

CONTACT: Greg Usry, City Manager

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

**FOR THE MEETING OF:**

February 16, 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. \_\_\_\_\_ -2022  
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 scenic views, vistas, and open undeveloped areas that contribute to a sense of space in our developed, suburban environment, preserve areas of wildlife habitat, provide safe building sites, protect the subject property and the adjoining properties by preventing erosion, creep and sudden slope failure. In this connection the City Council finds as follows:
- (1) Protection of steep slopes is a matter of concern to the entire City. Once a steep slope is disturbed, that disturbance may well be 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 gullying 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

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

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

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**§ 166-2. Definitions.**

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

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

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

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

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

CITY — The City of Rye.

CITY COUNCIL — The City of Rye City Council.

CITY ENGINEER — The Engineer for the City of Rye.

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

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

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

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

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

MATERIAL — All liquid, solid or gaseous substances.

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

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

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

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

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

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

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

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

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

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

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

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

#### § 166-4. Applicability.

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

### ARTICLE II Regulated Activities and Review Standards

#### § 166-5. Allowable and regulated activities.

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

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

Deleted: <#>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.¶

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

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

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

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

(7) Alteration of the interior of a building.

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

Deleted: unless all or a portion of the building in 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, the Planning Commission may allow a structure to be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope, subject to subsection B below.

B. Decision.

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

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

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

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

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

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

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**Deleted:** shall be avoided and shall only be authorized by the Planning Commission upon a finding that such disturbance is necessary and 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 by clear and convincing evidence, that is, highly and substantially more likely to be true than untrue.

### **ARTICLE III Application Procedure**

#### **§ 166-7. Approval authority.**

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

#### **§ 166-8. Procedures for application.**

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

least to the boundary of the property under applicant's control. The contour map shall be prepared, signed and sealed by a professional land surveyor licensed to practice in New York State. The elevations and contours on said map shall be in United States Geological Survey (USGS) datum, latest revision.

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



- (1) A completed environmental assessment form in accordance with the New York State Environmental Quality Review Act.
  - (6) A list of all applicable City, county, state and federal permits that are required for such work or improvement.
  - (7) A list of names of owners of record of lands adjacent to the steep slope area in which the project is proposed to be undertaken.
  - (8) Payment of all applicable fees.
- B. Additional information. The following information and materials shall be supplied if requested by the City Planning Commission:
- (1) A site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, or professional engineer licensed in the State of New York showing:
    - (a) Cross sections of all disturbed steep slope areas.
    - (b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factors, and soil and rock strata in all areas of proposed disturbance shall be identified.
    - (c) A cut/fill map delineating proposed areas of disturbance at affected depths in increments of zero to three feet, three to six feet, six to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.
    - (d) A slope map showing existing and proposed slopes within the proposed disturbed area for each of the soil types described in Subsection B(1)(b) above.
    - (e) A stabilization and revegetation plan.
    - (f) Other information, including specific reports by qualified professionals regarding soils, geology and hydrology, as may be determined to be necessary by the Planning Commission.
  - (2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the Planning Commission, proposed controls and diversions of upland water.
  - (3) Estimates for the proposed site improvements, which shall be certified by a professional engineer, architect, or landscape architect licensed in the State of New York.

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

**§ 166-9. Fees**

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

**§ 166-10. Approval procedures; public hearing.**

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

**§ 166-11. Approval.**

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

**ARTICLE IV**  
**Steep Slope Work Permits**

**§ 166-12. Conditions and expiration.**

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

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

C. Expiration of steep slope work permit; extensions.

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

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

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

**ARTICLE V**  
**Enforcement**

**§ 166-14. 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, firm or corporation is performing work without a permit, the Building Inspector shall issue a stop-work order. Such stop work order shall remain in effect until such time that the Building Inspector determines that all appropriate permits are granted. 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. If revoked, all other construction related permits for the property shall also be revoked unless, in the interests of the general welfare, public health and safety, the work needs to continue.

- 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 liable for ~~punishable by~~ a fine of up to, not less than, \$1,000 or liquidated damages in the amount of \$100,000 per violation with each ~~Each~~ consecutive day of the violation ~~shall be~~ being considered a separate offense.

D. Denial of Construction Related Permits. Any person, firm or corporation, or any principal of the firm or corporation (or any successor or assign of any of them) who violates this Chapter shall be subject to a three year suspension of his or its privilege to obtain any construction related permits in the City of Rye, including, but not limited to, blasting permits, demolition permits, building permits, wetland permits, and steep slope permits.

#### **§ 166-15. 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.

<b>Part 1 – Project and Sponsor Information</b>			
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"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  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)



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: February 16, 2022

CONTACT: Greg Usry, City Manager

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

**FOR THE MEETING OF:**

February 16, 2022

**RECOMMENDATION:** That the Council conduct the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

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

**CITY OF RYE  
LOCAL LAW \_\_ OF 2022**

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

**Section 1.**

**§ 53-1 Legislative findings; definitions.**

A. The Council hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any residential, business and other areas in the City of Rye adversely affects the desirability of the immediate area and neighboring areas within the community and by so doing impairs the benefits of occupancy or use of real property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of the property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants of the community, and/or destroys a proper relationship between the taxable value of real property in the community and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects and thus to promote and protect the health, safety, morals and general welfare of the community.

B. As used in this chapter, the following terms shall have the meanings indicated:  
**[Amended 5-31-1995 by L.L. No. 6-1995]**

**ERECTED, RECONSTRUCTED or ALTERED**

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

**ORDINARY MAINTENANCE AND REPAIR**

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

**SMALL PROJECT**

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

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

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

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

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

## **STRUCTURE**

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

### **§ 53-2 Membership of Architectural Review Board.**

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

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

### **§ 53-3 Meetings and procedures of Board.**

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

- A. Meetings of the Board of Architectural Review shall be held at the call of the Chair and at such other times as the Board may determine but shall be held within **31** ~~21~~ 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 and approval 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, cause 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 cause by more likely than not [clear and convincing evidence,] that is, highly and substantially more likely to be true than untrue ~~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 cause by more likely than not [clear and convincing evidence,] that is,

**highly and substantially more likely to be true than untrue** ~~beyond a reasonable doubt~~ one or more of the harmful effects set forth in § 53-1 of this chapter and that the finding is not based on personal preference as to taste or choice of architectural style.

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

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

above, but which are of a similar nature, provided that the Board further finds that approval of the waiver will not be inconsistent with the spirit and intent of this section or less protective of the view from the abutting properties.

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

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

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

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

The Board of Architectural Review shall have the power to examine, review and, by majority vote of the total Board, approve or disapprove applications for the installation of satellite earth

station dish antennas, subject to the provisions of § 197-9D of the Code of the City of Rye. Satellite earth station dish antennas which measure one meter or less in diameter are permitted as of right in residential zones and are not subject to the provisions of this section or § 197-9D. Such antennas, which measure two meters or less in diameter, are permitted as of right in non-residentially zoned areas.

**§ 53-8 Advisory powers.**

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

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

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

**§ 53-10 Appeals.**

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

**§ 53-11 Powers of Board under Chapter 117.**

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

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

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

- [1] Not be located in a required front yard.
- [2] Be set back, including accessory equipment, from side and rear property lines at least 20 feet in R.1 Districts and 15 feet in all other districts.
- [3] Be screened, including accessory equipment, from the view of the street and abutting residentially zoned properties along the side and rear property lines. Such screening shall be reviewed and approved by the Board of Architectural Review pursuant to §§ **53-3** and **53-4** and the standards contained therein before a permit may be issued. [Amended 12-1-1982 by L.L. No. 12-1982]
- [4] Be completely surrounded by fences, freestanding walls and/or the walls of a building containing no doors, at least four feet high above grade at all points, and each gate or door opening through the fence or freestanding wall shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times and shall be locked when the pool is not in actual use.
- [5] Have no floodlighting, directly or indirectly, and all other lighting shall be arranged and shaded as to reflect light away from adjoining premises or a public street.
- [6] Be located at least 25 feet away from any septic tank and its fields.

Section 7. Severability

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

Section 8. Effective Date

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

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

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

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

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

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

Project: BAR Local Law

Date: January 2022

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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

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

Project: BAR LLDate: 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	Title of Responsible Officer
Josh Cohn, Mayor	Christian K. Miller, City Planner
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 16, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Transfer \$180,000 from general fund to BV fund for technology upgrades to City Hall and to amend the prior authorization of an amount not to exceed from \$150,000 to \$160,000 for Council Chamber upgrades.

**FOR THE MEETING OF:**

February 16, 2022

**RECOMMENDATION:** That the Council authorize the transfer.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Please see attached memo for more details.

## RESOLUTION

### **Authorizing the City Manager to Transfer Monies from the General Fund to the Building and Vehicle Maintenance Fund for improvements to the Council Chambers**

WHEREAS, the City settled with Altice for an amount of One Hundred Eighty Thousand Dollars (\$180,000.00) (the “Settlement Amount”) to satisfy outstanding franchise fee payments; and

WHEREAS, the City previously authorized the City to spend an amount not to exceed One Hundred and Fifty Thousand Dollars (\$150,000.00) to upgrade Council Chambers; and

WHEREAS, the estimated cost of the upgrades has increased slightly.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager to transfer the Settlement Amount from the General Fund to the Buildings and Vehicle Maintenance Fund; and

BE IT FURTHER RESOLVED, that the City authorizes the City to spend an amount not to exceed (\$160,000) for improvements to Council Chambers.



# MEMORANDUM

City of Rye \* RyeTV  
City Hall Boston Post Road Rye, NY 10580 T: 914.967.7242

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To: Greg Usry, City Manager  
From: Nicole Levitsky, RyeTV  
Date: 2/10/2022  
Re: Council Room Upgrades

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At the September 22<sup>nd</sup> City Council Meeting, the Council approved upgrades to be made to the Council Chambers, not to exceed \$150,000. The current quote is for \$155,617.17. The agreement and documentation for the project are attached.

The work to be done includes the following:

- Adding monitors on the two side walls for audience viewing and an additional monitor in the hallway for overflow.
- Addressing the intermittent sound issues in the Council room.
- Adding a new podium to serve as the point of control for the presentations. The controller will handle video feeds, including the zoom, to each monitor and can be changed as needed.
- Replacing the robotic cameras with HD cameras for better image quality on TV and the web stream. All will be wired to our existing switcher upstairs.
- To address the City's need for hybrid Zoom meetings, we will be adding a large monitor cart to allow for Zoom flexibility. The cart has the ability to automatically raise/lower. It holds a camera and microphone. During the Council hybrid meetings, the cart will be facing the dais. Zoom attendees will see the Council Members, and they in turn will see the Council. Remote presenters will appear on the large screen, along with their presentations. The cart will also be available for other roundtable hybrid Board meetings.
- Extensive re-wiring and controller programming to ensure the quality of the audio for in-person, television, and web-stream.

## SERVICES AGREEMENT

**THIS SERVICES AGREEMENT** (“Agreement”) is made effective on the **27th** day of **January 2022** , by and between **City of Rye** (“Owner”), with an address at **1051 Post Road, Rye, NY 10580**, and Graybar Electric Company, Inc. (“Supplier”), with a corporate address at 34 N. Meramec Avenue, St. Louis, MO 63105.

PROPERTY: **City Hall, 1051 Boston Post Rd., Rye, NY 10580**

**GENERAL SCOPE OF WORK: Meeting & Conferencing Integration, Full Matrix/Distributed Monitor feeds and new cameras in Council Chambers,**

**Warranty**

**Labor 1**

**Materials 1**

Owner desires to hire Supplier to perform the Work at the Property in accordance with Supplier’s Proposal, which is accepted by Owner and attached hereto and made a part hereof as **Attachment A**.

The Parties agree as follows:

- 1. The Work.** Supplier agrees to perform the Work set forth in the Supplier’s Proposal in **Attachment A**. Owner acknowledges that Supplier is not a licensed subcontractor in all jurisdictions and that, when applicable, Supplier will subcontract all services requiring licensure to an appropriately licensed subcontractor.
- 2. Commencement.** Supplier will start the Work upon receipt of materials and will perform the Work with diligence and promptness as requested by Owner and as mutually agreed upon by the parties. Supplier to coordinate with Owner before commencing Work.
- 3. Contract Price.** Subject to the Standard Terms and Conditions attached to this Agreement as **Attachment B**, Owner agrees to pay Supplier for the performance of the Work the total sum of **One Hundred Fifty Five Thousand, Six Hundred Seventeen Dollars and Seventeen Cents (\$155,617.17)**, subject to additions and deductions for changes requested or approved by Owner (the “Contract Price”).
- 4. Terms and Conditions.** The Standard Terms and Conditions, which are attached to this Agreement as **Attachment B** and are incorporated into this Agreement and govern all work performed by Supplier and its Subcontractors. In the event that any provision of any invoice, acknowledgment, quotation, proposal, delivery ticket, authorization, work order, schedule, purchase order, or other document whatsoever provided by either party to the other party conflicts with the provisions in this Agreement, the provisions of this Agreement shall control. This Agreement may be modified only by a writing signed by both parties.

**5. Special Provisions:**

**List of Attachments:** The following Attachments are part of this Agreement:

**Attachment A** – Supplier’s Proposal **Quotation 239817678**

**Attachment B** – Standard Terms and Conditions

**6. Payment Terms:**

Supplier will diligently pursue and substantially complete all work within a reasonable time. Supplier estimates substantial completion (“Substantial Completion”) will occur approximately 60 days from commencement. The Project will be considered substantially complete upon any of the following: (a) issuance of a government certificate of occupancy, final or temporary; (b) notice from Supplier that the work has been completed if a certificate of occupancy is not required; or (c) the Project is usable for the intended purpose.

Payments are due within thirty days from the submission to Owner of an invoice or application for payment. A "late payment" charge of one and one half percent (1 1/2%) per month or the maximum legal interest rate, whichever is greater, will be applied to all monies past due and shall be paid by Owner immediately upon demand.

**7. Complete Agreement.** This Agreement sets forth the entire and integrated agreement between Owner and Supplier and supersedes any and all prior agreements, representations, and negotiations. No verbal agreement or conversation with any representative or employee of Supplier, either before or after execution of the Agreement, shall affect or modify any of the terms or obligations of this Agreement.

[Owner]

Graybar Electric Company, Inc.

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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





2 WERNER RD  
 HALFMOON NY 12065  
 Phone: 518-436-4761  
 Fax: 518-434-6739

To: CITY OF RYE  
 1051 POST ROAD  
 RYE NY 10580-2945  
 Attn: Nicole Levitsky  
 Phone: 914-772-0283  
 Fax:  
 Email: adam.gentile@graybar.com

Date: 01/26/2022  
**Proj Name: COUNCIL CHAMBERS AV**  
**GB Quote #: 0239817678**  
 Release Nbr:  
 Purchase Order Nbr:  
 Additional Ref#  
 Valid From: 01/25/2022  
 Valid To: 02/24/2022  
 Contact: Adam Gentile  
 Email: adam.gentile@graybar.com

**Proposal**

We Appreciate Your Request and Take Pleasure in Responding As Follows

**Notes:**

**OMNIA Contract # EV2370**

Item	Item/Type	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		1 EA	HB COMMUNICATIONS	- RYE COUNCIL CHAMBERS MONITORS/CONFEREN		\$155,617.17	1	\$155,617.17

\*\*\*Item Note:\*\*\*

**Statement of Work**  
**Summary: Meeting & Conferencing Integration, Full Matrix/Distributed Monitor feeds in Council Chambers, New Cameras in Chambers**  
**HB Approach:**  
 · Meeting/Conferencing system for Council Chambers to accommodate remote participants  
 · Full Matrix Distributed monitor feeds # allow presenter#s desktop either locally or remote to be duplicated on multiple monitors as well as Cable feed  
 · Capability of different source feeds to each display in Chambers  
 · Wireless screen sharing for both Mayor#s Conference room & Council Chambers # not intended for use with video conferencing platforms/software  
 · Centralized control # individual control for Chambers feeds to displays # located in Chambers & Control Room  
 · New Podium with expanded capabilities & custom logo (color: black, Altice & City Seal)  
 · Local laptop input at Podium, in Control Room  
 · Ability for Council member to control signals & video conference during some meetings (2nd Crestron Touch panel)  
 · Integrate House Audio with video conference  
 · Upgrade wall mounted video cameras  
 · Performance Bond included - see line item quote for more detail  
**HB Scope of Work - Chambers:**  
 · Wall mount monitors in Chambers # angled back-to-back view to accommodate audience & council members # L&R side of Chambers (may require blocking)  
 · Display in hallway outside of Chambers (may require blocking) # no audio specified for this display  
 · Pull & Terminate new cabling for cameras # PoE & video # from existing camera locations to control room  
 · Mount Cameras to wall at same locations as existing (as close as possible)  
 · Pull, Terminate, label & dress wiring

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at [www.graybar.com](http://www.graybar.com) 24-Hour Emergency Phone#: 1-800-GRAYBAR

This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at [https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370\\_Graybar\\_MAD\\_2017\\_12\\_20.pdf](https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf)

To: CITY OF RYE  
1051 POST ROAD  
RYE NY 10580-2945  
Attn: Nicole Levitsky

Date: 01/26/2022  
Proj Name: COUNCIL CHAMBERS AV  
GB Quote #: 0239817678

## Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

- Use surface-mounted conduit where required
  - Pull feeds to Control Room for channel broadcast, system control, video conferencing, & signal routing
  - Auto-Height Adjusting Mobile floor standing mount for video conferencing system with local tracking camera
  - Optional microphone installed for certain meetings
  - Control Programming # develop GUI, Commission & Test
  - Install DSP with Programming for audio management of House audio & Video conferencing # no changes to existing board or user created mixes
  - Provide microphone cable extensions for dais mics
  - Owner furnished PC in Control Room can be used for video conferencing # other PCs can only be used for presentation
  - Test & commission all systems installed
  - Provide basic overview of new systems installed
- HB Scope of Work # Control Room:
- Pull, Terminate, label & dress wiring for new systems
  - Rack mount systems for Chambers in OFE Rack
- Project # P-116854 Quote #011170 v3 January 25, 2022  
tim.visgilio@hbcommunications.com
- Graybar - Rye Council Chambers Monitors/Conferencing/Cameras v3
- Setup new IP camera controller and network switch in control room
- HB Project Coordination:
- Kickoff meeting (either onsite or remote) will be scheduled upon receipt of order by HB
  - Review scope & set tentative schedule for installation
  - Equipment will be received and stored at HB until site installation can be scheduled
  - Equipment & Materials will be delivered to site by HB employees # only in special circumstances will a 3rd party delivery service be used
  - Equipment will be delivered to the appropriate location inside customer facility.
  - Schedule/coordinate onsite professional services
  - Equipment packaging will be removed from site or disposed of properly at client location
  - Area will be left clean after installation
- Assumptions:
- Zoom will be used as the primary video conferencing platform
  - Clear pathway for cabling
  - Proper blocking in walls for camera & monitor mounting
- Client Responsibilities:
- Configure network (wired & wireless) where applicable
  - o Wireless Screen Share system (Mersive) requires access to LAN
  - Ensure all owner furnished software licensing is documented and available to HB prior to commencing commissioning.
- Ensure all passwords and log-in information is available to HB at the time of installation.
- All environmental conditions are the responsibility of the owner # HVAC, power, etc.
  - Reasonable access onsite # normal business hours, free from other Trades working (i.e. Electrical, Painting, etc), clear path to all necessary locations, elevators, etc. # are the responsibility of the customer
  - Not covered is installation that expands functionality past basic intended use/need # for example; connections to other equipment located in different areas of facility, connections external to the facility, or functionality exceeding primary intended use.
  - It is assumed by HB that all owner furnished equipment is in good working order. Any charges/fees for parts & labor

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at [www.graybar.com](http://www.graybar.com)

24-Hour Emergency Phone#: 1-800-GRAYBAR

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This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at [https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370\\_Graybar\\_MAD\\_2017\\_12\\_20.pdf](https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf)

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To: CITY OF RYE  
1051 POST ROAD  
RYE NY 10580-2945  
Attn: Nicole Levitsky

Date: 01/26/2022  
Proj Name: COUNCIL CHAMBERS AV  
GB Quote #: 0239817678

## Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

related to equipment failures are the responsibility of the client.

- Additional labor hours or overtime labor resulting from Client Responsibilities not complete/available at the time of HB integration may be billable.

- Any functional/equipment needs not fulfilled by new or owner furnished gear at the time of installation will be the responsibility of the Client.

Project # P-116854 Quote #011170 v3 January 25, 2022

1 1 Poly 7200-85860-001 Poly G7500 Base Unit (No Cam) Maint Req \$4,099.18 \$4,099.18

2 1 Poly 4870-85860-160D

Partner Premier, 1YR, Poly G7500 4k Code \$451.00 \$451.00

3 1 Poly 2200-87090-001 STUDIO E70 \$2,869.96 \$2,869.96

4 1 Poly 4870-87090-160D

Partner Premier, 1YR, POLY Studio E70 \$230.38 \$230.38

5 1 Icron 3104 Pro Icron USB 3-2-1 Raven 3104 Pro - NA, Icron 4 Port Pro USB 3-2-1 CAT 6a/7 Extender System 100-240V Adapter - NA Plug

\$1,394.00 \$1,394.00

6 1 Crestron DM-TX-4KZ-202-C DigitalMedia 8G+ 4K60 4:4:4 HDR Transmitters 202 \$1,230.00 \$1,230.00

7 Crestron DM-MD8X8-CPU3

8x8 DigitalMediaSwitcher \$3,526.00

8 Crestron DMC-4KZ-C DigitalMedia 8G+ 4K60 4:4:4 HDR Input Card for DM Switchers, HDBaseT Compatible \$902.00

9 Crestron DMC-4KZ-HD HDMI 4K60 4:4:4 HDR Input Card for DM Switchers \$3,280.00

10 Crestron DMC-SDI 3G-SDI Input Card for DM Switchers \$984.00

11 Crestron DMC-4KZ-CO-HD 2-Channel DigitalMedia 8G+ 4K60 4:4:4 HDR Output Card for DM Switchers \$1,066.00

12 Crestron DMC-4KZ-HDO 2-Channel HDMI 4K60 4:4:4 HDR Scaling Output Card for DM Switchers \$4,428.00

13 Crestron CP4N 4-Series Control System \$2,296.00

14 1 Crestron DM-DA4-4K-C 1:4 4K HDMI to DM 8G+ & HDBaseT Splitter \$2,214.00 \$2,214.00

15 6 Crestron DM-RMC-4KZ#SCALER-C

DigitalMedia 8G+ 4K60 4:4:4 HDR Receiver and Room Controller with Scaler \$1,476.00 \$8,856.00

16 2 Crestron TS-770-B-S 7 in. Tabletop Touch Screen, Black Smooth[Just Released] \$1,640.00 \$3,280.00

17 1 Mersive

Solstice

SP-8100-E1 Solstice Pod Gen3 with perpetual Small Group Edition Enterprise software license (4 simultaneous users) and 1 free year Solstice Subscription to upgrades and support (power supply and HDMI cable sold separately)

\$983.18 \$983.18

18 1 Mersive

Solstice

SP-8301-E Solstice Pod Gen3 Power Supply \$0.00 \$0.00

19 1 Marshal

Furniture

MRTA-RC25-STD

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

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To: CITY OF RYE  
1051 POST ROAD  
RYE NY 10580-2945  
Attn: Nicole Levitsky

Date: 01/26/2022  
Proj Name: COUNCIL CHAMBERS AV  
GB Quote #: 0239817678

## Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

### WOOD

25" w Radius Style MRTA Lectern with Radius Aluminum Corners (Custom logo not included)

\$4,936.40 \$4,936.40

The above price includes a flat work surface with angled back wall, grommets as needed, fixed height keyboard shelf, medium cable reservoir, clock timer, cutout for a Sennheiser MZT30 XLR socket for a Sennheiser MZH 3015 microphone, standard locking doors, 14RU front/rear fixed rack rails, locking rear access panel, aluminum radius corners, floor access, passive ventilation and 4" locking

swivel carpet casters with a notched toe for air intake. There will be a quantity of (1).

20 1 Marshal

Furniture

Custom Marshall Optional: Single color etched laser logo \$600.00 \$600.00

21 1 Marshal

Furniture

Custom Marshall Optional: Vinyl logo (EPS or AI file format artwork is required) \$400.00 \$400.00

Chambers & Hallway Displays:

22 4 Philips

Commercial

65BDL3510Q/00 65" (18/7 Landscape & Portrait) Display, UHD (3840x2160), 400 cd/m2, USB, 3 Year Advance Exchange Warranty

\$1,638.36 \$6,553.44

23 4 Chief PWRUB SINGLE ARM DUAL ST.UNIVERSAL \$464.12 \$1,856.48

24 1 Chief TS110SU THIN SINGLE ARM SWINGARM \$91.02 \$91.02

25 1 Philips 32BDL3510Q/00 32" (18/7 Landscape & 12/7 Portrait) Display, FHD (1920x1080), 350 cd/m2, USB, 3 Year Advance Exchange Warranty

\$649.44 \$649.44

26 1 Philips

Commercial

65BDL3510Q/00 65" (18/7 Landscape & Portrait) Display, UHD (3840x2160), 400 cd/m2, USB, 3 Year Advance Exchange Warranty

\$1,638.36 \$1,638.36

27 Salamander

Designs

FPS1/EL/GG Mobile Stand, Electric Lift- Graphite / Gray \$2,049.18

28 Salamander

Designs

FPSC/CS FPS Camera Shelf \$555.96

29 Salamander

Designs

FPSC/CR FPS Cable Reel 30' Payout, 24" Tri-Tap Female \$236.98

30 1 Biamp 0395.900 Fixed I/O DSP with 12 analog inputs, 8 analog outputs, 8 channels configurable USB audio, 128 x 128 channels of AVB, and AEC technology (all 12 inputs)

\$3,032.36 \$3,032.36

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

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24-Hour Emergency Phone#: 1-800-GRAYBAR

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To: CITY OF RYE  
1051 POST ROAD  
RYE NY 10580-2945  
Attn: Nicole Levitsky

Date:  
**Proj Name:**  
**GB Quote #:**

01/26/2022  
**COUNCIL CHAMBERS AV**  
**0239817678**

## Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

31 1 BIAMP 0341.900 Tesira EX-AEC \$1,457.96 \$1,457.96  
32 2 Audix M60 Boundary Microphone \$401.80 \$803.60  
33 1 Luxul XMS-1208P 12-Port/8 PoE+ Gigabit Managed Switch \$397.70 \$397.70  
34 1 Black Magic  
Design  
BMD#CONVCMIC/HS03  
G/WPSU  
Micro Converter HDMI to SDI 3G PSU \$48.38 \$48.38  
35 1 OFE OFE Owner Furnished Equipment: Equipment Rack \$0.00 \$0.00  
36 HB BrEng Broadcast Engineer \$2,800.00  
37 HB Eng Engineering \$5,600.00  
38 HB Draft Drafting \$600.00  
39 HB BrPM Broadcast Project Management \$5,200.00  
40 HB BrInstall Broadcast Installation \$3,000.00  
41 HB ProgControl Programming - Control System \$2,900.00  
42 HB BrCommision Broadcast Commissioning \$2,080.00  
43 HB ProgControl Programming - Control System \$3,360.00  
44 HB ProgDSP Programming - DSP/Other \$2,880.00  
45 HB UCEng UC Engineering \$1,400.00  
46 HB SiteInstall Site Installation \$11,880.00  
47 HB SiteCommission Site Commissioning \$3,120.00  
48 HB GenAdmin G&A \$1,024.00  
49 HB CCM Cables & Connectors \$2,196.06  
50 HB Freight Freight \$1,663.68  
51 HB Custom Performance Bond

1 4 Sony  
Professional  
SRG-300H/W 30X 1080P/60 PTZ CAMERA -HDMI, White \$2,404.65 \$9,618.60  
2 1 Sony  
Professional  
RMIP10 Controller Compatible with BRC Series (except BRC-300 & BRC-H700) & SRG Series \$1,751.00 \$1,751.00  
3 4 Vaddio 535-2000-243 THIN PROFILE WALL MOUNT SONY/PANA CAMS \$121.55 \$486.20  
4 1 Luxul XMS-1010P 10-Port/8 PoE+ GbE Managed Switch \$327.25 \$327.25  
5 HB Draft Drafting \$300.00  
6 HB SiteInstall Site Installation \$10,494.00  
7 HB BrEng Broadcast Engineer \$2,800.00  
8 HB BrCommision Broadcast Commissioning \$2,080.00  
9 HB BrPM Broadcast Project Management \$3,900.00  
10 HB BrInstall Broadcast Installation \$2,500.00  
11 HB GenAdmin G&A \$1,088.00  
12 HB CCM Cables & Connectors \$2,703.00  
13 HB Freight Freight \$468.42

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To: CITY OF RYE  
1051 POST ROAD  
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Date: 01/26/2022  
**Proj Name: COUNCIL CHAMBERS AV**  
**GB Quote #: 0239817678**

## Proposal

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**Total in USD (Tax not included): \$155,617.17**

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01/26/2022  
**COUNCIL CHAMBERS AV**  
**0239817678**

## Proposal

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Signed: \_\_\_\_\_

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**ATTACHMENT B  
SUPPLY AND INSTALLATION**

**STANDARD TERMS AND CONDITIONS**

1. **Contractual Conditions.** These Standard Terms and Conditions are not binding until Owner has authorized Supplier to commence work by execution of the Services Agreement.
2. **Warranty.**
  - A. **Workmanship:** Supplier warrants that the Work will be performed in a good and workmanlike manner in accordance with the Supplier's Proposal.
  - B. **Material Warranty:** Supplier warrants that all materials sold to Owner (the "Products") are free of any security interest, and Supplier will make available to Owner all transferable warranties made to Supplier by the manufacturer of the Products.
  - C. **Entire Warranty:** SUBJECT TO ANY DIFFERENT OR ADDITIONAL WARRANTIES PROVIDED IN ATTACHMENT A, SUPPLIER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE WORK OR THE PRODUCTS, AND SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. WITHOUT LIMITATION OF THE PRECEDING SENTENCE, THE WARRANTIES OF THIS SECTION 2 DO NOT COVER ANY FAILURE OR DEFECT RESULTING FROM: (I) SUBSTRATE DETERIORATION OR MOVEMENT, (II) WATER INFILTRATION, (III) HARMFUL CHEMICALS, FUMES OR VAPORS, (IV) VANDALISM OR PHYSICAL ABUSE, (V) LACK OF PROPER MAINTENANCE AND REPAIR, (VI) UNAUTHORIZED PENETRATIONS OR REPAIRS, OR (VII) ACTS BEYOND THE REASONABLE CONTROL OF SUPPLIER, SUCH AS FIRE, FLOOD, EARTHQUAKE, TORNADO, EXPLOSIONS, ACTS OF GOD OR OTHER CATASTROPHIC EVENTS.
  - D. **Supplier's Obligation:** Supplier shall correct, or shall cause its Subcontractor to correct, any defects due to a breach of the foregoing warranties, which appear on or before the earlier of (i) eighteen (18) months after the first delivery of the Products to the Property, or (ii) twelve (12) months after Substantial Completion of the Work (the "Warranty Period"). Supplier's obligation and liability under the foregoing warranties are limited to the repair or replacement of any defective workmanship or materials, at the Property, and shall not in any case extend to any loss of anticipated profits, rents, shutdown or non-operation of the facility, or other consequential loss suffered by Owner from any cause, including defects covered by this paragraph
  - E. **Notice:** Any warranty claim must be presented in writing to Supplier prior to the expiration of the Warranty Period, or the claim shall be waived.
3. **Permits.** Unless otherwise provided in the Agreement, all building, construction, and other permits required for the Work shall be obtained by Owner with Supplier's assistance but at no cost to Supplier.
4. **Other Charges.** The Contract Price shall include applicable sales and use tax. However, Owner shall pay any other charges upon the sale, use, transportation, production or installation of the material, structures, or real property additions and improvements in excess of those covered by this Agreement. If Supplier is required to pay any such charges, Owner shall promptly reimburse Supplier
5. **Performance Dates.** The schedule, if stated in the Agreement or the Supplier's Proposal, is approximate and is not guaranteed by Supplier. Supplier shall not be liable for delays in delivery, fabrication or installation when such delays result from acts of government, acts of God, adverse weather, war, riot, labor disputes, civil insurrection or any other causes beyond Supplier's reasonable control, and the date of performance shall be adjusted for any such delays. Supplier shall not be responsible for damages for delayed completion.



6. **Contract Amendments.** Either Supplier or Owner may propose changes to the Work, and such changes shall be incorporated into the Work as long as each party agrees in writing upon the appropriate adjustments to the Contract Price and the schedule (each such writing being a "Change Order").
7. **Facility/Site Conditions.** Owner shall provide adequate and safe working and storage areas, utilities, and reasonable access to the Property. Owner shall pay any additional costs incurred by Supplier as a result of variations in the conditions of the Property (including but not limited to conditions that were not reasonably anticipated by Supplier.)
8. **Hazardous Conditions.** Upon execution of this Agreement, Owner will provide notice of any hazardous or dangerous conditions on the Property. In the event that Supplier encounters material on the site that is reasonably believed to be a hazardous substance, including without limitation, asbestos-containing material, Supplier will immediately stop work in the area affected and report the condition to the Owner.
- A. Upon Supplier's notice, Owner shall obtain the services of a licensed laboratory to verify the presence or absence of the material or substance reported and, in the event such material or substance is found to be present, to cause it to be rendered harmless. When the material or substance has been rendered harmless, Work in the affected area shall resume upon written agreement of Owner and Supplier. By Change Order, the schedule shall be extended appropriately and the Contract Price shall be increased in the amount of Supplier's reasonable additional costs of shut-down, delay and start-up.
- B. To the fullest extent permitted by law, Owner shall indemnify and hold harmless Supplier and its subcontractors, agents and employees or any of them from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Work in the affected area if hazardous materials or materials or substances that present the risk of bodily injury or death have not been rendered harmless, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself), except to the extent that such damage, loss or expense is due to the fault or negligence of the party seeking indemnity.
9. **Labor.** Supplier will use non-union labor for the performance of the Work. If use of union labor or the payment of prevailing wages is required, the Contract Price will be modified to reflect the cost of using union labor or paying prevailing wages.
10. **Indemnification.** Subject to the limitation of liability provided in Section 13:
- A. Owner agrees to defend and indemnify Supplier against any loss or expense from any claim or suit against Supplier as a result of any bodily injury or property damage caused by the negligence of Owner or its agents, employees, or suppliers; and
- B. Supplier agrees to indemnify Owner for any loss or expense from any claim or suit against Owner as a result of any bodily injury or property damage caused by the negligence of Supplier or its subcontractors, agents or employees. In no event shall a party be required to indemnify the other party for the other party's negligence.
- 11. Insurance.**
- A. **Owner's Insurance.** Owner will procure and maintain Commercial General Liability insurance from commencement of the Work until twelve (12) months after the Work is finally completed. The limit of liability under such insurance shall be at least \$1,000,000 for any one occurrence. Owner shall also purchase and maintain for the term of the Agreement both property and casualty insurance for the full replacement value of the Property and statutory workers compensation insurance.
- B. Owner and Supplier waive all rights of subrogation for workers compensation claims.
- C. **Supplier's Insurance.** Supplier shall purchase and maintain insurance of the following types of coverage and limits of liability:
- |                                       |                  |
|---------------------------------------|------------------|
| 1. Commercial General Liability (CGL) | \$1,000,000      |
| 2. Business Automobile Liability      | \$1,000,000      |
| 3. Umbrella                           | \$1,000,000      |
| 4. Worker's Compensation              | Statutory Limits |
- D. Supplier will name Owner as an additional insured on commercial general liability insurance policies upon request with respect to Supplier's negligence in its performance under this Agreement.

12. **Limitation of Liability.** IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY INDIRECT, SPECIAL OR CONSEQUENTIAL LOSS OR DAMAGE ARISING OUT OF ANY WORK PERFORMED HEREUNDER, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PROFIT, BUSINESS INTERRUPTION, INTEREST, INCREASED EXPENSES OF OPERATION OF THE PROJECT, THE FACILITY OR OTHER FACILITIES, OR SPECIAL CONSEQUENTIAL LOSS OR DAMAGE, ARISING FROM ANY CAUSE WHATSOEVER (WHETHER SOUNDING IN CONTRACT, TORT, STRICT LIABILITY, OR OTHERWISE), ALL REGARDLESS OF WHETHER SUCH PARTY KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY OF SUCH LOSSES. To the fullest extent permitted by law, the total liability, in the aggregate, of Supplier to Owner or anyone claiming by or through Owner, for any and all liabilities, claims, losses, expenses, or damages whatsoever arising out of or in any way related to Supplier's services or the Work, from any cause or causes whatsoever, including without limitation, negligence, strict liability, warranty, or breach of contract, shall not exceed the Contract Amount.
13. **Cancellation.** Upon cancellation of this Agreement prior to completion of the Work, Owner shall be responsible to Supplier for all costs of cancellation, including (1) the proportionate Contract Price for all Work completed, whether shipped or not, prior to Supplier's receipt of notice or cancellation; (2) all costs incurred by Supplier in connection with Work not completed at the time notice of cancellation is received; (3) Supplier's full anticipated fee for this Agreement and (4) all expenses incurred by Supplier by reason of such cancellation, including costs arising from termination of subcontractors and vendors. This clause shall not limit nor apply to Owner's remedies in the event Supplier breaches or fails to perform any of the material terms of this Agreement; provided, however, that Supplier's liability shall be subject to the limitation of liability set forth in these Terms and Conditions.
14. **Default.**
- A. If Owner fails to make payment for a period of thirty (30) days after the date the payment is due, Supplier may, upon three (3) days' written notice to Owner, terminate this Agreement and recover from the Owner payment for Work performed and for loss with respect to materials, equipment, tools, and construction equipment and machinery, including reasonable overhead and profit applicable to the Project.
- B. If Supplier fails to perform a provision of this Agreement or neglects to carry out the Work in accordance with this Agreement, within fifteen (15) days after receipt of written notice of such default from Owner, then Owner may perform or correct such deficiencies and may deduct the reasonably documented cost thereof from the payment due Supplier. If the unpaid balance of the Contract Price exceeds the cost of finishing the Work, such excess shall be paid to Supplier, but if such costs exceed such unpaid balance, Supplier shall pay the difference to Owner, subject to the limitation of liability set forth in these Terms and Conditions.
15. **Choice of Law.** This Agreement and any disputes arising under or related to it shall be governed by the laws of the State of Missouri.
16. **Assigns.** Neither party shall assign this Agreement without written consent of the other party. Notwithstanding the foregoing, Supplier will be permitted, without the prior written consent of Owner, to subcontract all or portions of the Work to third party subcontractors and/or to assign this Agreement to an affiliate of Supplier.
17. **Attorneys' Fees.** In any proceeding or other action brought by one party against the other party to enforce or interpret the terms of this Agreement, or to resolve any dispute concerning any of the services, work, or obligations of this Agreement or any other matter arising out of this Agreement, the prevailing party in such proceeding or action shall be entitled, in addition to such other relief the court may grant, to an award of its costs and expenses incurred in connection with the proceeding or action, including, but not limited to, reasonable fees and disbursements of its attorneys.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 16, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Adjourn until March 2, 2022 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.

**FOR THE MEETING OF:**

February 16, 2022

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See summary of proposed changes.

## Summary of Differences: Leaf Blowers/Landscapers

	<b>Previous Law</b>	<b>Proposed Changes</b>
<b>Permit</b>	Landscaping permit not required	<p>Landscapers must register ANNUALLY to operate within the City limits.</p> <ul style="list-style-type: none"> <li>• Proof of a valid and current Westchester County Home Improvement License and insurance information required</li> <li>• Stated and signed agreement that leaf blower laws are understood and will be followed</li> <li>• Landscaper Registration Tag issued and must be visible in vehicle</li> </ul>
<b>Permissible Dates to Operate Leaf Blowers and Other Lawn Equipment</b>	<p>October 1 and April 30                      Weekdays 8 am – 8 pm                      Weekends 10 am – 6 pm</p>	<p>October 1 and April 30                      Weekdays 8 am – 6 pm                      Weekends 10 am – 4 pm</p>
<b>Storm Exemption</b>	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time <b>not to exceed seven days</b> after significant storm events or during other emergency situations circumstances.	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time <b>not to exceed fourteen days</b> after significant storm events or during other emergency situations circumstances.
<b>Leaf Blower Noise</b>	Gas and Electric leaf blower 85 db(A)	<p>Gas and Electric leaf blowers 85 db(A)</p> <p>Effective January 2023, electric leaf blowers <b>ONLY</b> with maximum permitted intensity of 65 db(A)</p>
<b>Penalties</b>	Owner of the property <b>OR</b> the person performing such violation shall be notified to suspend all work and be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.	The party operating the leaf blower <b>AND</b> the party who employed the person to operate the leaf blower at the time of violation <b>AND</b> the party who owns the property where the violation occurs will be subject to a fine of \$250 for the first offense, a fine not to exceed the sum of \$350 for the second offense and revocation of the Landscaper’s permit for the next 6 (six) months upon the third offense. Any Landscaper found operating without a permit or after the permit has been revoked, or a property owner on the third offense, shall be punished by a fine of up to \$1,500.



## **POLICE DEPARTMENT**

City of Rye, New York  
21 McCullough Place  
Rye, N. Y. 10580  
Phone: (914) 967-1234  
FAX: (914) 967-8341



Michael A. Kopy  
*Public Safety*

*Commissioner*

December 8, 2021

To: Greg Usry, City Manager  
From: Michael A. Kopy, Public Safety Commissioner  
Subject: Leaf Blower Violations

During the month of November 2021, the Police Department responded to or observed 70 possible violations of Section 133-7 of the city code. These responses resulted in 36 summons being issued. No summons were issued for the remaining calls due to a variety of factors including:

- 1) the violators may have been gone prior to the arrival of the patrol, or
- 2) that a violation of the code ceased prior to the arrival of the patrol.

During the month of November 2020, there were 14 calls for potential violations of Section 133-7 with one summons issued.

I expect that enforcement levels will drop significantly during the month of December as the fall leaf clean up season ends.