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

REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, November 9, 2022
6:30 p.m.

Residents may email comments regarding the public hearing to: **publichearingcomments@ryeny.gov**. All comments must be received by 4:00 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

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

1. Pledge of Allegiance.

2. Roll Call.

3. Draft unapproved minutes of the Regular Meeting of the City Council held October 26, 2022.

4. Flooding Update.

5. Continue the public hearing to adopt a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations".

6. Presentation of the proposed FY 2023 Budget by the City Manager.

7. Consideration to set a public hearing on the 2023 Budget for December 7, 2022

8. Set a public hearing to adopt a Local Law to override the State enacted tax levy limitation for December 21, 2022, if necessary.

9. Consideration of a resolution adopting a SEQR Negative Declaration and LWRP Coastal Consistency Determination in connection with the proposed construction of a new salt shed and recycling facility at the City's Public Works Facility at Disbrow Park.

10. Consideration of a resolution adopting a SEQR Negative Declaration and LWRP Coastal Consistency Determination in connection with the proposed construction of a new DPW garage and administrative building at the City's Public Works Facility at Disbrow Park.

11. Update on other Capital Projects.

12. Review and adoption of an updated Procurement Policy for the City of Rye.

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

14. Open a public hearing to consider a local law to add a new Chapter 89 "Fats, Oils and Grease Abatement" to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments.

15. Refer to the BAR and set a public hearing for November 30, 2022 to consider an application from Airosmith Development engaged with AT&T to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.

16. Consideration of an application from T-Mobile Northeast, LLC to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.

17. CONSENT AGENDA

    a. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 30, 2022 from 12:00 p.m. to 4:00 p.m.

    b. Consideration of a request by the Midland Elementary School PTO to allow two to three food trucks as part of the Midland Fair on Saturday, April 30, 2022 from 11:00 a.m. to 5:00 p.m. The City Council will have to waive § 144-8D and G of the City Code.

18. Old Business/New Business.

19. Adjournment

* *

The next regular meeting of the City Council will be held on Wednesday, November 30, 2022 at 6:30 p.m. The Budget Work Sessions will take place on November 14 & 16, 2022 at 6:30 p.m.

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

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 26, 2022, at 6:30 P.M.

PRESENT:
JOSH COHN, Mayor
BILL HENDERSON
EMILY HURD
CAROLINA JOHNSON
BENJAMIN STACKS
Councilmembers

ABSENT:
JOSHUA NATHAN
JULIE SOUZA

The Council convened at 6:00pm. Councilman Stacks made a motion, seconded by Councilman Henderson, to enter into executive session to discuss personnel and litigation issues. The Council reconvened in the public meeting at 6:30 P.M. The meeting was held in person and also streamed live at www.ryeny.gov for public viewing.

1. Pledge of Allegiance.

Mayor Cohn led the Council in the Pledge of Allegiance.

2. Role Call.

Assistant City Manager Shea called the roll and there was a quorum.

3. Draft unapproved minutes of the Regular Meeting of the City Council held October 12, 2022.

Councilwoman Hurd made a motion, seconded by Councilman Stacks, to draft the unapproved minutes of the City Council meeting held October 12, 2022.

4. Recognition of the Garden Club of Rye for plantings and beautification of the Square House grounds.

Mayor Cohn thanked the Garden Club for the beautification work done on the Square House grounds, and he appreciated the City staff's cooperation. Councilwoman Johnson said a lot of thought was put into the project. The Council agreed and thanked the Garden Club.

Garden Club members arrived later in the meeting and were invited to the podium. They shared additional photos and identified potential locations for new benches. Garden Club members thanked City Council, Rye Historical Society, and City staff for their fantastic cooperation.

5. Flooding Update.

Mayor Cohn reminded the Council that the City was working on applications for FEMA grants which were due by November 9th. City Manager Greg Usry expected the grant application would be wrapped up around November 5th and submitted timely. Mr. Usry noted there was an organizational call with DASNY at it relates to the emergency action plan and the interior and engineering assessment for the dam, to be completed by December and January, respectfully.

With Election Day nearing, Mayor Cohn reminded everyone of the environmental bond on the ballot. If the bond passed there would be additional funds for flooding. The mayor asked voters to turn the ballot over and consider their vote on the issue.

6. Rose/Bedrock Presentation.

Mayor Cohn welcomed the Rose/Bedrock representatives and invited them to make their presentation on the Starwood development proposed at the former United Hospital site in Port Chester. Councilman Stacks temporarily recused himself from the item.

Tony Gioffre of the law firm Cuddy & Feder presented on behalf of Boston Post Road Owners LLC. Michael Adamo, Managing Director of Development at Rose Associates was also in attendance. Mr. Gioffre stated the Village of Port Chester had a vision grander than two-family zoning in the 15.5-acre parcel at the corner of High Street and Boston Post Road. He provided a brief recent history of the development. Starwood bought the property out of bankruptcy and in 2013, Port Chester amended the R2F two-family zoning to a brand-new district called the Planned Mixed Use district, or PMU, and it is the only parcel in Port Chester zoned as such. In 2017, the conceptual plan proposed was approved by Port Chester with zoning text amendments. Starwood sold the property to more modifications were proposed. In 2020, Port Chester replaced prior Euclidian zoning and adopted a form-based code.

Mr. Adamo presented the most recent proposal to demolish all 600,000 square feet of existing structures and build 775 multi-family rental units, retail buildings, and an 18,000-square-foot center building. The site plan included a 120-key hotel, 90 units of independent living, and 110 units of memory care assisted living. Mr. Adamo shared photos of the rendered view from Boston Post Road with decorative landscaping and sidewalks, capturing the 30-foot grade from the road to the peak of the property. He confirmed for the mayor that the proposed larger buildings were eight stories and the multi-family buildings were six stories.

Mr. Adamo said the community would be heavily programmed and would feel like a new neighborhood, and the restaurants and retail space would encourage people to visit the community. The site includes connection points to Abendroth Park. The masking, landscaping, and architecture for the site was designed to reflect a new and exciting neighborhood. Other features include a central green space, a building with a roof deck dubbed "the Jewel Box," and a community pool. Mr. Gioffre said the revised plan had a more environmentally sound access road that utilized the topography. At the corner of High Street and Boston Post Road there is a proposed open-space park which he said would soften the intersection.

Mayor Cohn stated that the Council was concerned about the vulnerable neighborhood in close proximity to the site across the 287 bridge, and about increased traffic on High Street, Boston Post Road, and cut-through traffic in Rye Park. Mr. Gioffre reassured the mayor that everyone involved was aware of the Council's concerns. He said certain mitigation measures were incorporated into the plan, as well as payments to the City of Rye for traffic mitigation measures in key locations like the Rye Park neighborhood.

Councilman Henderson asked how many residential parking spaces were planned, and Mr. Gioffre replied there were 1,038 shared parking spaces, which was a reduction from the prior plan, and met the Village of Port Chester's parking requirements. Councilwoman Hurd noted Port Chester School District's concern about age-restricted tenancy, and Mr. Gioffre confirmed the new plan increased the amount of non-age-restricted units.

Mayor Cohn asked if the proposed reengineering of the on/off ramps from 287 and 95 to the south of the site would be funded by Rose/Bedrock, and Mr. Gioffre replied that was his anticipation. Mayor Cohn asked how the plan addressed traffic from the Kohl's shopping center onto High Street into Rye from simply cutting through the Rye Park neighborhood. Mr. Gioffre took the question under advisement but explained that traffic engineers indicated there would not likely be increased cut-through traffic through the Rye Park neighborhood. Mayor Cohn said the Council would also be concerned about the flow of traffic on Ridge Street headed towards Rye.

Councilwoman Hurd asked how the outcome of City of Rye's lawsuit against Port Chester regarding form-based code and other traffic issues would impact Rose/Bedrock's site plan. She was unsure whether plans could move forward in light of the lawsuit. Corporation Counsel Kristen Wilson confirmed the litigation was pending, but if the City was successful in overturning the form-based code, Port Chester would have to reevaluate how it wanted to readopt its zoning code which would impact the site plan. Mr. Gioffre said the plan was to demolish the first building in the first quarter of 2023.

Councilwoman Johnson raised the point that as a former hospital grounds, there was concern about potential contamination, and Mr. Gioffre explained there was a detailed construction management plan that included other agencies and the Brownfield program. City Manager Usry said the plan was reviewed and found to be consistent with state Brownfield requirements. Mr. Gioffre confirmed for Councilwoman Hurd that plans for the historic mile marker near the property were still being discussed.

7. <u>Financial update on Q3 results.</u>

Comptroller Joseph Fazzino presented an update for the General Fund through September 30th, 2022. The reports did not reflect final numbers and were subject to adjustments through the rest of the year, and some figures represented six months, not nine months, due to the varying schedule of tax receipt. Revenues are up $2.3 million or 6.3% from the same period of 2021. Through May '22, property tax revenues are up 3.8%, sales tax is up 6.7%, and should be up 10% for the 3rd quarter ending August 31. Revenues are on track with budget to hit and like exceed $3.8 million.

The 12-month mortgage tax total was $2,520,000 which exceeded the '22 budget by $790,000 and was $113,000 more than the same period last year. The plan is to budget conservatively again for 2023. Hotel occupancy and utility taxes are up $86,000 for the first six months of the year. Charges for services is up $193,000, attributed to a full slate of day camp that did not happen last year. A new fee in 2022 was the sewer lateral certificate fee which brought in $74,000 and will help offset the cost of a third-party review of the hookups for the certificates. Parking meter fees are up $40,000 with people returning to work after the pandemic.

The biggest increase expected for next year other than property taxes is interest in investment income, up about $75,000 compared to September '21. License and permit revenues are up 4.1%, mostly attributed to increases in building permit revenue of $48,000 and filming permit revenue of $45,500. Fines and forfeitures are up 12.3% due to the increased parking fines. Other income including donations, inter-fund revenues, state/federal aid increased by 50% due to FEMA reimbursements for tropical storms, and another $510,000 would be received by the beginning of next year.

Mr. Fazzino stated overall expenditures increased $2.5 million from 2021. Salaries and wages were up $1.46 million, or 12.4%, a result of vacant positions being filled in 2022, and the total remained in line with budget. Equipment purchased decreased by $96,000 since last year. Police patrol equipment was down $122,000 after the purchase of body and in-car cameras in 2021, and computer and systems are down $25,000 with the City's migration to virtual services and off-site vaulting services in 2021. Materials and supplies expenses increased by 16% due to inflation and increases across many accounts. Building repair and maintenance went up $48,000 from '21 due to damage from Ida. Expense increases were offset by a decrease in tax payments by around $124,000.

Contractual costs were up $425,000 or 7% from 2021, $287,000 of which went to consultants for the building department third-party review of building plans. There was an increase in miscellaneous service contract of $111,000 related to the annual fee for the new police CAD system. Legal fees were up $45,000, transportation services up $36,000, and recreational event admission fees was up $27,000. Mr. Fazzino explained to the mayor that contractual costs due to flooding would be in the Capital Projects Fund, not the General Fund. Employee benefits and taxes were up $516,000, or almost 10%, mostly due to increases in employee health insurance of $270,000. The workers' compensation expense is down $117,000 compared to '21.

Councilman Henderson asked where the year-end loss or surplus were tracking. Mr. Fazzino replied that during budget projections over the last six weeks were showing a surplus of around $2 million. He confirmed that the $12 million profit would be tempered by expenses incurred in Q4, such as the $3 million retirement expense coming December 15th. Mr. Usry stated inflation had increased supply costs 5-20% depending on the product, and it would be reflected in next year's budget.. Mayor Cohn concluded that the financial reports were reassuring, but cautioned that the City was sailing into heavy financial weather.

8. Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations."

Councilman Henderson said that draft legislation was made public in the spring and prompted many citizens to weigh in. The legislation was redrafted to reflect a more balanced approach to regulating noise from motorized landscape equipment, specifically gas leaf blowers. Councilman Henderson thought the new draft fairly considered homeowners, landscape company owners, and residents affected by noise. Demonstrations to City Council made it clear that gas leaf blowers were a seasonal necessity. Feedback from landscapers prompted the City to look at uncomplicating the permitting process.

The new law calls for no new licensing of landscapers, it promotes the year-round use of quieter electric-powered leaf blowers, and places additional limits on the days that gas leaf blowers may be used during fall and spring clean-up. Gas leaf blowers would be allowed from October 1 to December 15, and a break from March 1 to April 30. Also proposed was a total ban on lawn equipment on specified holidays. The legislation supports compliance by increasing fines, the number of people who can be fined, and bigger fines for repeat offenses. The exemption for municipalities and schools will remain in the legislation.

Mayor Cohn summarized that the legislation was representation of the City's consideration of the public's annoyance at gas leaf blower noise, and the start of an eventual transition to electric leaf blowers. Councilman Henderson confirmed for the mayor that there was no longer a need to distinguish between landscapers and landscape designers, and he explained that electric leaf blowers had no usage limits because they were quieter, larger jobs would require more leaf blowers, and to get the public used to using them.

Mayor Cohn invited public comment.

Curtis Spacavento, 176 Theodore Fremd Ave, reminded the Council that sometimes snow falls in November, and asked the Council to extend the gas blower period through December 24th to cover the holidays. He remarked how much faster cleanup jobs would go if they could use two blowers.

Kate Briggs, 1 Walnut Street, appreciated the revision of the law. She asked if there would be a time in the future when the legislation could be revisited. She wondered if people would refrain from planting certain plants and trees which would affect diversification. One gas blower or several electric blowers would be insufficient on larger properties. She was not clear if landscapers would have a reprieve after a major storm or if it would just be the City of Rye; the 14-day period may not be enough. Mayor Cohn clarified that DPW decides when blowers can be used after a storm, and that includes everybody. She reiterated incorporating more environmental aspects if the legislation was revised in the future.

Ciara Smyth, 39 Palisade Road, was displeased with the direction of the proposed legislation and said it was a disappointing moment for the City of Rye. She felt the Council was appeasing landscapers at the expense of residents' quality of life. She stated that the gas leaf blower noise heard at all hours of the day inside her home making it difficult to work and sleep. She

argued that gas leaf blowers were hazardous to health, and that the new regulations were about money, not safety. She was disappointed with the legislation.

Leslie Winters, 87 Grace Church Street, remarked on the difference between battery and electric leaf blowers. She said that according to her research, electric was quieter than battery, so the verbiage should be changed. She was totally opposed to the year-round use of any blowers; Rye was already noisy. She looked forward to months of quiet and streets not swirling with dust and debris. She suggested landscaping companies could register via a drop box outside City Hall with their payment and a photo of their driver license. She pushed for curtailed hours; 9 to 6 would be more acceptable. She said that pollution does not stop at property lines, so allowing use of gas blowers on City property would still have negative effects.

Judge Joe Latwin addressed the Council. He felt that the law as proposed may in the future cause mechanical and procedural problems in the future. Right now, this was classified as a violation, which meant any proceeding has to be a criminal proceeding, which is instituted by a summons and information which have to be filed in order for the court to have jurisdiction. If the charged fail to appear in court, a warrant can be issued. Information must contain non-hearsay allegations of every element of the violation, and he said that under the current law there was no way to know who the landscaper works for without hearsay.

Judge Latwin further said that police officers issuing summons gave the court no jurisdiction, so people were missing work unnecessarily to show up to court. Violations have to be proved beyond a reasonable doubt, and people cannot plead by mail. He felt the optics of the whole situation were not good. He suggested making it a civil penalty with the same fine schedule that can be filed as a small claim. Service can be done by mail, no information is needed, and it would simplify the penalty process. Judge Latwin replied to Councilwoman Johnson that the standard in small claims or civil action was a preponderance of evidence, a lower scale of proof than beyond a reasonable doubt. He replied to Councilwoman Hurd that pictures cannot substantiate an entire lawsuit. Councilman Henderson thought it was a good suggestion to make leaf blower violations a civil penalty.

Councilwoman Hurd verified that the proposed allowable hours were 8am to 6pm on weekdays and 10am to 4pm on weekends. Councilman Henderson reiterated that the new legislation banned leaf blowers of all kinds on certain holidays, and the tightening of the spring and fall cleanup seasons. Mayor Cohn proposed putting the public hearing over to the next meeting. He encouraged the public to submit written comments.

Councilman Henderson made the motion, seconded by Councilwoman Hurd, to hear the public on the leaf blower issue at the next City Council meeting. The Council was unanimously supportive.

9. <u>Set a public hearing to consider a local law to add a new Chapter 89 “Fats, Oils and Grease Abatement” to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments.</u>

Mayor Cohn stated that City Council was required to address the local law under the Save the Sound settlement, which must be in place by January 1, 2023.

Councilman Stacks made the motion, seconded by Councilwoman Hurd, to have a public hearing for November 9, 2022. The Council was unanimously in favor.

City Manager Usry confirmed for Councilman Stacks that the law was already in effect for restaurants in cities like New York City, and about 60 establishments in Rye will be affected by the law. Councilwoman Johnson asked how long the businesses were given to make changes, and Mr. Usry replied that January 1, 2023 would be the effective date for the changes, though the City was understanding of the fact that it would take time. The Fire Department would uphold new regulations through their annual inspections. Councilman Stacks asked if establishments had been notified of the impending law, and Mr. Usry responded that communications had been prepared, but as a result of the settlement, the law needed to pass first.

10. <u>Consideration of proposed Rules and Regulations of the City of Rye Fire Department:</u>

a. Policy #101 – Fire Safety Authority
b. Policy #300 – Performance of Duties
c. Policy #302 – Incident Management
d. Policy #306 – Fireground Accountability
e. Policy #307 – Rapid Intervention
f. Policy #328 – Line-of-Duty Death and Serious Injury Investigations

Commissioner Mike Kopy reviewed the list of proposed rules and regulations and reminded the Council that the Fire Department had never codified such extensive policies.

Policy 101, Fire Safety Authority, established legal authority to act as the Rye Fire Department and take certain actions. Policy 300, Performance of Duties, established parameters of expectations of Rye firefighters when on the job. Policy 302, Incident Management, defined operational guidelines for members of the Fire Department to manage and mitigate any emergency situation. Policy 306, Fireground Accountability, established a procedure for locating firefighters throughout an emergency. Policy 307, Rapid Intervention, codified the "two-in, two-out" protocol requiring two firefighters to stay outside the building while two firefighters went in. Policy 328, Line-of-Duty Death and Serious Injury Investigations, established policies for dealing with an injury or death to a member of the Rye Fire Department.

Mayor Cohn asked Commissioner Kopy where the policies come from, and he replied that a company called Lexipol, contracted prior to his arrival, wrote policies and procedures for public safety entities throughout the country. Lexipol provided the Rye Fire Department with policy templates that were adjusted to fit Rye. A committee would approve the policies, share them with Fire Department members for their feedback, then send them to the union for a 10-day review. Commissioner Kopy said the firefighters were eager for procedural structure, and volunteers would also be expected to adhere to them. He said the ultimate goal was accreditation of the Rye Fire Department.

City Council members agreed to accept the new Rye Fire Department policies.

11. Resident may be heard on matters for Council consideration that do not appear on the agenda.

Mayor Cohn invited residents to speak on matters for Council consideration, but there were no public comments.

12. Resolution accepting and ratifying the terms of the Stipulation of Settlement in Verizon Wireless v. City of Rye, et al, 19-cv-10159(NSR)(JCM).

Mayor Cohn informed the Council that they had been ordered by a court to affirm their acceptance of the court order to endorse the delivery of the building permit and comply with SEQRA. The mayor stated it was the result of three years of litigation which was intended to keep a telecommunications facility out of a residential area in compliance with Rye's wireless law, and to minimize the visual impact of any installation.

Mayor Cohn reviewed the whereas clauses indicating that Verizon entered into a prior settlement agreement with City entities in 2020, and the US District Court issued a decision in July of 2022 in which the court ordered the City to issue a building permit to Verizon in accordance with the first settlement. Following the issuance of that order, the City defendants requested and engaged in mediation with Verizon that resulted in the presented conclusion. The mayor read the whereas statements and resolutions with regards to the $10,000 settlement, as written out below.

Councilman Henderson made a motion, seconded by Councilman Stacks, to adopt the following resolution:

RESOLUTION OF THE RYE CITY COUNCIL APPROVING SETTLEMENT OF LITIGATION WITH SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon") commenced litigation in Unites States Federal Court, 19-cv-10159 (NSR) (JCM), against the City of Rye, the City of Rye City Council, and Kerry Lenihan, Building Inspector (in his official capacity) (collectively, the "City Defendants");

WHEREAS, Verizon and the City Defendants entered into a settlement agreement (Settlement No. 1) with Verizon pursuant to a City Council resolution adopted on November 4, 2020;

WHEREAS, the United States District Court issued a Decision and Order on July 27, 2022 (the "Federal Court Order") in which the Court ordered the City to issue a building permit to Verizon in accordance with Settlement No. 1 for a telecommunications unipole and related equipment (the "Verizon Telecommunications Equipment") on City land leased to Verizon ("the Leased Land") pursuant to a lease between Verizon and the City (the "Lease"), all as approved in Settlement No. 1;

WHEREAS, following issuance of the Federal Court Order, the City Defendants requested, and District Judge Roman directed, that mediation occur between Verizon and the City Defendants before United States Magistrate McCarthy (the "Mediation"); and

WHEREAS, pursuant to the Mediation and subsequent discussions between counsel for Verizon and the City Defendants, a settlement agreement is contemplated ("Settlement No. 2"), a copy of which is appended hereto, that includes revised plans, reorganizes the locations of the Verizon Telecommunications Equipment within the Leased Land (the "Revised Plans") and requires Verizon's consultation with the City's Arborist prior to installation of such Equipment; and

WHEREAS, the City Building Department and Building Inspector have confirmed that a building permit for the Revised Plans can be lawfully issued and that the Revised Plans comply with all applicable codes; and

WHEREAS, the City Defendants have sought such legal advice as they have seen fit.

NOW THEREFORE, it is hereby resolved as follow by the Rye City Council:

1. The Rye City Council determines that:

a. the City Defendants' compliance with the Federal Court Order enforcing Settlement No. 1 is a Type II action under SEQRA; and

b. the issuance of the building permit to Verizon for the work described in the Revised Plans, as provided in Settlement No. 2, is a Type II action under SEQRA.

2. The building permit issued by the City Building Department to Verizon for the work described in the Revised Plans is to be released and delivered in accordance with the terms of Settlement No. 2.

3. The terms and provisions of Settlement No. 2 are hereby accepted and ratified by the Rye City Council on behalf of the City Defendants.

4. Counsel for the City Defendants and the City's administrative staff are directed to take all actions required of the City Defendants in Settlement No. 2.

5. The City shall transfer $10,000 from the Contingency line to the Legal Services line to make the required payment of $10,000 as required in Settlement No.2.

<u>ROLL CALL</u>
Ayes: Mayor Cohn, Councilmembers Henderson, Hurd, Johnson, Stacks
Nays: None
Absent: Councilmembers Nathan, Souza

13. <u>Resolution to declare certain City equipment as surplus.</u>

City Manager Usry shared that City staff was streamlining the surplus process and it would be presented to City Council quarterly. The current list was put together by Ryan Coyne and

mostly consisted of broken or obsolete items in the DPW garage. Once declared surplus, City policy was to auction or sell the equipment for its highest value and put the money into the General Fund. Equipment with no value was appropriately disposed. Councilman Henderson asked how the items were auctioned, and Mr. Usry said they were listed on national government auctioneer websites.

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

WHEREAS, the City has been provided with a description of equipment identified as being obsolete or will become obsolete during 2022 as indicated in the agenda packet, and,

WHEREAS, the City recommends that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment is declared surplus, and, be it further

RESOLVED, that authorization is given to the various departments to donate their inventory or to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

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

14. Old Business/New Business.

There were no old or new business items.

15. Adjournment.

Councilman Stacks made a motion, seconded by Councilwoman Johnson, to adjourn the City Council meeting. The Council was in favor and the meeting was adjourned at 8:20pm.

Respectfully submitted,

Carolyn D'Andrea
City Clerk

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: October 26, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Flooding Update.

FOR THE MEETING OF:

October 26, 2022

RECOMMENDATION: That the City Council hear the update.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: October 26, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations".

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the Council continue the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: See attached law and proposed changes.

Summary of Differences – Leaf Blower Law

	Previous Law	Proposed Changes
Permissible Dates to Operate Leaf Blowers and Other Motorized Lawn Equipment	October 1 and April 30 Weekdays 8 am – 8 pm Weekends 10 am – 6 pm	Electric Leaf Blowers may be used year-round Gas Leaf Blowers: October 1 to December 15 AND March 1 to April 30. Weekdays 8 am – 6 pm Weekends 10 am – 4 pm
Holiday Exemptions	Motorized lawn equipment not prohibited on specific holidays	All motorized equipment prohibited on certain holidays (see draft law for specifics).
Storm Exemption	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed seven days after significant storm events or during other emergency situations circumstances.	Rye Department of Public Works may permit the expand the use of gas leaf blowers for a period of time not to exceed fourteen days after significant storm events or during other emergency situations circumstances.
Penalties	Owner of the property OR 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.	Adjusting PD policy so that the party operating the leaf blower AND the party who employed the person to operate the leaf blower at the time of violation AND 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 a fine of up to $1,500 for the third offense.

Notes:

1. No new licensing requirement for Landscapers
2. Continues the exemption for municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway / road paving and sealing activities.
3. Promotes the use of quieter electric powered leaf blowers by allowing use year-round

Leaf Blower Law Discussion – September 14, 2022

Shortly before our last meeting, the Council introduced for discussion the idea of amending our existing leaf blower law to permit the use of electric leaf blowers throughout the year and to permit the use of gasoline blowers only in spring and fall cleanup periods. More time to discuss this idea was promised and will be available at the September 14 meeting as the predicate to later circulation of a revised draft leaf blower law.

Included in this agenda package is our original discussion draft of a revised law, which we hope will serve as a useful tool in considering the following questions:

1. Should the City move to a more permissive regime with respect to electric blowers?
2. Enforcement of our existing leaf blower law is problematic. Our original discussion draft law included a landscaper permit regime intended to provide the City with a means to educate landscapers as to our City Code and a means to penalize landscapers who fail to comply. Would such a landscaper permit regime still be of interest if the new law becomes more permissive with respect to electric leaf blowers? Note, please, that the Police Department now is pursuing a strategy of ticketing leaf blower operators, their employers and the property owners in an effort to improve enforcement efficacy.
3. Should there still be special treatment/exceptions for large properties, clubs, schools, etc.?
4. Should the numbers of blowers permitted to be in operation at the same time on a property be varied according to how the blowers are powered?

Other issues/questions will be welcome.

CITY OF RYE

LOCAL LAW NO. __ 2022

A local law to add a new Chapter 122 "Leaf Blower Regulations" of the Code of the City of Rye to regulate the use of gas-powered leaf blowers as follows:

Section 1: Chapter 122, Leaf Blower Regulations

§ 122-1 Purpose.

The City Council finds that motorized landscaping activities generate noise, and more specifically the use of gas-powered leaf blowers can significantly increase the level of noise, particularly in the higher density neighborhoods of Rye. Gas powered leaf blowers also create pollution and contribute to global warming through the release of carbon emissions. Accordingly, it is the intent and purpose of this chapter to place limits on the use of gas-powered leaf blowers, while promoting the use of quieter electric-powered leaf blowers, with the ultimate objective of eliminating the use of gas-powered leaf blowers at the time when a more suitable and quieter technology becomes available.

§ 122-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LANDSCAPER – Any person, corporation, partnership, or business entity of any form who tends, plants, installs, maintains, or repairs lawns, or performs general yard maintenance work or leaf collection of any kind on real property which such person or business entity does not own or at which s/he does not reside.

ELECTRIC LEAF BLOWER – a moveable, portable, handheld, or backpack-style device powered by electricity or electric battery and used for the purpose of blowing, moving, removing, dispersing, vacuuming, or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

GAS LEAF BLOWER – a moveable, portable, handheld, or backpack-style device powered by an internal combustion engine using gasoline or other hydro-carbon fuel and used for the purpose of blowing, moving, removing, dispersing, vacuuming, or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

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Section 122-3 Use of Electric-Powered Leaf Blowers.

Effective January 1 2023, Electric Leaf Blowers may be used for landscaping activities on a year-round basis.

§ 122-4 Use of Gas-Powered Leaf Blowers.

Effective January 1, 2023, Gas Leaf Blowers may only be used during the Fall and Spring Cleanup Seasons defined as from October 1 to December 15 and from March 1 to April 30. At all other times of the calendar year, the use of Gas Leaf Blowers is prohibited. Except in R-1 Residence Districts, and on lots greater than one acre in size, only one (1) Gas Leaf Blower may be utilized per lot during the Fall and Spring Cleanup Seasons as defined above.

§ 122-5 Hours of operation of motorized lawn equipment including leaf blowers.

A. Use of motorized lawn equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment is permitted only between 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on weekends. The permitted hours described in this subsection will apply to the use of Gas Leaf Blowers during the Fall and Spring Cleanup seasons when the use of Gas Leaf Blowers is permitted.

B. The use of motorized lawn equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment by Landscapersis not permitted on the following holidays: New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Easter, Memorial Day, Independence Day, Labor Day, Rosh Hashanah, Columbus Day, Veterans Day, Yom Kippur, Thanksgiving Day, and Christmas Day.

C. The head of the Rye Department of Public Works may permit the expanded use of Gas Leaf Blowers, or use of motorized lawn equipment by Landscapers on holidays, for a period not to exceed fourteen (14) days after significant storm events or during other emergency situations.

D. The restrictions regarding the use of motorized lawn equipment, including lawn mowers, Gas Leaf Blowers and other outdoor machine-powered equipment in this Chapter shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities.

E. The above-restrictions shall not apply to snow-blowers or use of motorized equipment for the purposes of snow or ice removal.

F. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

§122-6. Westchester County Law Requirements

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Commercial landscapers must comply with Westchester County Code § § 863.314 and 863.327 relating to regulation of leaf blowers and satisfaction of EPA Phase 2, 2007 exhaust emission standards and must maintain all required county licenses.

§ 122-7 Enforcement.

The provisions of this chapter shall be enforced by the City of Rye Police Department.

§ 122-8 Penalties for offenses.

A. Gas Leaf Blowers - The following parties shall have committed a violation of this law if it is not complied with:

(1) The party(ies) operating the Gas Leaf Blower(s); and
(2) The party who employed the person(s) who operated the Gas Leaf Blower(s) at the time of violation; and
(3) The party who owns the property where the violation occurs.

B. Conducting Motorized Landscaping Work outside of Permitted Hours. The following parties shall have committed a violation of this law if it is not complied with:

(1) The party(ies) operating the motorized landscaping equipment; and

(2) The party who employed the person(s) who operating the motorized landscaping equipment at the time of violation; and

(3) The party who owns the property where the violation occurs.

C. Working without a valid Westchester County Permit as required in § 122-6.

D. Any person violating any of the provisions of this chapter shall be guilty of a civil violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of $250 for the first offense. A second violation shall be punishable by a fine not to exceed the sum of $350 and a third violation shall result in a fine not to exceed the sum of $1,500.

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.

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This local law will take effect on January 1, 2023.

CITY OF RYE

LOCAL LAW NO. __ 2022

A local law to add a new Chapter 122 "Leaf Blower Regulations" of the Code of the City of Rye to regulate the use of gas powered leaf blowers as follows:

Section 1: Chapter 122, Leaf Blower Regulations

§ 122-1 Purpose.

The City Council finds that motorized landscaping activities generate noise, and more specifically the use of gas-powered leaf blowers can significantly increase the level of noise, particularly in the higher density neighborhoods of Rye. Gas powered leaf blowers also create pollution and contribute to global warming through the release of carbon emissions. Accordingly, it is the intent and purpose of this chapter to place limits on the use of gas-powered leaf blowers, while promoting the use of quieter electric-powered leaf blowers, with the ultimate objective of eliminating the use of gas-powered leaf blowers at the time when a more suitable and quieter technology becomes available.

§ 122-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LANDSCAPER – Any person, corporation, partnership, or business entity of any form who tends, plants, installs, maintains, or repairs lawns, or performs general yard maintenance work or leaf collection of any kind on real property which such person or business entity does not own or at which s/he does not reside.

ELECTRIC LEAF BLOWER – a portable, handheld, or backpack-style device powered by electricity or electric battery and used for the purpose of blowing, moving, removing, dispersing, vacuuming, or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

GAS LEAF BLOWER - a portable, handheld, or backpack-style device powered by an internal combustion engine using gasoline or other hydro-carbon fuel and used for the purpose of blowing, moving, removing, dispersing, vacuuming, or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

Section 122-3 Use of Electric-Powered Leaf Blowers.

Effective January 1 2023, Electric Leaf Blowers may be used for landscaping activities on a year-round basis.

§ 122-4 Use of Gas-Powered Leaf Blowers.

Effective January 1, 2023, Gas Leaf Blowers may only be used during the Fall and Spring Cleanup Seasons defined as from October 1 to December 15 and from March 1 to April 30. At all other times of the calendar year, the use of Gas Leaf Blowers is prohibited. Except in R-1 Residence Districts, and on lots greater than one acre in size, only one (1) Gas Leaf Blower may be utilized per lot during the Fall and Spring Cleanup Seasons as defined above.

§ 122-5 Hours of operation of motorized lawn equipment including leaf blowers.

1. Use of motorized lawn equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment is permitted only between 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on weekends. The permitted hours described in this subsection will apply to the use of Gas Leaf Blowers during the Fall and Spring Cleanup seasons when the use of Gas Leaf Blowers is permitted.
2. The use of motorized lawn equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment is not permitted on the following federal holidays (same as those listed §133-8(E): New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Easter, Memorial Day, Independence Day, Labor Day, Rosh Hashanah, Columbus Day, Veterans Day, Yom Kippur, Thanksgiving Day and Christmas Day.
3. The head of the Rye Department of Public Works may permit the expanded use of Gas Leaf Blowers for a period not to exceed fourteen (14) days after significant storm events or during other emergency situations.
4. The restrictions regarding the use of motorized lawn equipment, including lawn mowers, Gas Leaf Blowers and other outdoor machine-powered equipment in this Chapter shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities.
5. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

§ 122-6 Enforcement.

The provisions of this chapter shall be enforced by the City of Rye Police Department.

§ 122-7 Penalties for offenses.

1. Gas Leaf Blowers - The following parties shall have committed a violation of this law if it is not complied with:
   (1) The party(ies) operating the Gas Leaf Blower(s); and
   (2) The party who employed the person(s) who operated the Gas Leaf Blower(s) at the time of violation; and
   (3) The party who owns the property where the violation occurs.

2. Conducting Motorized Landscaping Work outside of Permitted Hours – The following parties shall have committed a violation of this law if it is not complied with:
   (1) The party(ies) operating the motorized landscaping equipment: and
   (2) The party who employed the person(s) who operating the motorized landscaping equipment at the time of violation; and

   (3) The party who owns the property where the violation occurs.

3. Any party violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of $250 for the first offense. A second offense shall be punishable by a fine not to exceed the sum of $350 and a third offense shall result in a fine not to exceed the sum of $1,500.

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 will take effect on January 1, 2023.

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.

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: November 3, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM:
Presentation of the proposed FY 2023 Budget by the City Manager.

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the Council hear the presentation

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: This is an annual message.

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: November 3, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM:
Consideration to set a public hearing on the 2023 Budget for December 7, 2022.

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the Council set the public hearing.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: This is an annual hearing.

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: October 31, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set the public hearing to adopt a Local Law to override the State enacted tax levy limitation, if necessary.

FOR THE MEETING OF:
November 9, 2022

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Mayor and the Council set a public hearing to adopt a Local Law to override the State enacted tax levy limitation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO.___FOR THE YEAR 2022

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2023 and ending December 31, 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2023 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

CITY COUNCIL AGENDA

DEPT.: Planning and Engineering DATE: November 9, 2022

CONTACT: Christian K. Miller, Ryan X. Coyne

AGENDA ITEM: City Council consideration of a resolution adopting a SEQR Negative Declaration and LWRP Coastal Consistency Determination in connection with the proposed construction of a new salt shed and recycling facility at the City's Public Works Facility at Disbrow Park.

FOR THE MEETING OF:
November 9, 2022

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council review the attached materials and adopt the draft resolution.

IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

As part of the mandated regulatory process for this project, the City Council is required to complete the State Environmental Quality Review (SEQR) and LWRP coastal consistency review. In support of those determinations attached are the current consultant plans and reports, coastal assessment forms and environmental assessment form (EAF). Also attached is an October 26, 2022 memorandum from the Planning Commission stating that the proposed action is consistent with the City's LWRP policies. The memorandum also provides a detailed discussion of wetland considerations in connection with the proposed project including building plan modifications to reduce wetland buffer encroachment, water quality improvements included in the design, flood resiliency measures and review of alternative salt shed locations.

RESOLUTION

Adoption of a SEQRA Negative Declaration and Determination of LWRP Coastal Consistency in Connection with the Construction of a New Salt Shed and Recycling Facility Located at the City's DPW Facility

WHEREAS, the City of Rye is proposing to construct a new salt shed and recycling facility at the City's Department of Public Works (DPW) facility located at 141 Oakland Beach Avenue (hereinafter "Proposed Action"); and

WHEREAS, the City Council referred the Proposed Action to the Rye City Planning Commission for its advisory review of wetland considerations; and

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

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

WHEREAS, in an October 26, 2022 memorandum to the City Council the Planning Commission found that the proposed action reduces impacts to wetland buffer areas to the maximum extent practicable and that the proposed action is consistent with the 44 policies of the City's LWRP; and

WHEREAS, the Proposed Action was reviewed by the Board of Architectural Review for advisory aesthetic considerations; and

WHEREAS, the City was awarded a $400,000 State and Municipal Facilities Capital Program Grant towards the completion of the Proposed Action; and

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

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

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) and determines that the proposed action is consider an Unlisted Action; and

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

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

x:\05-city owned property\public works 141 oakland beach avenue\dpw salt shed\city council submission 11-09-2022\salt shed council resolution nov 2022.docx

Nick Everett, Chairman
Laura Brett, Vice Chair
Andrew Ball
Dan Bsharat
Carolina Johnson
Richard Schaupp
Steven Secon

Planning Department
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Rye, New York 10580
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CITY OF RYE
Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission

cc: Greg Usry, City Manager
Kristen K. Wilson, Esq., Corporation Counsel

Date: October 26, 2022

Subject: **DPW Building 5 and Salt Shed/Recycling Facility - Advisory LWRP Coastal Consistency and Wetland Review**

As requested, this memorandum provides for the City Council's consideration the Planning Commission's advisory comments on the proposed construction of a new DPW Building 5 and Salt Shed/Recycling Facility at the City's Public Works facility located within Disbrow Park.

Background

The two actions reviewed by the Commission involve the construction of a new two-story public works garage and administrative building in approximately the same foot print as existing DPW Building 5 and the construction of a new DPW Salt Shed/Recycling Facility building located in the rear portion of DPW in the location of the current green waste stockpile area. In its review the Planning Commission conducted a site inspection, reviewed the LWRP Coastal Consistency application forms for both projects, considered the wetland permit application form and reviewed the design plans and technical reports prepared by the City's engineering consultants. The Commission also considered the July 18, 2022 advisory comments of the Conservation Commission/Advisory Council (CC/AC), which are attached hereto. This information was discussed and presented by City staff at the Commission's July 19, September 6 and October 25, 2022 meetings.

Each of these projects are located within the Waterfront Revitalization Area Boundary as identified in the City's 1991 Local Waterfront Revitalization Program (LWRP). As such

pursuant to Chapter 73, *Coastal Zone Management Waterfront Consistency Review,* of the Rye City Code, the Planning Commission is required to provide an advisory opinion to the City Council as to the consistency of each of the proposed actions with the 44 policies of the LWRP.

A portion of the Salt Shed/Recycling Facility is located within 100-feet of a wetland. There is no proposed disturbance to a wetland, but there are activities within the 100-foot wetland buffer. Chapter 195, *Wetlands and Watercourses*, of the Rye City Code does not require that municipal actions are subject to the requirements and procedures of the wetlands and watercourses law, therefore the Planning Commission is providing advisory comments and recommendations to the City Council and not issuing an official wetland permit. The Planning Commission acknowledges the public need for this project to support the City's obligation to keep roads and walkways safe during snow and ice events and to support the City's recycling program. The Commission considered that public need as it sought to advance the primary objective of the City's wetlands law, which is to reduce impacts to the maximum extent practical.

DPW Building 5

The Planning Commission finds that the proposed construction of a new DPW Building 5 and related utility infrastructure is consistent the City's LWRP policies. The Planning Commission recommends that the proposed building construction include geothermal heating systems and solar panels.

Salt Shed/Recycling Facility

After extensive review, the Planning Commission finds that the proposed salt shed/recycling facility is consistent the City's LWRP policies and the best practices the Planning Commission considers in its review of wetland permit applications. In reaching this advisory opinion the Commission was supportive of the plan modifications, the consideration of feasible alternatives, the measures to address water quality concerns and the flood resiliency of the proposed design. Each of those considerations are discussed below.

Plan Modifications

The Planning Commission notes that in response to concerns and comments made by the Commission and CC/AC the plan includes the following revisions:

- The width of the proposed building was reduced from 80 to 70 feet thereby reducing the encroachment of the 9,800 square-foot building into the wetland buffer from approximately 1,365 square feet to just 570 square feet.

- The plan has been revised to provide approximately 4,000 square feet of wetland buffer landscape mitigation/buffer enhancement.

- The revised plan includes a water quality pre-treatment structure immediately adjacent to the salt shed access to capture potential salt road runoff from vehicles.

- The revised plan eliminates the proposed relocation of the resident recycling Facility. This area will only be accessible by authorized personal and will prevent the disposal or dumping of inappropriate materials.

Consideration of Alternatives

Consistent with the Commission's practice there was considerable discussion of potential alternatives to the proposed action that could potentially reduce or eliminate impacts on the wetland buffer. The Commission agrees that the current plan and proposed revisions reduces impacts to the maximum extent practical and that other alternatives generate other potential concerns or do not advance the City's municipal service obligations and needs to provide a practical de-icing facility and recycling facility.

Ideally, there would be an alternative de-icing product that could be used to reduce or eliminate the amount salt currently used by the City that would provide effective de-icing for City streets. It is understood based on discussions with City staff that there are some products currently available that may be more environmentally friendly, but that they are not as effective and still rely on the use of salt since they are limited to pre-treatment applications prior to weather events. The City will continue to explore alternative products in the future, but the Commission agrees that the size of the proposed salt shed is properly sized to meet the City's reasonable salt storage needs.

The Commission notes that a larger salt shed facility provides environmental benefits. Most notably is that the building is designed to accommodate the amount of salt for an entire season and will not require re-supply mid-season. Also, unlike the current salt shed the proposed facility allows for the delivery and manipulation of salt completely within an enclosed structure. This is an environmental benefit because it reduces the accumulation of excess salt outside of the structure where it would be exposed to the elements and potential runoff. This larger size means that the proposed salt shed cannot fit in its current location without impacting the use and access to the adjacent DPW garage/administrative building.

The Commission also reviewed alternative locations within Disbrow Park that would eliminate wetland buffer encroachment. This can be achieved in the currently proposed location by reducing the width and length of the building so that

it no longer has the recycling component within the structure. Mapping prepared by the project's consulting engineer demonstrated that a 70'x120' building could be located in this location outside of the wetland buffer.

The concern with this alternative however is that the existing green waste operation would need to remain in its current location immediately adjacent to the wetland. The Commission would prefer that this operation be relocated outside of the buffer. The proposed plan would relocate this operation to the "top-of-the-hill" approximately 120 feet east of the proposed salt shed/recycling facility, just north of the existing incinerator building. The Commission also sees value in relocating the existing recycling operation from its current location. This operation is open to the elements and often results in loose recycling materials being blown throughout Disbrow Park. The expanded size of a combined salt shed/recycling facility building allows for the dumping and processing of recycling within an enclosed structure.

In addition, two additional alternative locations were reviewed by the Commission. A 70' x 120' salt shed only building could be accommodated outside the wetland buffer on the "top-of-the-hill" location noted above. The Commission is concerned, however that the ground elevation at this location is approximately 15-20 feet higher than the proposed ground elevation at the proposed location. Based on the visual simulations provided by the project engineer, this will make the building visible from area residential neighborhoods and disrupt scenic vistas from Playland Parkway.

There were similar visual impact concerns on residential areas with the fourth location reviewed by the Commission at the end of the parking area adjacent to Feeley Field. Implementation of a salt shed only building in this location will also require tree removal, loss of some parking spaces and the relocation of the existing batting cage.

DPW is a 24-hour operation that is constrained by seasonal recreation fields and facilities. The four locations reviewed by the Commission are the only alternative sites available in Disbrow Park which do not impact existing recreational fields or other DPW operations. Based on this alternatives analysis, the Commission therefore agrees that the combined salt shed/recycling building in the proposed location is the preferred alternative and reduces impacts to wetlands to the maximum extent practicable. The Commission notes that the 10-foot reduction in width will reduce buffer encroachment of the building to under 600 square feet.

Water Quality Concerns

The Commission shares the concerns of the CC/AC regarding the potential impact de-icing products may have on water quality and wildlife habitat. In response to these concerns, the project engineer and City staff modified the plans to include or clarify proposed mitigation measures to reduce potential water quality impacts. The proposed Calcium Chloride storage will be enclosed within the salt shed. In addition, it will be set within baffle walls that will have a containment capacity that exceeds the volume of the tank in the event there is a leak.

The revised plan includes an approximately 800 square-foot grass filter strip located immediately adjacent to the salt shed access. This water quality measure is designed to intercept and treat potential salt runoff close to the source. It is noted that there will be no washing down of vehicles at the salt shed location. That activity will remain at its current location within DPW Building 5. All wash down is captured and directed to the sanitary sewer system.

In addition, the plan proposes a wetland restoration of the intermittent watercourse adjacent to the western edge of the project site. As shown in the March 2022 wetland and environmental assessment report prepared the by the City's consultant GZA, this watercourse is in poor condition and subject to scour. The City is proposing to enhance this area with a combination of a bioretention stormwater practice and living shoreline embankment. Landscape plantings are also proposed on the water side of the proposed wall.

The project area is currently paved so there is no net increase in impervious area in the wetland buffer, which is consistent with the Commission's desired practice in its review of wetland permit applications. The Commission considers the removal of green waste storage from this location as a benefit. The salt shed and related recycling facility will be contained within a wall that is in approximately the same location as the existing block wall on the site.

The construction of the building will be sequenced to install the perimeter wall first to prevent potential encroachment within the wetland. In addition, proper erosion control measures will be installed and maintained during construction.

The proposed building has been shifted both horizontally and vertically to the maximum extent possible to increase separation from the wetland edge. The building location is also shifted as far south as possible to keep the salt shed buffer encroachment associated with the lower value intermittent watercourse buffer and not within the tidal NYSDEC wetland buffer.

Flood Resiliency

The Commission encourages flood resistant construction given the potential future increase in the frequency and intensity of storm events. This is particularly important given the location of the proposed building within a designated flood zone. The Commission agrees that the proposed design satisfies this concern by elevating the building substantially above FEMA-designated 100-year flood elevations. To achieve this elevation existing stockpiled material on the site will be used so that there will be no net fill within the wetland buffer. Excess fill and other material will be removed from the site and wetland buffer.

The proposed floor elevation of the salt shed is 17 feet above sea level, which is the 500-year FEMA-designated flood elevation in this location. New construction is required to be two feet above the 100-year flood elevation. The proposed building is four feet above the 100-year elevation. This elevation is at or above the elevation of the Blind Brook Sewage Treatment Plant and 1-2 feet higher in elevation than the existing salt shed building, which is currently located at elevation 15 or 16 feet above sea level.

To: Rye City Planning Commission, c/o City Planner Christian Miler
From: Conservation Commission/Advisory Council (CC/AC)
Re: **WP# 518 DPW Salt Deicing Storage and Recycling Facility**
Date: July 18, 2022

Description: The current locations of the City of Rye deicing salt storage and open-air recycling facility are within a 55.2 acre parcel owned by the City of Rye that also contains a Department of Public Works building (that is subject to a second proposal for a rebuild), maintenance building, a decommissioned incinerator facility, the Westchester County Blind Brook Treatment Plant, and several dedicated recreational spaces in a section referred to as Disbrow Park. This proposal would relocate both structures into an area within the 100ft wetland buffer that is currently paved and used to store green waste (the "new site"). The new structure would be 80ft wide by 140ft long by 36ft high gable type timber structure with a concrete foundation that will require some grading. Approximately 70% of the building will store approximately 3,000 tons of deicing salt and 30% will temporarily store recyclables. Associated with the development will be 10 paved spaces for 30-yards capacity dumpsters, and paved driveways. Precast concrete blocks will be used to construct retaining walls required to make the grades that will vary from 3 feet to 14 feet.

Findings: The new site is adjacent to approximately 14.2 acres of tidal wetlands with a hydraulic connection to the Blind Brook that traverses the property. Every effort should be undertaken to protect, and where applicable such as here, to restore the wetlands and its buffer because, among many other environmental benefits, wetlands decrease flood risks during extreme precipitation events and reduce the impacts of storms in coastal regions. This area also hosts a wide array of flora and fauna assemblages, including endangered and protected native plant species such as the endangered Hyssop Skullcap and Yellow Flatsedge as well as many birds including the Yellow-crowned Night-Heron and Coast Violet Viola. In addition, the Mallard duck, Great Blue Heron, White Egret, Osprey species can be found. It is also home to the fiddler crab, blue claw crab, bluefish, striped bass, and mussels.

Salt sheds do not belong in wetland buffers. According to the EPA, wetlands are especially vulnerable to road salt contamination. The National Library of Medicine has published research that indicates the chlorides used in road salt decrease the biodiversity of plant and aquatic animals, with particularly acute harms to amphibian life, yet favor the growth of phytoplankton, especially cyanobacteria, which disrupts the self-purification processes of water by decreasing nutrient accumulation in macrophytes, decreasing the denitrification rate, and reducing organic matter decomposition.

Applicant is not wrong that the new site is far from pristine. It currently houses the City's "green waste," which was described by the Applicant as the "dumpsite for leaves and brushes, and excess excavated soil

from city projects" but appears in fact also to be a dumpsite for non green debris as observed by the CC/AC during the July 9, 2022, site walk. CC/AC fully supports efforts to clean and repair the site, including but not limited to removing the green waste storage farther from the wetland and removing the asphalt millings.

Applicant is also not wrong that the current design of both structures may be flawed. First, the open-air recycling facility is deficient, among other things, in keeping the refuse contained and is often overfilled. Moreover, there is no enforcement of what residents (and even non-residents) may bring to the recycling facility. CC/AC members have personally seen toxic paint cans and household electronics left amongst proper recyclables at the site. Second, the current design of the deicing salt storage that requires salt be dumped outside the shed and then pushed in by machine is not ideal. But improvements to each structure in its current location could address these concerns.

Applicant often ignores questions in the LWRP Consistency Application and Wetland Permit Application that focus on a project's potential green harms with an answer that touts the need for rehabilitation of the new site and for improvements to the existing structures. For example, in response to a question about whether the project protects tidal and freshwater wetlands, applicant says "not applicable" and then elaborates "[t]he proposed facility will result in the discontinuance of DPW's green waste stockpiling operation adjacent to an existing wetland and replace it with suitably-sized and enclosed salt storage and recycling center facility." This answer fails to examine any new harms of the project on the wetlands. To state the obvious, the new site may need to be rehabilitated, the existing structures may be deficient, and the project may be ill-advised. To this end, the CC/AC has several questions:

First, CC/AC would be remiss if it did not ask the Applicant to consider other alternatives technologies that don't require such a large structure dedicated to salting the roads. Salt is corrosive, chewing through cars, trucks, and concrete. When all that salt dissolves and washes away, it accumulates in brooks and streams, which as discussed above kills off fish, plants, and amphibians. Is such a large structure needed now when 70% of it is to house a product that is widely known to cause extensive environmental harms?

Second, CC/AC questions whether this is the right spot for the new structure. Applicant states several times that "[n]o reasonable alternatives exist which would permit the action to be undertaken in a manner that would not substantially hinder the achievement of such LWRP policy standards and conditions." Yet the Applicant subsequently acknowledges that "other potential alternative locations exist" but they might "impact existing or planned recreation or DPW operations." Why could the existing facilities not be improved in the current sites? Could the new DPW Building #5 be redesigned to include or accommodate this project? Could the incinerator be removed and the structure be placed there? CC/AC urges for a relocation of the new site because of the scarcity of land resources in Rye and the preciousness of the remaining wetlands. Intrusion into the buffer should be minimized "to the maximum extent practicable." (*See* Rye Code § 195-5(d)(1).).

Third, CC/AC asks for greater specificity into the building design. Will there be a door to seal off the salt storage between filling and removal? How and where will the Calcium Chloride be contained? Does part of the design include a mechanism that would prevent spilling? The proposal states that the facility will be located approximately 4ft above the existing FEMA Flood elevation and will include a vegetative filter

swale to improve stormwater runoff quality over existing conditions. How will this elevation occur and with what type of fill material? Will there be a reduction in impervious surface or an increase as the proposal includes dedicated parking spaces and the addition of dumpsters. Even though the proposed project is partly within the 100-year flood plain, how is the proposed activity safe from erosion, hurricane winds, and other hazards because the current mounds of green waste and construction debris, which would and should be removed, may be acting as berms blocking flooding at present that appear higher than the proposed retaining wall.

Fourth, what measures would be undertaken to prevent disturbance of the buffer during construction?

Fifth, what measures will be undertaken in case of spills or water intrusion? CC/AC is concerned that the proposed 5ft wide filter strip is inadequate to collect any sediments or other materials in case of a flooding event. Can plans be developed to routinely monitor the nearby wetlands for changes in salinity to ensure inadvertent leaks or spills are remedied? While Applicant asserts a benefit of the proposal is to move "toxic chemical and/or heavy metals" into a contained structure, that contained structure will be in the buffer and closer to an important wetland. The proposal does not offer a plan for remediation if there were to be a leak, spill, or overflow. Moreover, should a salt storage facility be placed close to a Water Treatment Facility that has been known to overflow that could lead to contamination of the salt?

Sixth, the new site currently functions as "a restricted and paved portion of the City's DPW yard that is not publicly accessible as it is currently used for temporary stockpiling of materials." Wouldn't this proposal, however, have residents entering this area to drop off what he, she, or they deem as recyclables? This suggests that the area would materially change to one of unfettered public access into a sensitive area as well as suggest that a portion of the structure would be open, which increases the potential for the stored materials to be blown, moved, or otherwise transferred into the sensitive wetland.

CC/AC finds this application as currently proposed: **Unacceptable.**

This application was reviewed by the CC/AC on July 18, 2022

Pursuant to Chapter 195-6 of the City of Rye Code the CC/AC is requesting written findings from the Planning Commission in the event that the Planning Commission determinations under Chapter 195 are not consistent with the above report.

Deicing Salt Storage and Recycling Facility

141 Oakland Beach Avenue
Rye, NY 10580

WETLAND AND WATERCOURSES - ADVISORY PERMIT APPLICATION SUBMISSION

City of Rye, NY

July 12, 2022

Stantec Project #: 192311092

PROJECT TEAM

OWNER:
City of Rye
1051 Boston Post Road
Rye, NY 10580

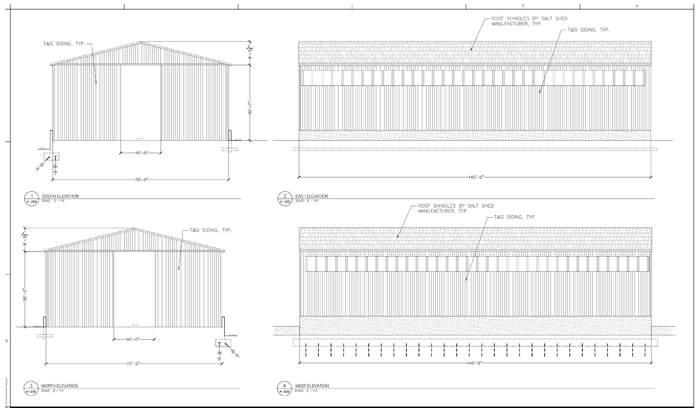
CIVIL & LANDSCAPE ARCHITECT

Stantec
55 Church Street
Suite 601
New Haven, CT, 06510

PLAYLAND PARKWAY
WOOD STRUCTURE

CRESCENT AVENUE
WOOD STRUCTURE

CHARLOTTE STREET
WOOD STRUCTURE



TYPICAL TIMBER SALT SHED

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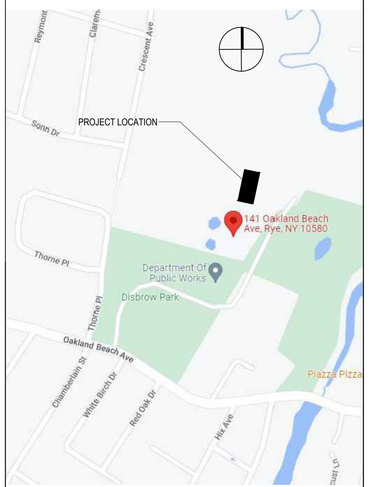
C-100 SITE DEVELOPMENT AND GRADING PLAN
C-101 SEDIMENT AND EROSION CONTROL NOTES AND DETAILS
C-200 DETAILS - 1



LOCATION MAP

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	Dwn.	Dsgn.	Chkd.	YYYY.MM.DD

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Client/Project Logo

Client/Project
CITY OF RYE

DPW - SALT SHED AND RECYCLING STATION

141 OAKLAND BEACH AVE
RYE, NY 10580

Title
Cover

Project No. 192311092
Scale 1" = 20'
Revision
Drawing No. **C-001**

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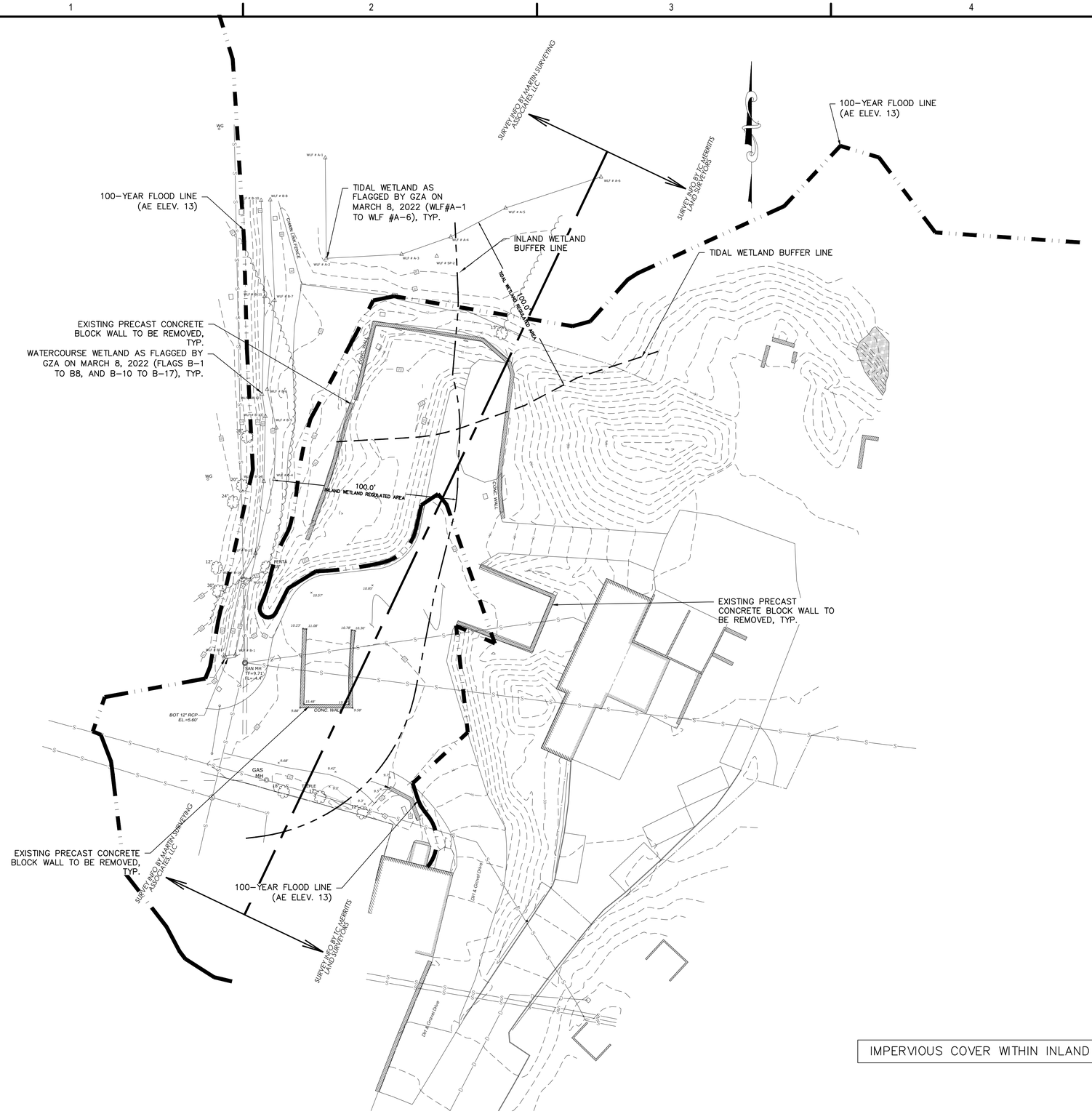
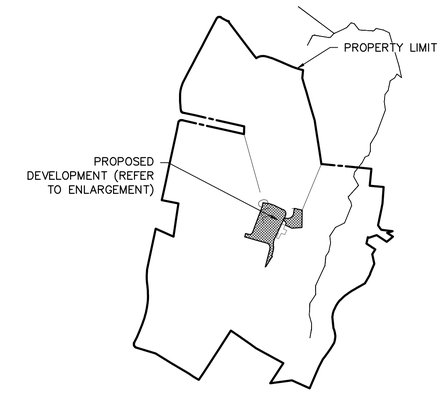


1 ENLARGEMENT OF EXISTING CONDITION OF AREA OF DEVELOPMENT

SCALE: 1" = 30'



2 KEY PLAN

SCALE: 1" = 500'

LEGEND:

- IRON PIN (FOUND)
- Rebar/Drill Hole (To Be Set)
- MONUMENT (FOUND)
- MANHOLE
- DRAINAGE MANHOLE
- SANITARY MANHOLE
- ELEC. MANHOLE
- TELE. MANHOLE
- "C" CATCH BASIN
- "C-L" CATCH BASIN
- DECIDUOUS TREES
- EVERGREEN TREES
- SHRUB/BUSH
- FLAG POLE
- TRAFFIC CONTROL BOX
- SIGN
- POST
- LIGHT POLE
- GUY ANCHOR
- UTILITY POLE
- WATER GATE
- GAS VALVE
- GAS METER
- ELEC. METER
- MAIL BOX
- HAND HOLE
- BUTTON BOX
- A.C. UNIT
- POLE
- BOUNDARY LINE
- GUARD RAIL
- UNDERGROUND PIPING (San.,Stm.)
- G — U/G GAS LINE
- E — U/G ELEC. LINE
- W — WATER LINE
- \\ — OVERHEAD UTILITIES
- T — U/G TELE. LINE
- CHAIN LINK FENCE
- TREE LINE
- 20 — EXISTING CONTOUR
- 20 — PROPOSED CONTOUR
- X 20 — PROPOSED SPOT ELEV.

IMPERVIOUS COVER WITHIN INLAND WETLAND REGULATED BUFFER	0.416 ACRES

0 30' 60'

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Client/Project

CITY OF RYE

DPW - SALT SHED AND RECYCLING STATION

141 OAKLAND BEACH AVE
RYE, NY 10580

Title

EXISTING CONDITION SURVEY

Project No. 192311092

Scale 1" = 30'

Revision

Drawing No. C-010

file:NJ1
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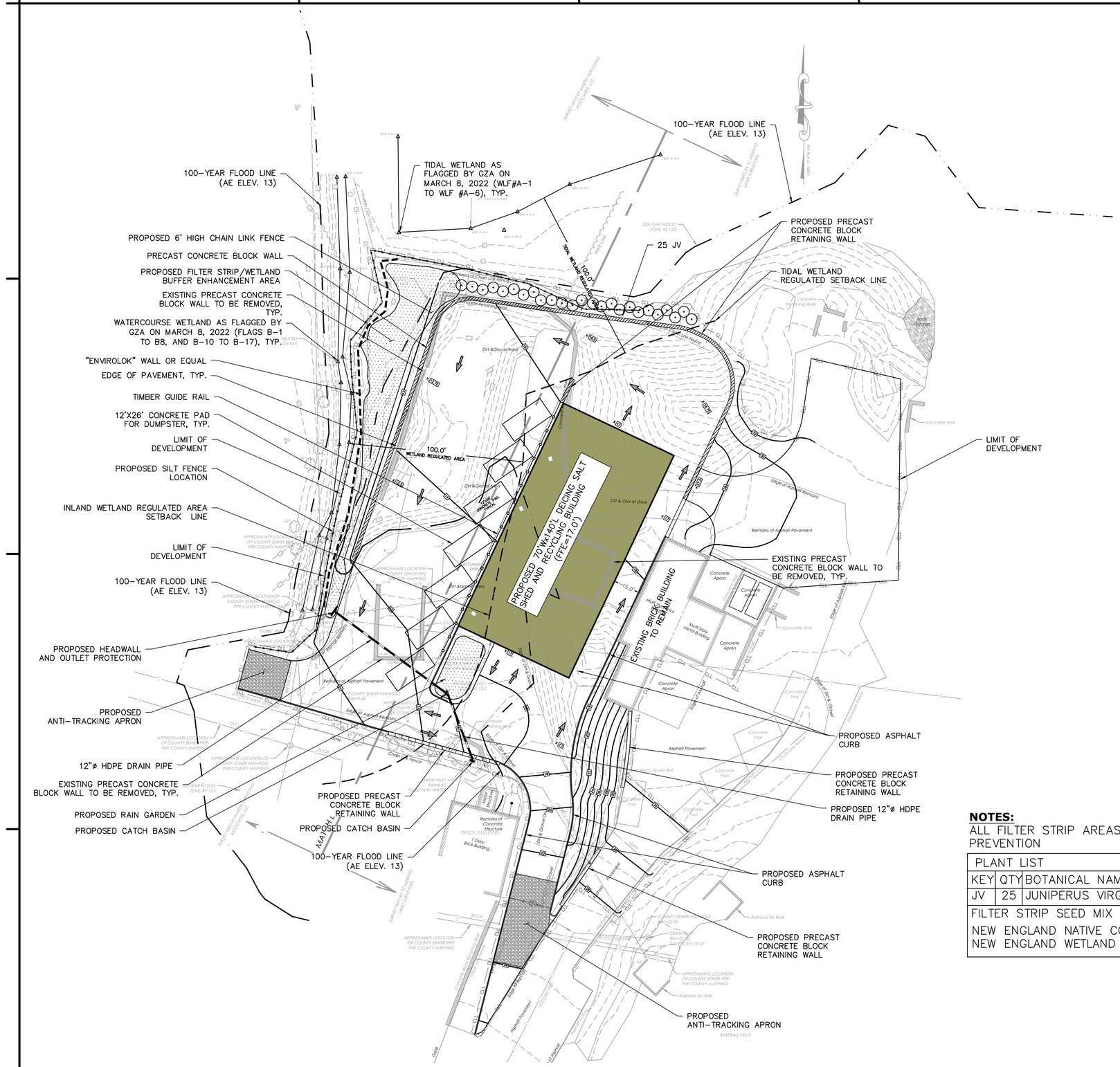

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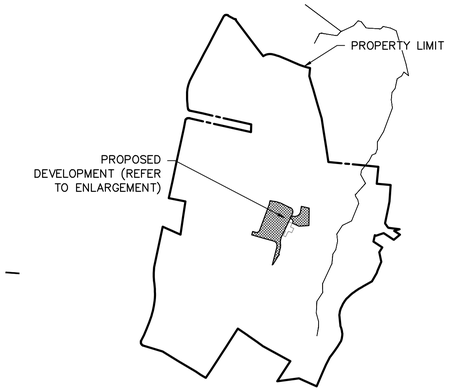

2 KEY PLAN

SCALE: 1" = 500'

LEGEND:

- IRON PIN (FOUND)
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- OVERHEAD UTILITIES
- U/G TELE. LINE
- CHAIN LINK FENCE
- TREE LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SPOT ELEV.

NOTES:

ALL FILTER STRIP AREAS SHALL HAVE JUTE NETTING FOR EROSION PREVENTION

PLANT LIST				
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE
JV	25	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	5'-6' HT. B&B
FILTER STRIP SEED MIX				
NEW ENGLAND NATIVE CONSERVATION SEED MIX AS PRODUCED BY NEW ENGLAND WETLAND PLANTS, INC. OR APPROVED EQUAL.				

0 30' 60'

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Client/Project Logo

CITY OF RYE NY 1942

Client/Project

CITY OF RYE

DPW - SALT SHED AND RECYCLING STATION

141 OAKLAND BEACH AVE
RYE, NY 10580

Title

SITE DEVELOPMENT AND GRADING PLAN

Project No. 192311092

Scale

Revision

Drawing No. C-100

ORIGINAL SHEET - ANSI D

PROJECT DESCRIPTION:

THE PROJECT CONSISTS OF THE CONSTRUCTION OF A DEICING SALT STORAGE FACILITY, RECYCLING STATION, ASSOCIATED DRIVEWAYS, MISCELLANEOUS LANDSCAPING IN RYE, NEW YORK.

THE INTENT OF THE SEDIMENT AND EROSION CONTROL PLAN IS TO COLLECT SEDIMENT IN RUNOFF DURING CUTTING AND FILLING OPERATIONS BEFORE CONSTRUCTION AREAS ARE STABILIZED. SEDIMENT AND EROSION CONTROL MEASURES AS DESCRIBED HEREIN SHALL BE INSTALLED WHERE SHOWN IN THE PLANS AND AS DIRECTED BY THE ENGINEER. EXISTING STORM DRAINAGE STRUCTURES WILL BE MAINTAINED AND PROTECTED DURING CONSTRUCTION UNTIL NEW DRAINAGE APPURTENANCES, WHERE PROPOSED, ARE OPERATIONAL AND ACCEPTED/APPROVED BY CITY ENGINEER.

EROSION CONTROL MEASURES SHOWN ON THE DOCUMENTS ARE MINIMUM REQUIRED MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR ALL EROSION AND SEDIMENTATION MEASURES/CONTROLS AT THE SITE.

CONSTRUCTION SEQUENCE: THE GENERAL SEQUENCE OF CONSTRUCTION SHALL PROCEED AS FOLLOWS:

- INSTALLATION OF PERIMETER EROSION/SILTATION CONTROL MEASURES, ANTI–TRACKING PAD, AND FENCE OFF AREAS LIMITED TO HEAVY EQUIPMENT.
- DEMOLISH/REMOVE EXISTING PAVEMENT, SOIL STOCKPILE AS NOTED ON PLANS. ALL MATERIALS, INCLUDING ASPHALT, CONCRETE, ETC., SHALL BE DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.
- DISCHARGES FROM DEWATERING OF EXCAVATION SHALL NOT BE DIVERTED DIRECTLY INTO ANY EXISTING STORM DRAINS WITHOUT PRETREATMENT VIA SEDIMENT BASIN OR TEMPORARY SEDIMENT CONTROL DEVICE (SILT BAG).
- MAINTAIN ANTI–TRACKING PAD AND INSPECT EROSION CONTROL MEASURES.
- STABILIZE ALL CUT OR DISTURBED AREAS WITH TOPSOIL, SEED AND MULCH.
- CONSTRUCT RETAINING WALLS
- EXCAVATION FOR FOUNDATION, INSTALLATION OF HELICAL PILES, AND CONSTRUCT FOUNDATION AND REINFORCED CONCRETE FOUNDATION WALL.
- INSTALLATION OF INTERNAL EROSION CONTROLS AS AREAS ONSITE ARE STABILIZED AND CONSTRUCTION PROGRESSES
- INSTALL SITE PAVEMENT, FENCING AND SITE AMENITIES AND IMPROVEMENTS.
- TOPSOIL AND FINAL SEEDING OF ALL DISTURBED AREAS AND OTHER AREAS WITHIN SITE AS DIRECTED BY OWNER'S REPRESENTATIVE
- INSTALLATION OF FINAL AMENITIES.
- INSPECT AND CLEAN DRAINAGE SYSTEM.
- REMOVAL OF PERIMETER EROSION CONTROL MEASURES.
- FINAL CLEAN–UP

SEDIMENTATION AND EROSION CONTROL NOTES:

1. SILTATION AND EROSION CONTROL MEASURES SHALL BE INSTALLED AS NECESSARY PRIOR TO THE START OF GRADING AND MAINTAINED UNTIL ALL GROUND SURFACES ARE STABILIZED I.E. WITH TURF, PAVEMENT, ETC., AND SHALL CONSIST OF SILT FENCING, HAY BALES, TEMPORARY SEDIMENTATION BASINS AND SWALES, MULCH AND TEMPORARY SEEDING.

2. THE OWNER HAS THE AUTHORITY TO CONTROL THE SURFACE AREA OF EARTH MATERIALS EXPOSED BY CONSTRUCTION OPERATIONS AND TO DIRECT THE CONTRACTOR TO IMMEDIATELY PROVIDE PERMANENT OR TEMPORARY POLLUTION CONTROL MEASURES TO PREVENT CONTAMINATION OF ADJACENT STREAMS, WATERCOURSES, LAKES, PONDS, OR OTHER AREAS OF WATER IMPOUNDMENT BY CONSTRUCTION OPERATIONS. EVERY EFFORT SHALL BE MADE BY THE CONTRACTOR TO PREVENT EROSION ON THE SITE AND/OR ONTO ABUTTING PROPERTY.

3. THE ENGINEER HAS THE AUTHORITY TO DIRECT THE CONTRACTOR TO DIVERT SURFACE WATER RUN–OFF AWAY FROM EXPOSED RAW EARTH SURFACES THROUGH THE USE OF TEMPORARY BERMS, DIKES, DIVERSION CHANNELS AND/OR OTHER DIVERSION TECHNIQUES APPROVED BY THE CITY'S REPRESENTATIVE AND THE ENGINEER.

4. THE EROSION CONTROL FEATURES SHALL BE INSTALLED AND MAINTAINED BY THE CONTRACTOR AND SHALL BE CHECKED DAILY AND AFTER EACH SEVERE RAIN STORM OF 0.5" OR GREATER FOR DAMAGE, UNTIL SUCH FEATURES ARE, IN THE OPINION OF THE ENGINEER, NO LONGER NEEDED. ALL SEDIMENTATION TRAPS AND SEDIMENTATION BASINS SHALL HAVE THE ACCUMULATED SEDIMENT AND/OR CLEAN WATER REMOVED BEFORE IT SIGNIFICANTLY REDUCES THEIR STORAGE VOLUME OR FUNCTION, PRIOR TO THE NEXT RAIN STORM FORECAST FOR THE REGION.

5. THE CONTRACTOR SHALL, AT ALL TIMES, HAVE ON HAND THE NECESSARY MATERIALS AND EQUIPMENT TO PROVIDE FOR EARLY SLOPE STABILIZATION AND CORRECTIVE MEASURES TO DAMAGED SLOPES. THE CONTRACTOR SHALL RESPOND TO MAINTENANCE OR ADDITIONAL MEASURES ORDERED BY THE ENGINEER WITHIN 24 HOURS.

6. THE CONTRACTOR SHALL OPERATE ALL EQUIPMENT AND PERFORM ALL CONSTRUCTION OPERATIONS SO AS TO MINIMIZE POLLUTION TO ADJACENT WATER COURSES OR WETLANDS AREAS. THE CONTRACTOR SHALL CEASE ANY OF HIS OPERATIONS WHICH WILL INCREASE POLLUTION DURING RAIN STORMS.

7. ALL SLOPES OF STOCKPILE MATERIAL AND OTHER DISTURBED AREAS SHALL BE STABILIZED AND PROTECTED BY SURROUNDING WITH SILT FENCING OR HAY BALES, OR OTHERWISE PROTECTED AS APPROVED BY THE ENGINEER OR AS DIRECTED BY ZO OR PZC DESIGNEE. ALL DAMAGED AREAS SHALL BE REPAIRED AS SOON AS POSSIBLE. THE ENGINEER SHALL LIMIT THE SURFACE AREA OF EACH MATERIAL EXPOSED IF THE CONTRACTOR FAILS TO SUFFICIENTLY PROTECT THE SLOPES TO PREVENT POLLUTION.

8. MULCHES: SHALL BE HAY, STRAW, WOOD CELLULOSE, WOOD CHIPS, STONE, NETTING, BURLAP OR OTHER SUITABLE MULCH MATERIAL AS APPROVED BY THE ENGINEER. MULCHES SHALL BE REASONABLY CLEAN AND FREE OF NOXIOUS WEEDS AND DELETERIOUS MATERIALS. ASPHALT SPRAYS WILL NOT BE ALLOWED. THE CONTRACTOR SHALL PREVENT STRAW, WOOD CHIPS, ETC., FROM ENTERING ANY CATCH BASINS, RESERVOIRS OR WATERCOURSES.

9. HAY BALES: SHALL BE PLACED AROUND ALL EXISTING DRAINAGE INLETS OR AS DIRECTED BY THE ENGINEER. THEY SHALL BE HELD IN PLACE BY TWO WOODEN STAKES IN EACH BALE. BALES SHALL BE MAINTAINED OR REPLACED AS ORDERED BY THE ENGINEER UNTIL THEY ARE NO LONGER NECESSARY FOR THE PURPOSE INTENDED OR ARE ORDERED REMOVED BY THE ENGINEER. HAY BALES SHALL BE MADE OF HAY WITH 40 POUNDS MINIMUM WEIGHT AND 120 POUNDS MAXIMUM WEIGHT. WOOD STAKES SHALL BE A MINIMUM OF 1 INCH BY 1 INCH NOMINAL SIZE BY A MINIMUM OF 3 FEET LONG.

10. SILT FENCE: SHALL CONSIST OF 3–FOOT WIDE GEOSYNTHETIC FABRIC WITH PREFABRICATED WOOD POSTS AS MANUFACTURED BY "MIRAFI" OR EQUAL. THE BOTTOM SIX INCHES OF FABRIC SHALL BE BURIED BY EITHER TRENCHING OR BY LAYING THE SIX INCH SECTION HORIZONTALLY ON THE GROUND AND BURYING BY RAMPING THE TOPSOIL UP TO THE CONTROL FENCE.

    – MINIMUM LENGTH OF SILT FENCE IS 15 L.F.
    – MAXIMUM POST SPACING IS 10 L.F.
    – JOINTS IN FILTER FABRIC SHALL BE ONLY AT SUPPORT POSTS WITH MINIMUM 6" OVERLAP, SECURELY SEALED
    – SILT FENCE SHALL NOT BE USED IN A WATER COURSE
    – FABRIC SUSCEPTIBLE TO SUNLIGHT DAMAGE SHALL NOT BE USED IN ANY INSTALLATIONS WHERE EXPOSURE TO LIGHT WILL EXCEED 30 DAYS, UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE ENGINEER.

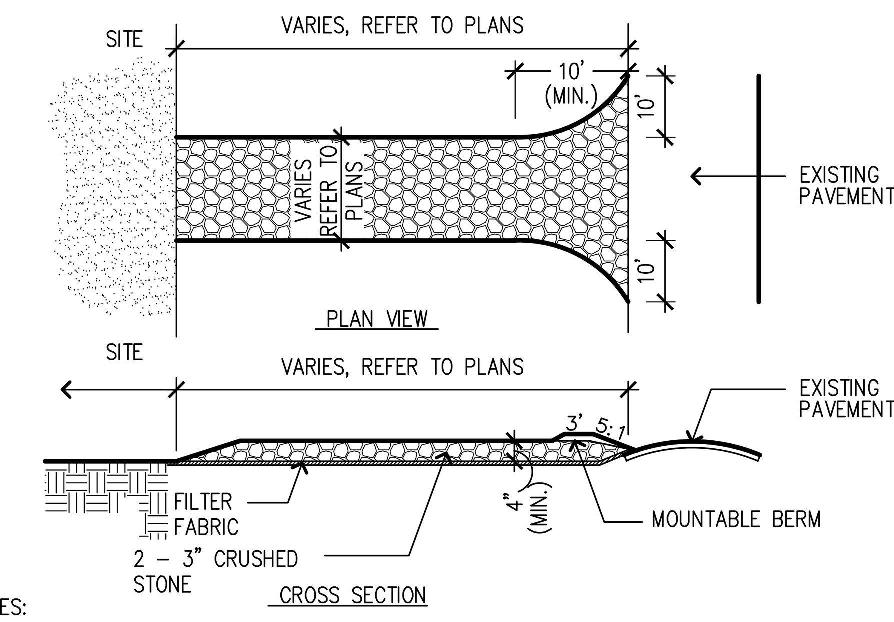
11. TEMPORARY SWALES AND SEDIMENTATION BASINS MAY BE CONSTRUCTED OF RIP–RAP, MULCH, HAY BALES OR JUTE MESH. PORTLAND CONCRETE OR BITUMINOUS CONCRETE WILL NOT BE ALLOWED.

12. TEMPORARY GRASS SEED SHALL BE PERENNIAL RYE–GRASS (LOLIUM PERENNE) OR AN IMPROVED VARIETY THEREOF, SUCH AS MANHATTAN, HAVING A MINIMUM PURITY OF 98 PERCENT AND A MINIMUM GERMINATION OF 90 PERCENT. THE SEEDING MAY BE ALTERED BY THE ENGINEER IF REQUESTED BY THE CONTRACTOR TO SUIT SPECIAL AREAS OR CONDITIONS.

13. AT THE COMPLETION OF THE PROJECT, AND AFTER ALL DISTURBED AREAS ARE STABILIZED, THE CONTRACTOR SHALL COMPLETELY REMOVE ALL SEDIMENTATION AND EROSION CONTROL MEASURES AFTER AUTHORIZATION. SILT FENCING SHALL BE CUT FLUSH WITH THE GROUND AND ANY ACCUMULATED SEDIMENTATION SHALL BE THINLY SPREAD UPON EXISTING GROUND COVER. ALL MULCH, HAY BALES AND RIP–RAP SHALL BE REMOVED FROM THE SITE, UNLESS SPECIFICALLY ORDERED BY THE ENGINEER TO REMAIN IN PLACE.

14. ADDITIONAL EROSION & SEDIMENT CONTROLS SHALL BE STORED ONSITE.

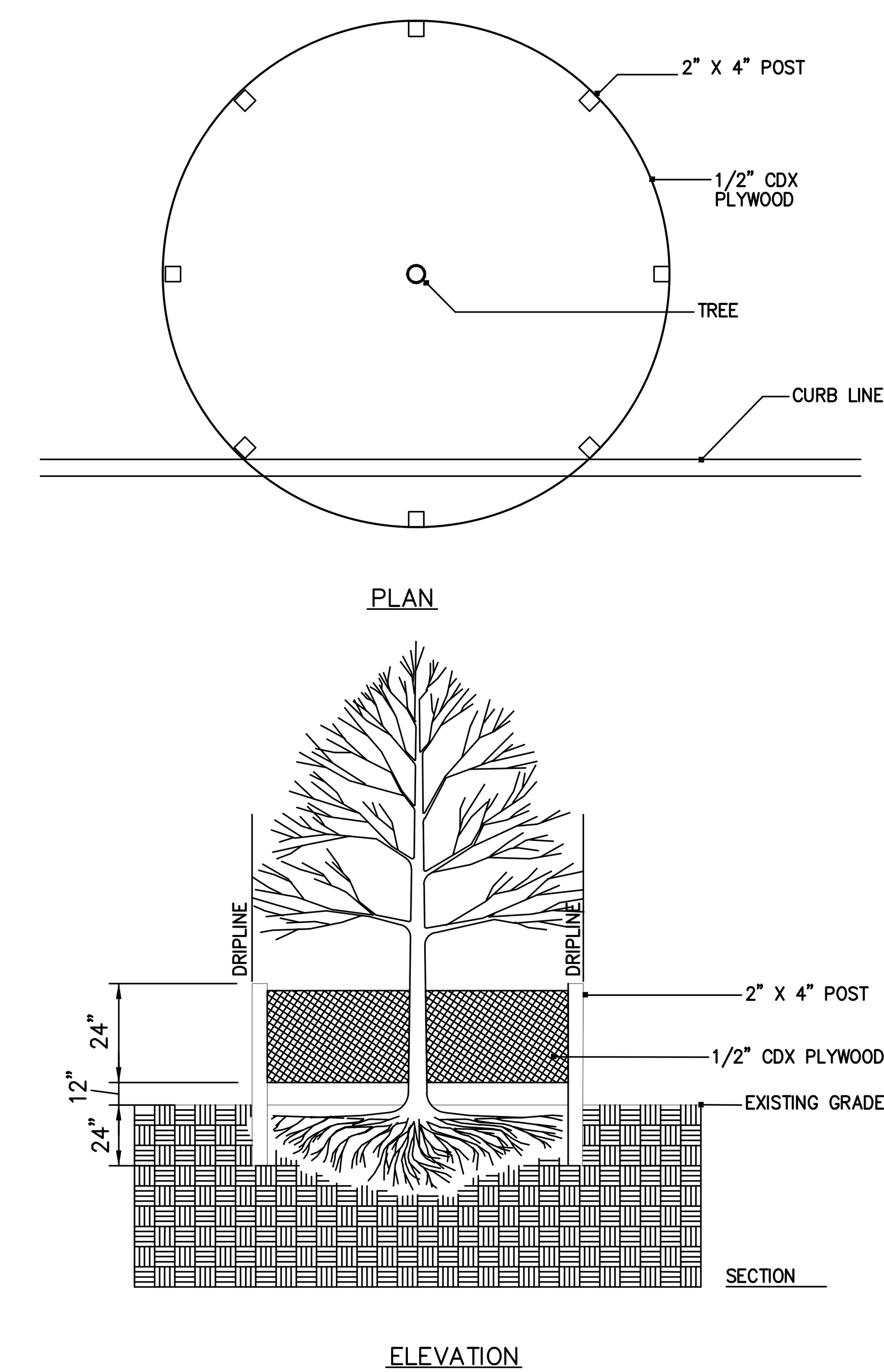
15. NOTIFY THE CITY IF SIGNIFICANT CHANGES TO THE EROSION CONTROLS ARE NEEDED WHICH MAY IMPACT NEARBY WETLANDS/WATERCOURSE/DRAINAGE NETWORKS.



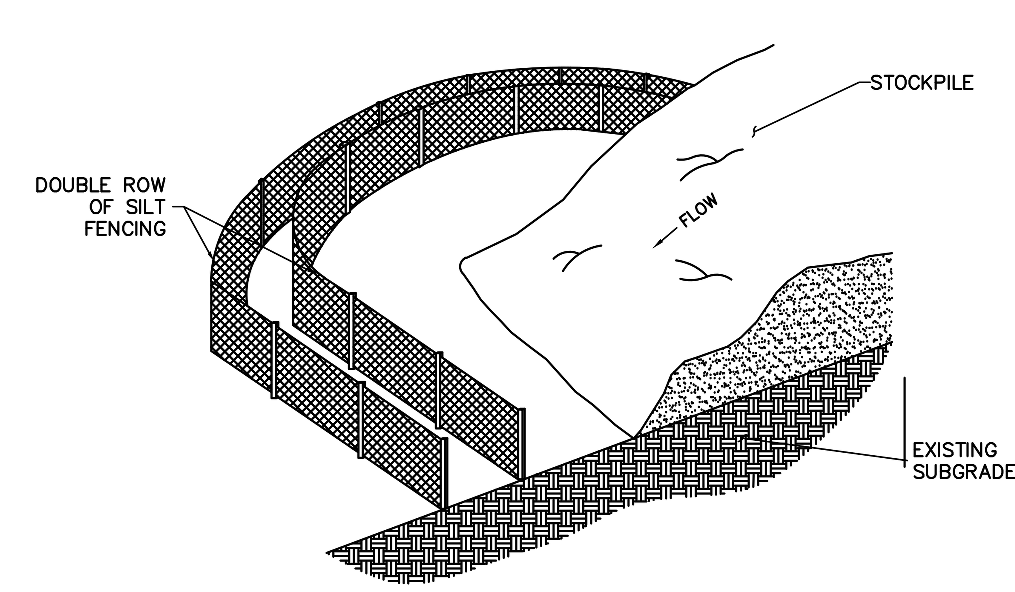
NOTES:

1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS–OF–WAY MUST BE REMOVED IMMEDIATELY. BERM SHALL BE PERMITTED. PERIODIC INSPECTION AND MAINTENANCE SHALL BE PROVIDED AS NEEDED.

1 STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE

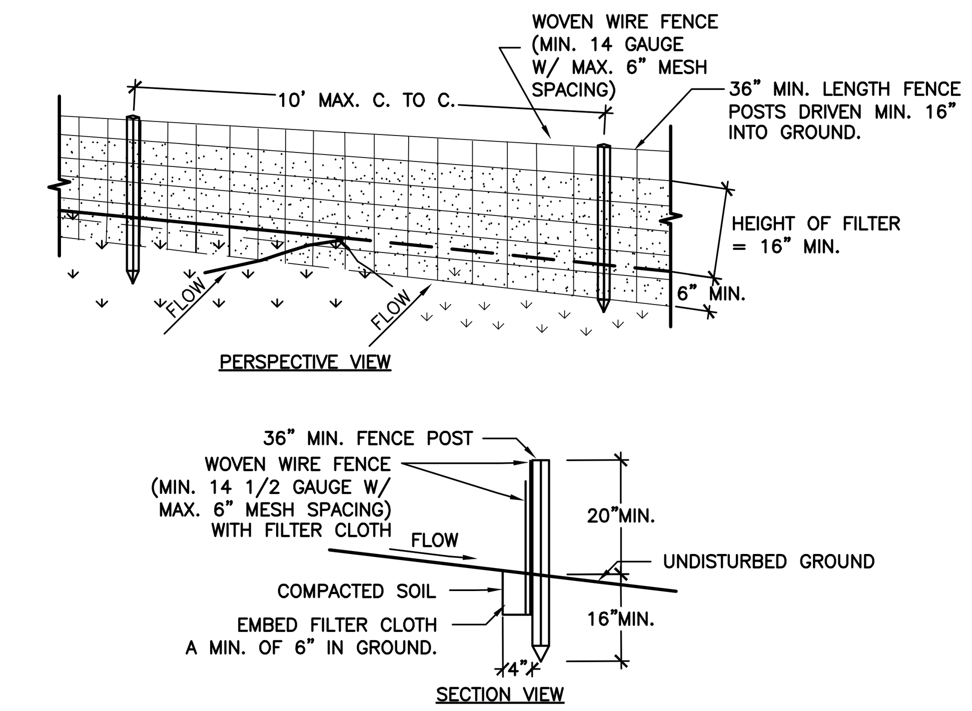


3 TYP. TREE PROTECTION DETAIL
NOT TO SCALE

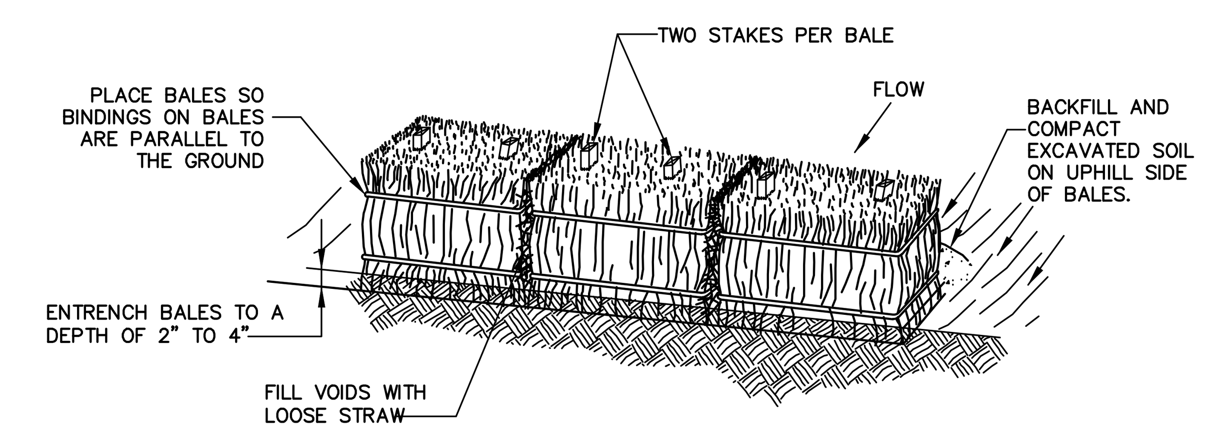


4 TYP. STOCKPILE SILTATION CONTROL
NOT TO SCALE

NOTES:
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.



2 SILT FENCE DETAIL
NOT TO SCALE



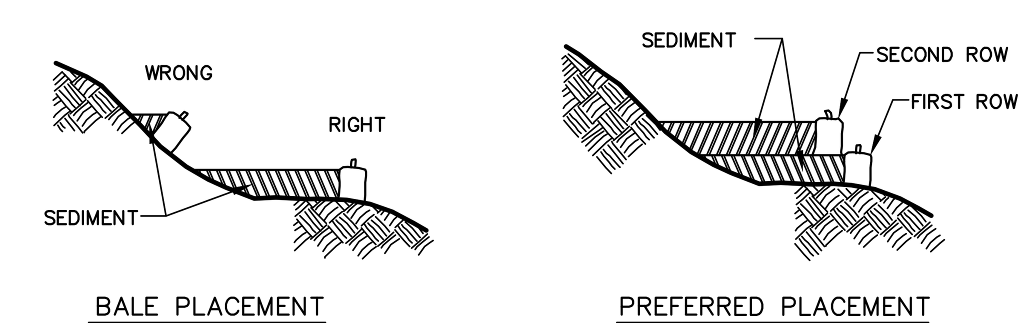
INSTALLATION

A) IDEALLY, BALES SHOULD BE ENTRENCHED 2 TO 4 INCHES AND TIGHTLY BUTTED TOGETHER. BALES CAN BE SUCCESSFULLY PLACED WITHOUT A TRENCH IF GOOD GROUND CONTACT IS MADE. REMOVE HEAVY BRUSH AND FILL IN ALL VOIDS WITH LOOSE STRAW.

B) BALES SHALL BE ONLY USED AS A TEMPORARY BARRIER AND FOR NO LONGER THAN 60 DAYS. THEY SHALL NOT BE USED ON A JOB ADJACENT TO A RESIDENTIAL NEIGHBORHOOD, RESIDENCES OR ADJACENT TO OR IN A WATERCOURSE.

C) WHEN SEDIMENTATION DEPOSITS REACH WITHIN 3" OF THE TOP OF THE BALES, REMOVE SEDIMENTATION OR ADD ADDITIONAL BALES ON SEDIMENTATION DIRECTLY BEHIND THE FIRST ROW OF BALES AS DIRECTED BY THE ENGINEER.

D) UPON ESTABLISHMENT OF GROUND COVER ON DISTURBED AREAS AND WHEN DIRECTED BY THE THE ENGINEER, HAY BALES WILL BE REMOVED AND USED AS MULCH. ANY SEDIMENTATION WILL BE THINLY SPREAD UPON ESTABLISHED GROUND COVER.



BALES PLACED AWAY FROM TOE OF SLOPE HAVE A LARGER CONFINEMENT AREA. ADDITIONAL BALES SHOULD BE ADDED BEHIND ORIGINAL BALES BEFORE SEDIMENT TOPS THE FIRST BALE.

5 TYP. HAY/STRAWBALE INSTALLATION METHOD
NOT TO SCALE

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Notes

Revision	By	Appd	YYYY.MM.DD

Issued	By	Appd	YYYY.MM.DD
File Name: N/A	CEH	PK	AD	12/11/20
	Dwn.	Dsgn.	Chkd.	YYYY.MM.DD

Permit/Seal

PRELIMINARY NOT FOR CONSTRUCTION

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Client/Project Logo

CITY OF RYE NY 1942 — 1660 — 1904

Client/Project
CITY OF RYE

DPW - SALT SHED AND RECYCLING STATION

141 OAKLAND BEACH AVE
RYE, NY 10580

Title
SEDIMENT AND EROSION CONTROL NOTES AND DETAILS

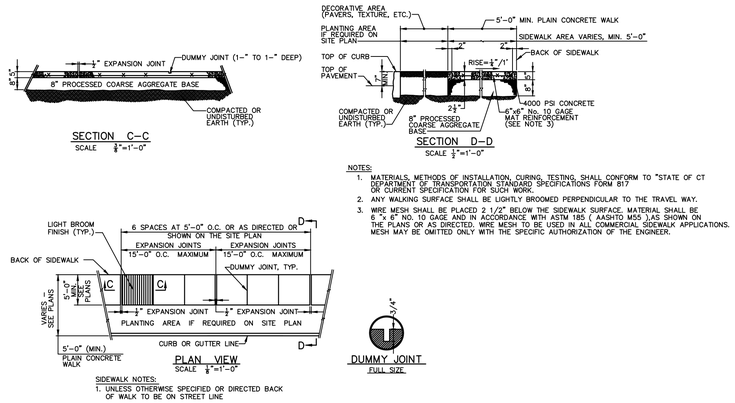
Project No. 192311092

Scale

Revision

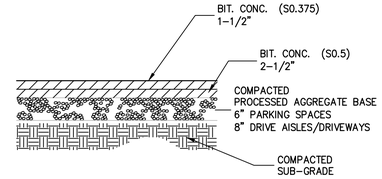
Drawing No. C-101

BIM 360
7/8/2020 7:53:43 AM
ORIGINAL SHEET - ANSI D

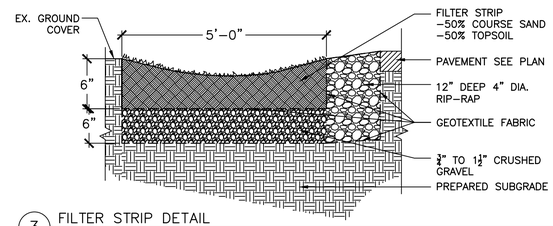


NOTES:
1. MATERIALS, METHODS OF INSTALLATION, CURING, TESTING, SHALL CONFORM TO "STATE OF CT DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FORM 817 OR CURRENT SPECIFICATION FOR SUCH WORK.
2. ANY WALKING SURFACE SHALL BE LIGHTLY BROOMED PERPENDICULAR TO THE TRAVEL WAY.
3. WIRE MESH SHALL BE PLACED 2 1/2" BELOW THE SIDEWALK SURFACE. MATERIAL SHALL BE 6 "x 6" NO. 10 GAGE AND IN ACCORDANCE WITH ASTM 185 (AASHTO M55),AS SHOWN ON THE PLANS OR AS DIRECTED. WIRE MESH TO BE USED IN ALL COMMERCIAL SIDEWALK APPLICATIONS. MESH MAY BE OMITTED ONLY WITH THE SPECIFIC AUTHORIZATION OF THE ENGINEER.

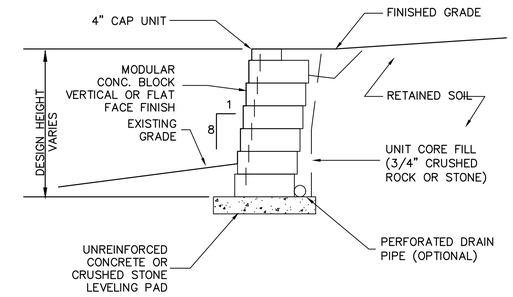
1 CONCRETE WALK DETAIL
SCALE: N.T.S.



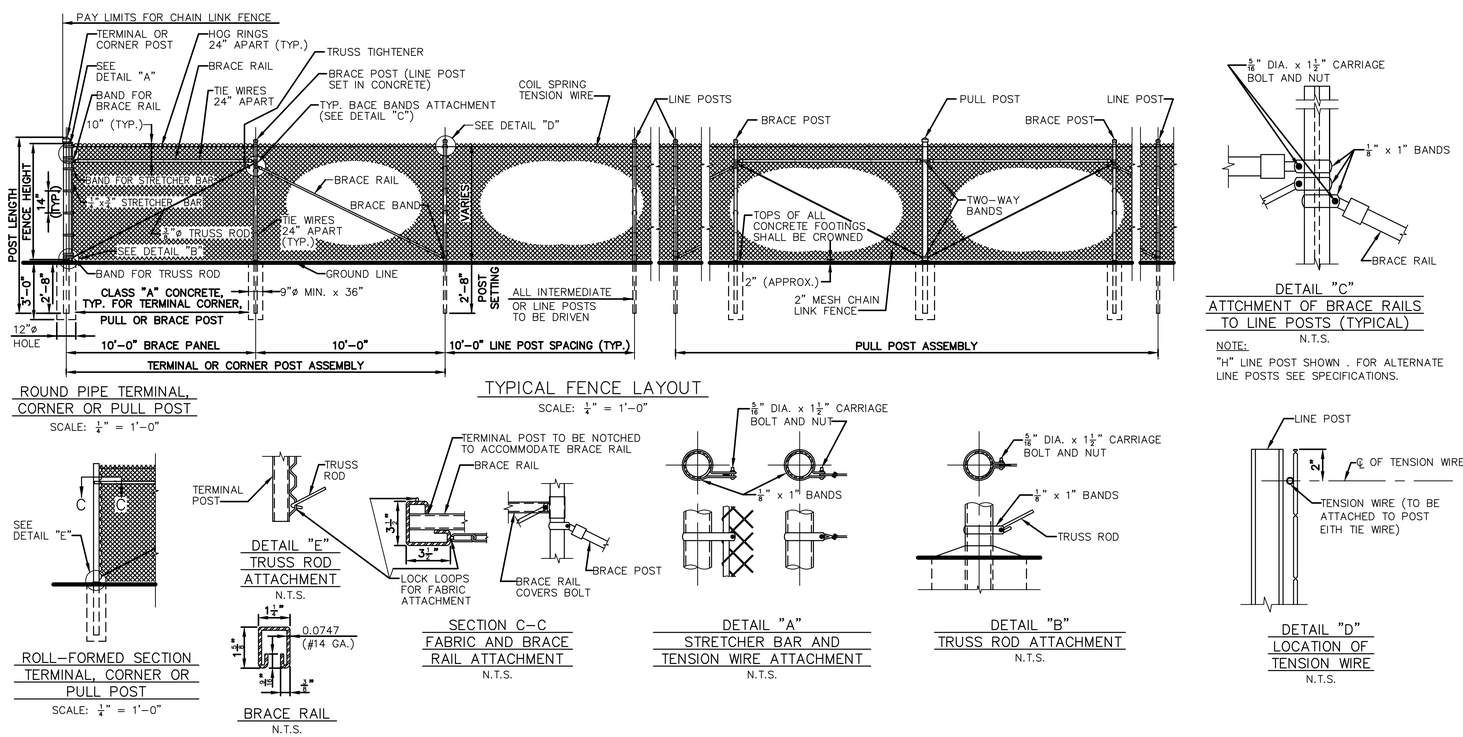
2 BITUMINOUS ASPHALT PAVEMENT DETAIL
SCALE: N.T.S.



3 FILTER STRIP DETAIL
SCALE: N.T.S.



4 TYPICAL BLOCK RETAINING WALL DETAIL
SCALE: N.T.S.



DETAIL "C"
ATTCHMENT OF BRACE RAILS TO LINE POSTS (TYPICAL)
N.T.S.

NOTE:
"H" LINE POST SHOWN . FOR ALTERNATE LINE POSTS SEE SPECIFICATIONS.

5 TYPICAL CHAIN LINK FENCE DETAILS
SCALE: N.T.S.

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Client/Project Logo

Client/Project
CITY OF RYE

DPW - SALT SHED AND RECYCLING STATION

141 OAKLAND BEACH AVE
RYE, NY 10580

Title

DETAILS - 1

Project No. 192311092

Scale

Revision

Drawing No.
C-200

Rev 3(A)
FM 2000 7:53:43 AM
ORIGINAL SHEET - ANSI D

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information

Name of Action or Project:

Rye City DPW Salt Shed/Recycling Facility

Project Location (describe, and attach a location map):

Rye DPW property located at 141 Oakland Beach Avenue, Rye, New York 10580

Brief Description of Proposed Action:

The project involves the construction of a new Salt Deicing Storage and Recycling Facility at the City's The project involves the construction of a new 70-foot wide by 140-foot long by 36-foot high City Salt Storage Shed and Recycling Facility located at the City's public works facility located at 141 Oakland Beach Avenue, Rye, New York. The project is proposed in the northwestern portion of the site currently used as green waste storage/transfer area and other stockpiling activities. There will be no disturbance to wetland areas, but there will be construction activities within 100-foot wetland buffer. Total project disturbance would be between 1.0 and 1.5 acres. The project location is currently restricted to DPW operations and does not allow public access. This would remain unchanged by the project. The proposed activity is not a water-enhanced or water-dependent use, however this location is the only viable alternative within Disbrow Park. Existing green waste storage and other stockpiling would be eliminated from this location and relocated to other publically restricted areas used by DPW. The City Planning Commission found that the project is consistent with the City's LWRP policies.

Name of Applicant or Sponsor:	Telephone: 914-967-7404
Rye City Council	E-Mail: cmanager@ryeny.gov

Address:

1051 Boston Post Road

City/PO:	State:	Zip Code:
Rye	NY	10580

	NO	YES
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.	☑	☐
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: Interested and/or Involved agencies: DASNY, OPRHP/SHPO, NYSDEC, NYSDOS, Advisory Rye City Planning Commission, BAR	☐	☑

3. a. Total acreage of the site of the proposed action? 1.0-1.5 acres
   b. Total acreage to be physically disturbed? 1.0-1.5 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 47 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☑ Aquatic ☑ Other(Specify): Sewage Treatment Plant
   ☑ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: Name:Long Island Sound, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90	☐	☑
	NO	YES
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?	☐	☑
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:	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: The building does not require and will not have potable water service.	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: The building does not require sewer service and will not include connection to municipal sanitary sewer system.	☑	☐
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?	☑	☐
See attached letter of no impact from SHPO 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?	☐	☑
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:		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☑ Wetland ☐ Urban ☑ Suburban

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☐	☑
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: Existing on-site municipal stormwater systems will be used and enhanced by water quality pre-treatment measures.		
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:	☑	☐
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: Project location is near a former refuse incinerator and former ash landfill	☐	☑
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:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

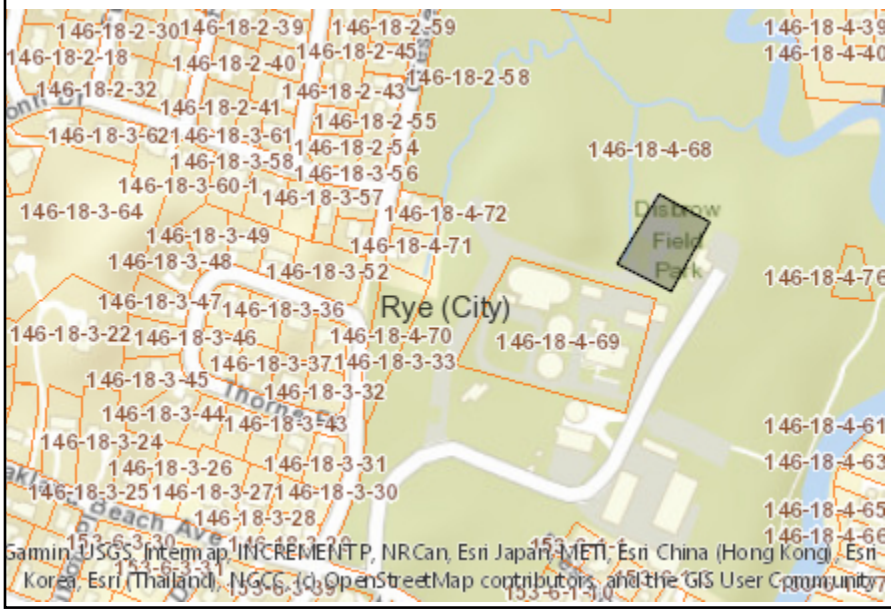
Applicant/sponsor/name: Rye City Council Date: 10/31/22

Signature: Christian K. Miller Title: Rye City Planner

PRINT FORM

EAF Mapper Summary Report

Wednesday, January 20, 2021 11:01 AM



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

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

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

June 21, 2022

Christian Miller
City Planner
City of Rye
1051 Boston Post Rd
Rye, NY 10580-2945

Re: DEC
Deicing Salt Storage and Recycling Facility
22PR04084

Dear Christian Miller:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

PROJECT SUMMARY

Deicing Salt Storage and Recycling Facility
Rye, NY

Stantec Consulting Services Inc.
55 Church Street Suite 601
New Haven, CT 06510
Tel: (203) 495-1645
Fax: (203) 495-1652

May 19, 2022

DEICING SALT STORAGE AND RECYCLING FACILITY
RYE, NY

TABLE OF CONTENTS

1.0 INTRODUCTION

2.0 PROJECT SUMMARY

2.1 - BACKGROUND AND EXISTING CONDITIONS 2.1

2.2 - PROPOSED IMPROVEMENTS 2.2

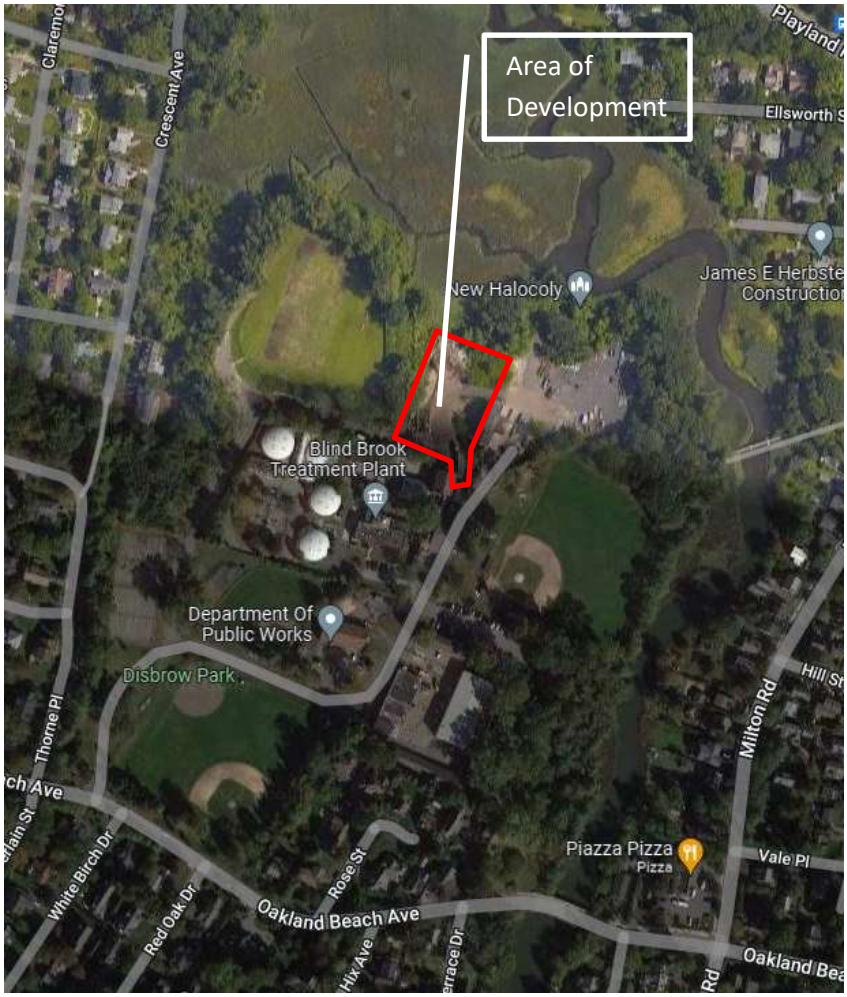
3.0 SUPPLEMENTARY INFORMATION

APPENDICIES 3.1

A – Location Map
B – Proposed Site Plan
C – Wetland Delineation Report
D – Rare Species and Habitat

2.0 PROJECT SUMMARY

2.1 - Background and Existing Conditions



The proposed site for the deicing salt storage and recycling facility is to constructed within the Rye DPW facility. The facility is in a 55.2-acre parcel owned by the City of Rye. Located at 141Oakland Beach Avenue in Rye, NY. This DPW facility contains the DPW office, maintenance building, and the Blind Brook Treatment Plant. Within the 55.2 acres property is Disbrow Park. The proposed deicing salt storage and recycling facility will be constructed north northeast of the Blind Brook Treatment Plant.

A significant portion of the property is tidal wetland (north portion). The DPW facilities are located on the eastern portion of the property. The treatment plant is to the north of the DPW outlaying buildings. To the southwest of the property is Disbrow Park. On the West and south if the property are residential properties. The northern side of the property is Playland Parkway. To the northeast are residential properties and the waterway, Blind Brook.

The existing natural features consist of approximately 14.2 acres of tidal wetlands to the north with a hydraulic connection to Blind Brook. Blind Brook traverses the property from northwest to north of the proposed development. Woodlands and scrub growth separates the location of the proposed development from the tidal wetland and Blind Brook.

Presently, the site is being utilized as dumpsite for leaves and brushes, and excess excavated soil from city projects. The proposed facility, which is the purpose of this summary, will include a 80 feet wide by 140 feet long by 36 feet high gable type timber structure.

Photo 1: Existing condition at northeast portion of proposed development

Photo 2: Existing condition at north portion of development

Photo 3: Existing condition at east portion of development

Photo 4: Existing condition at the southeast portion of the development

Photo 5: Existing condition south portion of the development

Photo 6: Existing condition southwest portion of the development

Photo 7: Existing condition western portion of the development

Photo 8: Existing condition northwestern portion of the development

2.2 - Proposed Improvements

The City of Rye is pursuing to construct a 80 feet wide by 140 feet long by 36 feet high deicing salt storage and recycling building. Approximately 70% of the building will be utilize to storage approximately 3,000 tons of deicing salt. The remaining 30% will be utilized to temporarily store recyclables. The building shall be a timber structure with reinforced concrete foundation. Associated with the development will be 10 paved spaces for 30-yards capacity dumpsters, and paved driveways. Precast concrete blocks will be use to construct retaining walls. The retaining walls are required to make the grades. Retaining walls will vary from 3 feet to 14 feet. The limits of the proposed work fall within the limits of the existing area where the tree stumps, tree trimmings, leaves, excavated soils are temporary stockpiled.

With the proposed improvements, there will be more storage for deicing salt, as per the city engineer, enough to last the winter season. There will be more dumpsters on site for recyclables (currently there are 4 compared to the 10 being proposed).

3.0 SUPPLEMENTARY INFORMATION

3.1 Appendices

The following supplementary information is included in the appendices for reference:

Appendix A – Location Map

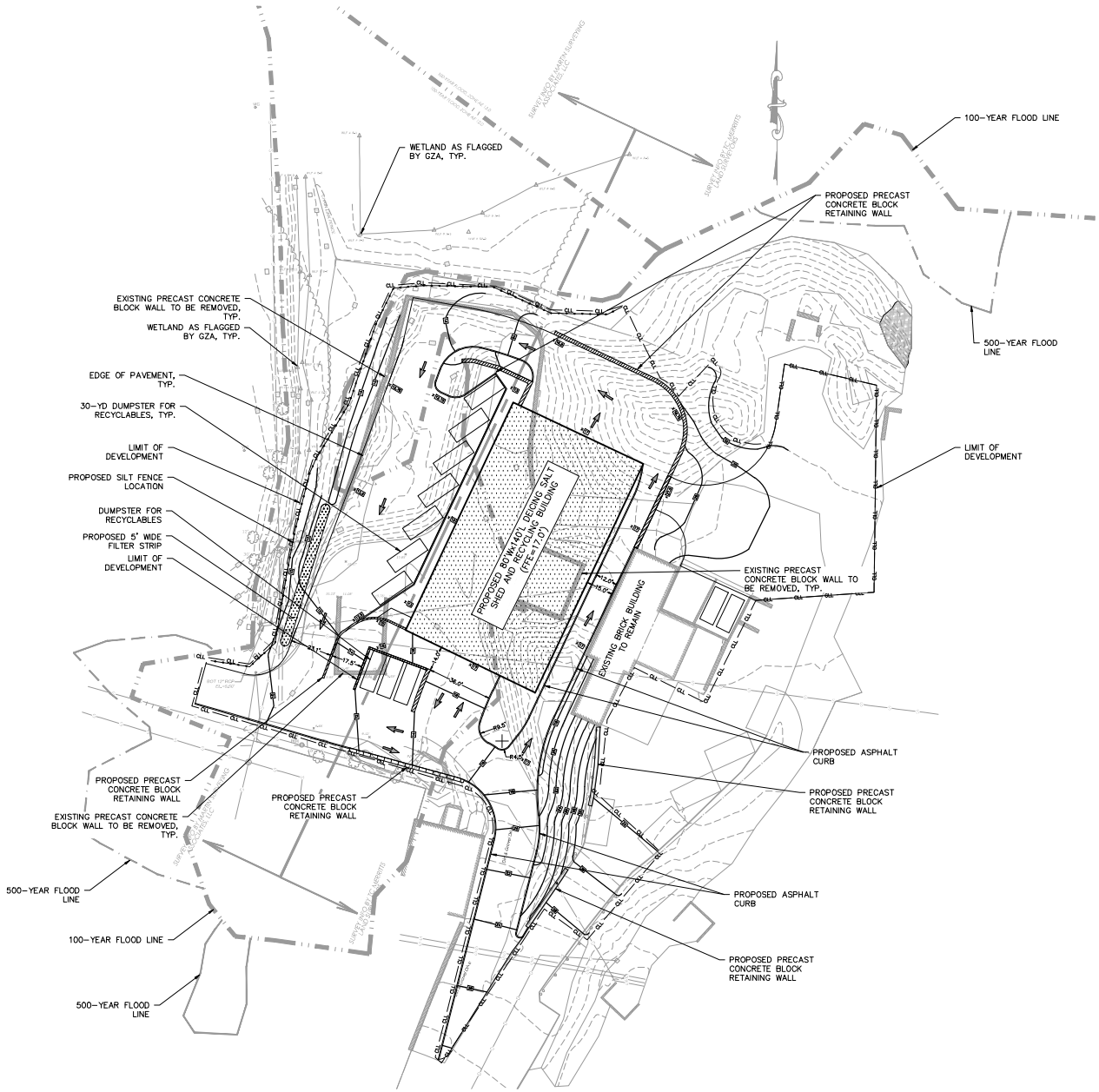
Appendix B – Proposed Site Plan

Appendix C – Summary Report of Delineation

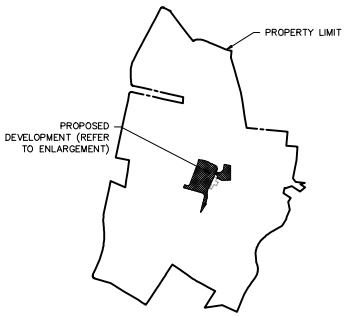
Appendix D – Rare Species and Habitat

Appendix A – Location Plan

Appendix B – Proposed Site Plan



1 ENLARGEMENT OF AREA OF DEVELOPMENT
SCALE: 1" = 30'



2 KEY PLAN
SCALE: 1" = 500'

LEGEND:

- IRON PIN (FOUND)
- Rebar/Drill Hole (To Be Set)
- MONUMENT (FOUND)
- MANHOLE
- DRAINAGE MANHOLE
- SANITARY MANHOLE
- ELEC. MANHOLE
- TELE. MANHOLE
- "C" CATCH BASIN
- "C-L" CATCH BASIN
- DECIDUOUS TREES
- EVERGREEN TREES
- SHRUB/BUSH
- FLAG POLE
- TRAFFIC CONTROL BOX
- SIGN
- POST
- LIGHT POLE
- GUY ANCHOR
- UTILITY POLE
- WATER GATE
- GAS VALVE
- GAS METER
- ELEC. METER
- MAIL BOX
- HAND HOLE
- BUTTON BOX
- A.C. UNIT
- POLE
- BOUNDARY LINE
- GUARD RAIL
- UNDERGROUND PIPING (San.,Stm.)
- G — U/G GAS LINE
- E — U/G ELEC. LINE
- W — WATER LINE
- \\ — OVERHEAD UTILITIES
- T — U/G TELE. LINE
- CHAIN LINK FENCE
- TREE LINE
- 20 — EXISTING CONTOUR
- 20 — PROPOSED CONTOUR
- x 20 — PROPOSED SPOT ELEV.

0 30' 60'

Stantec

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Consultant

Notes

Revision	By	Appd	YYYY.MM.DD

Issued	By			
File Name: N/A	CEH	PK	AD	12/11/20
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Permit/Seal

PRELIMINARY NOT FOR CONSTRUCTION

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Client/Project Logo

Client/Project
CITY OF RYE

DPW - SALT SHED AND RECYCLING STATION

141 OAKLAND BEACH AVE
RYE, NY 10580

Title

SITE DEVELOPMENT AND GRADING PLAN

Project No. 192311092

Scale

Revision

Drawing No. C100

ORIGINAL SHEET - ANSI D

DEICING SALT STORAGE AND RCYCLING FACILITY
RYE, NY

Appendix C – Summary Report of Delineation

Proactive by Design

GEOTECHNICAL
ENVIRONMENTAL
ECOLOGICAL
WATER
CONSTRUCTION MANAGEMENT

1350 Main Street
Suite 1400
Springfield, MA 01103
T: 413.726.2100
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March 10, 2022
15.0167031.00

Mr. Jeff Olszewski
Stantec
55 Church Street
Suite 601
New Haven, CT 06510-3014

Re: Wetland Assessment and Delineation Letter Report
Disbrow Park
Previous Incinerator Building Area
Print Key 146-18-4-68
Rye, NY

Dear Jeff,

In accordance with our contract, GZA conducted a wetland assessment and delineation of the approximately one-acre area within Disbrow Park (Print Key 146-18-4-68), Rye, NY known as the previous incinerator building area (Site). The Site limits were provided to GZA by Stantec on December 2, 2021, via email. The intention of the assessment was to determine if jurisdictional wetland resources are present on the Site. This letter report provides an overview of our assessment methodology and findings.

Figure 1: Site limits provided by Stantec

Assessment Findings

Desktop Survey

In preparation of the on-site wetland assessment, we conducted a desktop survey using the New York State (NYS) Department of Environmental Conservation (DEC) Environmental Resource Mapper and the NYS Geographic Information Gateway to review readily available natural resource data for the Site.

This review indicated that the Site contains NYS tidal wetlands as mapped on the 1974 tidal wetlands inventory maps and digitized on the DEC Regulatory Tidal Wetland Map Index, 2004 and the National Wetlands Inventory (NWI). Based on a review of the National Oceanic and Atmospheric Administration (NOAA) Online Vertical Datum Transformation tool, the highest astronomical tide (HAT) is 5.5 feet NAVD88 and the mean high water (MHW) is 3.3 feet NAVD88 calculated from the Rye Beach Amusement Park, NY tidal gage. These tidal wetlands area associated with Blind Brook which is classified as an SC saline surface water, indicating it is suitable for primary and secondary recreation contact.

The Site is not mapped as containing State Regulated Freshwater Wetlands, Rare Plants or Animals, or Significant Natural Communities. Additional hydrologic connections may exist within the Site which convey water northerly from the park interior toward Blind Brook; however, if present, these features are not mapped on the USGS Quadrangle map or by NYSDEC.

An Equal Opportunity Employer M/F/V/H

Site Observations

On Tuesday, March 8, 2022, a Wetland Scientist from GZA conducted a wetland assessment and resource delineation at the above referenced Site. Our wetland assessment and delineation methodology are consistent with the *New York State Tidal Wetlands Act (Article 25 of the Environmental Conservation Law)* and the *Federal Interagency Committee for Wetland Delineation, 1989. Federal Manual for Identifying and Delineating Jurisdictional Wetlands. U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication, 76 pp. plus appendices* as required by the City of Rye, New York, Regulation Code Chapter 195 Section 3 – Definitions.

Figure 2: Typical Site conditions in upland developed area

The Site has previously been disturbed and is currently used as part of the Department of Public Works (DPW) transfer station facility. The upland area within the Site includes stockpiled soils and dirt-surfaced roadways. Where present, the vegetation is primarily disturbance-associated upland species including mugwort *(Artemesia vulgaris),* Asiatic bittersweet *(Celastrus orbiculatus),* and Canadian thistle *(Cirsium arvense).*

GZA delineated the wetland boundary located along the northern edge of the Site associated with Blind Brook. Additionally, GZA delineated both banks of an unnamed intermittent watercourse located along the western edge of the Site. No other wetland resources were observed within the Site.

Wetland Descriptions

Tidal Wetland (Flags A-1 to A-6)

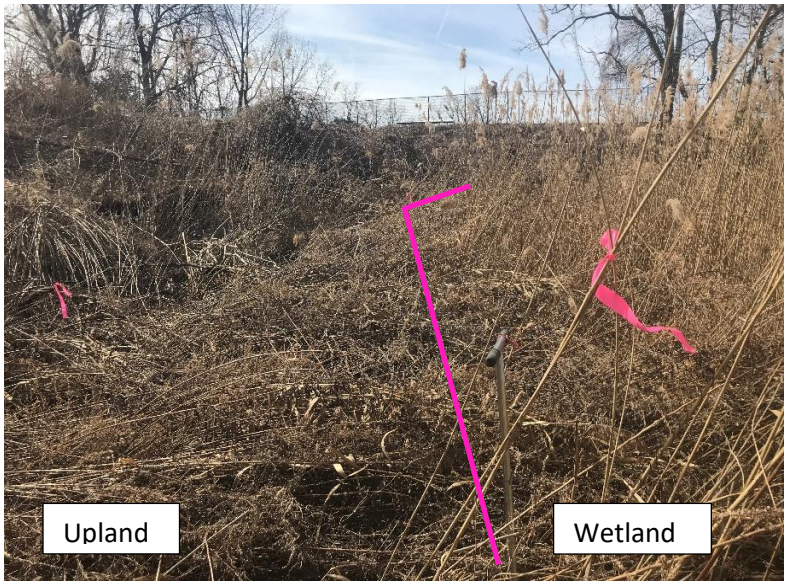

Figure 3: Wetland boundary demarcated by pink line. Flag to left of Wetland Boundary is upland sample point (SP-2)

The observed tidal wetland at the Site appears to be the upper edge of the high marsh, transitioning to a fresh marsh. GZA assessed the wetland vegetation from the nearest channel of Blind Brook, approximately 190 feet north of the Site, to the wetland boundary. Blind Brook is a tidal stream at this location, and the assessment was completed during low tide. The vegetation did not vary along the transect from Blind Brook to the Site and was predominantly *Phragmites australis* with minor inclusions of hightide bush *(Iva frutescens)*. Surface ponding of brackish water was observed near the wetland boundary. Additionally, the observed soils in the wetland consisted of fibric muck and smelled of hydrogen sulfide, meeting the A1 and A4 hydric soil indicators. GZA observed an approximately 8-inch layer of GLEY 1 5/N material in the soil column. Based on visual and textural observations, this material is believed to be ash, not native soil; therefore, it was excluded from the soil observations for hydric characteristics.

Within the Site, the adjoining upland area was predominantly vegetated with *Phragmites,* Japanese knotweed *(Reynoutria japonica)*, and mugwort. The upland soils contained the ash layer underlain by higher-chroma (10YR 3/2 and 10YR 3/3) loamy soils.

Tidal Wetlands in New York have an associated Adjacent Area which is defined as the less landward limit of either 300 linear feet from the wetland boundary or to an elevation of 10-feet above mean sea level. In instances where development has already occurred, the Adjacent Area is truncated to that development.

Watercourse (Flags B-1 to B-8 and B-10 to B-17)

GZA delineated an intermittent watercourse along the western edge of the Site. The watercourse originates at a headwall with an approximately 12-inch culvert at flags B-1 on river-right and B-17 on river left. The first approximately 40 feet of the watercourse contained standing water; however, near flags B-2 and B-16, there was an abrupt topographic break in the watercourse with the downstream area located at a higher elevation. Based on field observations, it appears that this area may have been previously excavated. The watercourse downgradient of flags B-2 and B-16 did not contain surface water; however, GZA observed evidence of scour, hydrophytic vegetation, and water staining. This watercourse was delineated from the upgradient headwall to outside the Site limits. GZA was not able to ascertain the location of the culvert inlet due to property development including fencing and buildings which obstructed access and visibility.

Figure 4: Downstream extent of surface water which ends at flags B-2 (right) and B-16 (left).

Summary of Findings

Based upon our desktop survey and field assessment, GZA delineated a portion of a Tidal Wetland associated with Blind Brook as well as an intermittent watercourse. We delineated the wetland boundary based on field conditions (soils, vegetation, hydrology). That boundary marks the upward limits of what is categorized by the New York State Department of Environmental Conservation (DEC) as a tidal fresh marsh wetland. Work within or waterward of this line would be regulated by the US Army Corps of Engineers and DEC. The DEC would also regulate the Adjacent Area, which would be areas at or below elevation 9.7 NAVD88.

The intermittent watercourse appears to have been constructed in an upland and does not appear to drain a wetland; therefore, it is likely only under the jurisdiction of the City of Rye per City of Rye Code Chapter 195-3. Additionally, the City of Rye includes a 100-foot buffer to wetlands and watercourses. Alteration of the soil or vegetation within a wetland or watercourse resource or its Buffer Zone requires approval, at a minimum, from the City of Rye (Code Chapter 195-4).

Should you have any questions, please feel free to contact Adrienne Dunk at 201-247-8950.

Sincerely,
GZA GeoEnvironmental, Inc.

Adrienne Dunk, WPIT
Assistant Project Manager

Blaine Rothauser, CERP
Consultant Reviewer

Stephen L. Lecco, AICP, CEP
Principal-in-Charge

Encl: Natural Resource Survey and Assessment Limitations

USE OF REPORT

1. GZA GeoEnvironmental, Inc. (GZA) has prepared this report on behalf of, and for the exclusive use of Stantec, ("Client") for the stated purpose(s) and location(s) identified in the report. Use of this report, in whole or in part, at other locations, or for other purposes, may lead to inappropriate conclusions; and we do not accept any responsibility for the consequences of such use(s). Further, reliance by any party not identified in the agreement, for any use, without our prior written permission, shall be at that party's risk, and without any liability to GZA.

STANDARD OF CARE

2. GZA's findings and conclusions are based on the work conducted as part of the Scope of Services set forth in the Report and/or proposal, and reflect our professional judgment. These findings and conclusions must be considered not as scientific or engineering certainties, but rather as our professional opinions concerning the data gathered and observations made during the course of our work. Conditions other than described in this report may be found at the subject location(s).

3. GZA's services were performed using the degree of skill and care ordinarily exercised by qualified professionals performing the same type of services, at the same time, under similar conditions, at the same or a similar property. No warranty, expressed or implied, is made.

LIMITS TO OBSERVATIONS

4. Natural resource characteristics are inherently variable. Biological community composition and diversity can be affected by seasonal, annual or anthropogenic influences. In addition, soil conditions are reflective of subsurface geologic materials, the composition and distribution of which vary spatially.

5. The observations described in this report were made on the dates referenced and under the conditions stated therein. Conditions observed and reported by GZA reflect the conditions that could be reasonably observed based upon the visual observations of surface conditions and/or a limited observation of subsurface conditions at the specific time of observation. Such conditions are subject to environmental and circumstantial alteration and may not reflect conditions observable at another time.

6. The conclusions and recommendations contained in this report are based upon the data obtained from a limited number of surveys performed during the course of our work on the site, as described in the Report. There may be variations between these surveys and other past or future surveys due to inherent environmental and circumstantial variability.

RELIANCE ON INFORMATION FROM OTHERS

7. Preparation of this Report may have relied upon information made available by Federal, state and local authorities; and/or work products prepared by other professionals as specified in the report. Unless specifically stated, GZA did not attempt to independently verify the accuracy or completeness of that information.

COMPLIANCE WITH REGULATIONS AND CODES

8. GZA's services were performed to render an opinion on the presence and/or condition of natural resources as described in the Report. Standards used to identify or assess these resources as well as regulatory jurisdiction, if any, are stated in the Report. Standards for identification of jurisdictional resources and regulatory control over them may vary between

governmental agencies at Federal, state and local levels and are subject to change over time which may affect the conclusions and findings of this report.

NEW INFORMATION

9. In the event that the Client or others authorized to use this report obtain information on environmental regulatory compliance issues at the site not contained in this report, such information shall be brought to GZA's attention forthwith. GZA will evaluate such information and, on the basis of this work, may modify the conclusions stated in this report.

ADDITIONAL SERVICES

10. GZA recommends that we be retained to provide further investigation, if necessary, which would allow GZA to (1) observe compliance with the concepts and recommendations contained herein; (2) evaluate whether the manner of implementation creates a potential new finding; and (3) evaluate whether the manner of implementation affects or changes the conditions on which our opinions were made.

Tidal Wetland Delineation (Flags A-1 through A-6)

Watercourse top of bank (Flags B-1 through B-8, and B-10 through B-17)

DEICING SALT STORAGE AND RCYCLING FACILITY
RYE, NY

Appendix D – Rare Species and Habitat

DEICING SALT STORAGE AND RCYCLING FACILITY
141 Oakland Beach Avenue
Rye, NY

Species	Scientific Name	Habitat	Source
Seaside Sparrow	*Ammodramus maritimus*	Coastal tidal marshes (high and low), salt panne	https://guides.nynhp.org/seaside-sparrow/
Yellow-crowned Night-Heron	*Nyctanassa violacea*	"In New York, Yellow-crowned Night-herons nest and feed in low, coastal shrubland, dredge spoil, on salt marsh islands, and in woodlands near swamps, rivers, and harbors in the lower Hudson and Long Island Bays. They will also nest in wooded neighborhoods that are near water and food sources. (Andrle and Carroll 1988, Watts 1995)"	https://guides.nynhp.org/yellow-crowned-night-heron/
Coast Violet	*Viola brittoniana*	Trails and roadsides in wet pine barrens. Previously collected in grasslands, woods, glades, sandy soil.	https://guides.nynhp.org/coast-violet/
Hyssop Skullcap*	*Scutellaria integrifolia*	Minimal research on habitat preference	https://guides.nynhp.org/hyssop-skullcap/
Yellow Flatsedge*	*Cyperus flavescens*	"Salt marshes, coastal plain pond shores, wet/sandy/weedy roadsides"	https://guides.nynhp.org/yellow-flatsedge/

*State Protection: Endangered

Natural Communities:

Red Maple-Sweetgum Swamp (Freshwater Nontidal Wetland)

Marine Rocky Intertidal (Marine)

Animal Assemblages:

Anadromous Fish Concentration Area

Waterfowl Winter Concentration Area

Summary

Stantec reviewed the listings and found the above species. Based on current site conditions, the project site does not contain the suitable habitat for any of these species.

LWRP Consistency Application

City of Rye, New York Planning Department
1051 Boston Post Road, Rye, New York 10580
Phone: (914) 967-7167 Fax (914) 967-4641 www.ci.rye.ny.us\planning.htm

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

A. Application Name: **Deicing Salt Storage and Recycling Facility**

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

Name:	Rye City Council				
Address:	1051 Boston Post Road				
City:	Rye	State:	NY	Zip:	10580
Phone:	914-967-7474				
Fax:					
Email:	**cmanager@ryeny.gov**				

C. Property Owner:

Name:	City of Rye				
Address:	1051 Boston Post Road				
City:	Rye	State:	NY	Zip:	10580
Phone:	914-967-7474				
Fax:					

D. Architect/Landscape Architect/Engineer or Surveyor:

Name:	Stantec Consulting Service, Inc.				
Address:	55 Church Street, Suite 601				
City:	New Haven	State:	CT	Zip:	06510
Phone:					
Fax:					

For Planning Department Use Only:

Application Receipt Date:

Application No.:
Application No.:
Fee Check No.:
Prior Approvals:
Prior Approvals:

F. Property Information:

Street Address:	City Department of Public Works, 141 Oakland Beach Aveue		
City:	Rye	State: NY	Zip: 10580
Property Area (Acres):	55.2 Acres		
Tax Map Designation:	Sheet: 146-18	Block: 4	Lot(s): 68
	Sheet:	Block:	Lot(s):
	Sheet:	Block:	Lot(s):
Zoning District:	R-4		
Flood Insurance Zone:	AE (elevation 13)		

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

Please include application fee and indicate amount here: $_____

H. City Naturalist's Determination:

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

I. Coastal Assessment Form

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

J. Statement of Proposed Work and Purpose Thereof:

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

The project involves the construction of a new Salt Deicing Storage and Recycling Facility at the City's The project involves the construction of a new 70-foot wide by 140-foot long by 36-foot high City Salt Storage Shed and Recycling Facility located at the City's public works facility located at 141 Oakland Beach Avenue, Rye, New York. The project is proposed in the northwestern portion of the site currently used as green waste storage/transfer area and other stockpiling activities. There will be no disturbance to wetland areas, but there will be construction activities within 100-foot wetland buffer. Total project disturbance would be between 1.0 and 1.5 acres. The project location is currently restricted to DPW operations and does not allow public access. This would remain unchanged by the project. The proposed activity is not a water-enhanced or water-dependent use, however this location is the only viable alternative within Disbrow Park. Existing green waste storage and other stockpiling would be eliminated from this location and relocated to other publically restricted areas used by DPW. The City Planning Commission found that the project is consistent with the City's LWRP policies.

K. Evaluation of Consistency with LWRP Policies:

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

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

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

The proposed project is located in a restricted and paved portion of the City's DPW yard that is not publically accessible as it is currently used for temporary stockpiling of materials such as tree stumps, tree trimmings, excavated soils, leaves and other materials. The proposed project will improve this area by removing this activity and replacing it with a new properly-sized salt shed.

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

The proposed project is located in a restricted and paved portion of the City's DPW yard that is not publically accessible as it is currently used for temporary stockpiling of materials such as tree stumps, tree trimmings, excavated soils, leaves and other materials.

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

This policy is not applicable to the proposed project and it will not adversely impact existing harbor areas in the City.

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

The proposed facility does not require public water or sewer. The proposed facility will result in the discontinuance of DPW's green waste and other stockpiling operation adjacent to an existing wetland and replace it with suitably-sized and enclosed salt storage and recycling center facility.

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

Not applicable

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

The proposed facility will result in the discontinuance of DPW's green waste and other stockpiling operation adjacent to an existing wetland and replace it with suitably-sized and enclosed salt storage and recycling center facility.

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

Not applicable.

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

The proposed facility will be located approximately four feet above the existing FEMA Flood elevation. The proposed plan includes a vegetative filter swale to improve stormwater runoff quality over existing conditions.

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

Economic and social interests will not be compromised by the proposed action. Environmental interests will be enhanced with the discontinuance of DPW's green waste stockpiling operation adjacent to an existing wetland and replace it with suitably-sized and enclosed salt storage and recycling center facility.

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

This area of DPW is not currently open to the public. The proposed action will potentially offer limited access via a portion of the site that will be used for resident recycling drop-off.

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

As confirmed by NYSHPO, historic and archaeological resources are not on the site.

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

Photographic simulations have been prepared confirming that the proposed facility will have only limited visibility from adjacent properties. It will not compromise existing scenic resources.

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

Not applicable. The proposed action is not an energy facility.

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

Not applicable.

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

The proposed facility will be located approximately four feet above the existing FEMA Flood elevation. The proposed plan includes a vegetative filter swale to improve stormwater runoff quality over existing conditions. The proposed facility will result in the discontinuance of DPW's green waste stockpiling operation adjacent to an existing wetland and replace it with suitably-sized and enclosed salt storage and recycling center facility.

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

Not applicable.

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

The proposed facility will result in the discontinuance of DPW's green waste stockpiling operation adjacent to an existing wetland and replace it with suitably-sized and enclosed salt storage and recycling center facility.

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

Salt delivery and loading will occur within an enclosed structure.

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

The proposed facility will result in the discontinuance of DPW's green waste stockpiling operation adjacent to an existing wetland and replace it with suitably-sized and enclosed salt storage and recycling center facility.

L. Evaluation of Actions Inconsistent with LWRP Policies:

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

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

The location of the salt shed is consistent with the recommendations of the Disbrow Park Master Plan (November 30, 2018). Other potential alternative locations would impact existing or planned recreation or DPW operations.

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

The action would not have adverse effects on LWRP policies. The proposed action is a continuation of the use of this area for DPW operations.

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

The proposed action will not adversely impact LWRP facilities.

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

The salt shed supports an essential City service providing for the de-icing of public streets during snow and ice conditions. The existing salt shed is beyond its useful life and is undersized to provide for the proper storage of salt. The City's existing recycling operation, which currently occurs in an open-air environment, rather than the enclosed environment within the proposed facility.

M. Regulatory Compliance

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

N. Prior Approvals – Application Checklist for Permits:

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

LWRP Consistency Application

City of Rye, New York Planning Department

Board, Commission or Inspector:	Date(s) of Prior Approval(s):	City Identifier Reference(s):	Previous Action(s) on Application(s):	New Permit(s) Applied for: (Check Boxes)
Appeals				☐
Architectural Review				☐
Conservation				☐
Landmarks				☐
Planning Commission				☐
Building Inspector				☐
City Engineer				☐
Naturalist				☐
City Planner				☐
Other:				☐

O. Signatures

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

Applicant Signature _____ Date _____

Property Owner Signature(s) _____ Date _____

Coastal Assessment Form

City of Rye, New York Planning Department
1051 Boston Post Road, Rye, New York 10580
Phone: (914) 967-7167 Fax (914) 967-4641 www.ci.rye.ny.us\planning.htm

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants or in the case of direct actions, city agencies, shall complete this Coastal Assessment Form (CAF) for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a city agency in making a determination of consistency.

2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the City Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

3. If any question in Section C on this form is answered "yes", then the proposed action may effect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of city agency action (check appropriate response):
   (a) Directly undertaken (e.g capital construction, planning activity, agency regulation, land transaction): Construction of New City Salt Shed/Recycling Facility
   (b) Financial assistance (e.g. grant, loan, subsidy): _____
   (c) Permit, approval, license, certification: _____
   (d) Agency undertaken action: City Council

2. Describe nature and extent of action:
   Contruction of new City Salt Shed/Recycling Facility in the rear portion of Disbrow Park currently used by City DPW for green waste storage.

3. Location of action (including street or site description):
   141 Oakland Beach Avenue, Disbrow Park/City DPW

4. Size of site: 1.0 - 15 acres

5. Present land use: Public Works Green Waste Storage

Coastal Assessment Form

City of Rye, New York Planning Department

6. Present zoning classification: R-5

7. Describe any unique or unusual forms on the project site (i.e. bluffs, dunes, swales, ground, depressions, other geological formations):
None. Project is located within 100-foot wetland buffer.

8. Percentage of site which contains slopes of 15% or greater 20% (slopes are mostly associated with existing stockpile areas.

9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?

   (a) Name: Blind Brook Tidal Wetland

   (b) Size (in acres): 14.2 acres

10. If an application for the proposed action has been filed with the city agency, the following information shall be provided:

    (a) Name of applicant: City of Rye

    (b) Mailing address: 1051 Boston Post Road, Rye, New York 10580

    (c) Telephone number: Area Code: 914-967-7404

    (d) application number, if any: _____

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

    ☒ Yes ☐ No If yes, which state or federal agency?

    DASNY (grant funding), NYSDOS, Advisory City Planning Commission

Coastal Assessment Form

City of Rye, New York Planning Department

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

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

Coastal Assessment Form

City of Rye, New York Planning Department

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

Coastal Assessment Form

City of Rye, New York Planning Department

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

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

The project involves the construction of a new 70-foot wide by 140-foot long by 36-foot high City Salt Storage Shed and Recycling Facility located at the City's public works facility located at 141 Oakland Beach Avenue, Rye, New York. The project is proposed in the northwestern portion of the site currently used as green waste storage/transfer area and other stockpiling activities. There will be no disturbance to wetland areas, but there will be construction activities within 100-foot wetland buffer. Total project disturbance would be between 1.0 and 1.5 acres. The project location is currently restricted to DPW operations and does not allow public access. This would remain unchanged by the project. The proposed activity is not a water-enhanced or water-dependent use, however this location is the only viable alternative within Disbrow Park. Existing green waste storage and other stockpiling would be eliminated from this location and relocated to other publically restricted areas used by DPW. The City Planning Commission found that the project is consistent with the City's LWRP policies.

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

Preparer Name Christian K. Miller Date 10/31/22

Signature _____ Title City Planner

CITY COUNCIL AGENDA

DEPT.: Planning and Engineering DATE: November 2, 2022

CONTACT: Christian K. Miller, Ryan X. Coyne

AGENDA ITEM: City Council consideration of a resolution adopting a SEQR Negative Declaration and LWRP Coastal Consistency Determination in connection with the proposed construction of a new DPW garage and administrative building at the City's Public Works Facility at Disbrow Park.

FOR THE MEETING OF:
November 9, 2022

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council review the attached materials and adopt the draft resolution.

IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

As part of the mandated regulatory process for this project, the City Council is required to complete the State Environmental Quality Review (SEQR) and LWRP coastal consistency review. In support of those determinations attached are the current consultant plans and reports, coastal assessment forms and environmental assessment form (EAF). Also attached is an October 26, 2022 memorandum from the Planning Commission stating that the proposed action is consistent with the City's LWRP policies.

RESOLUTION

Adoption of a SEQRA Negative Declaration and Determination of LWRP Coastal Consistency in Connection with the Construction of a New DPW Garage and Administrative Building

WHEREAS, the City of Rye is proposing to construct a new City's Department of Public Works (DPW) garage and administrative building located at 141 Oakland Beach Avenue (hereinafter "Proposed Action"); and

WHEREAS, the Proposed Action is located in the same location and nearly the same footprint as existing DPW Building 5; and

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

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

WHEREAS, in an October 26, 2022 memorandum to the City Council the Planning Commission found that the Proposed Action is consistent with the 44 policies of the City's LWRP; and

WHEREAS, the Proposed Action was reviewed by the Board of Architectural Review for advisory aesthetic considerations; and

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

WHEREAS, the City Council is the only involved agency and hereby declares that it is the Lead Agency for the environmental review of this Proposed Action; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) and determines that the proposed action is consider an Unlisted Action; and

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

BE IT FURTHER RESOLVED, that the City Council finds that based on its review of the coastal consistency application, the City's LWRP and the advisory opinion of the Rye City Planning Commission that the proposed action is consistent with the coastal consistency polices

of the City's LWRP and the provisions of Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code; and

x:\05-city owned property\public works 141 oakland beach avenue\building 5\city council submission 11-09-2022 building 5\building 5 council resolution nov 2022.docx

Nick Everett, Chairman
Laura Brett, Vice Chair
Andrew Ball
Dan Bsharat
Carolina Johnson
Richard Schaupp
Steven Secon

Planning Department
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Rye, New York 10580
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www.ryeny.gov

CITY OF RYE
Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission

cc: Greg Usry, City Manager
Kristen K. Wilson, Esq., Corporation Counsel

Date: October 26, 2022

Subject: **DPW Building 5 and Salt Shed/Recycling Facility - Advisory LWRP Coastal Consistency and Wetland Review**

As requested, this memorandum provides for the City Council's consideration the Planning Commission's advisory comments on the proposed construction of a new DPW Building 5 and Salt Shed/Recycling Facility at the City's Public Works facility located within Disbrow Park.

Background

The two actions reviewed by the Commission involve the construction of a new two-story public works garage and administrative building in approximately the same foot print as existing DPW Building 5 and the construction of a new DPW Salt Shed/Recycling Facility building located in the rear portion of DPW in the location of the current green waste stockpile area. In its review the Planning Commission conducted a site inspection, reviewed the LWRP Coastal Consistency application forms for both projects, considered the wetland permit application form and reviewed the design plans and technical reports prepared by the City's engineering consultants. The Commission also considered the July 18, 2022 advisory comments of the Conservation Commission/Advisory Council (CC/AC), which are attached hereto. This information was discussed and presented by City staff at the Commission's July 19, September 6 and October 25, 2022 meetings.

Each of these projects are located within the Waterfront Revitalization Area Boundary as identified in the City's 1991 Local Waterfront Revitalization Program (LWRP). As such

pursuant to Chapter 73, *Coastal Zone Management Waterfront Consistency Review,* of the Rye City Code, the Planning Commission is required to provide an advisory opinion to the City Council as to the consistency of each of the proposed actions with the 44 policies of the LWRP.

A portion of the Salt Shed/Recycling Facility is located within 100-feet of a wetland. There is no proposed disturbance to a wetland, but there are activities within the 100-foot wetland buffer. Chapter 195, *Wetlands and Watercourses*, of the Rye City Code does not require that municipal actions are subject to the requirements and procedures of the wetlands and watercourses law, therefore the Planning Commission is providing advisory comments and recommendations to the City Council and not issuing an official wetland permit. The Planning Commission acknowledges the public need for this project to support the City's obligation to keep roads and walkways safe during snow and ice events and to support the City's recycling program. The Commission considered that public need as it sought to advance the primary objective of the City's wetlands law, which is to reduce impacts to the maximum extent practical.

DPW Building 5

The Planning Commission finds that the proposed construction of a new DPW Building 5 and related utility infrastructure is consistent the City's LWRP policies. The Planning Commission recommends that the proposed building construction include geothermal heating systems and solar panels.

Salt Shed/Recycling Facility

After extensive review, the Planning Commission finds that the proposed salt shed/recycling facility is consistent the City's LWRP policies and the best practices the Planning Commission considers in its review of wetland permit applications. In reaching this advisory opinion the Commission was supportive of the plan modifications, the consideration of feasible alternatives, the measures to address water quality concerns and the flood resiliency of the proposed design. Each of those considerations are discussed below.

Plan Modifications

The Planning Commission notes that in response to concerns and comments made by the Commission and CC/AC the plan includes the following revisions:

- The width of the proposed building was reduced from 80 to 70 feet thereby reducing the encroachment of the 9,800 square-foot building into the wetland buffer from approximately 1,365 square feet to just 570 square feet.

- The plan has been revised to provide approximately 4,000 square feet of wetland buffer landscape mitigation/buffer enhancement.

- The revised plan includes a water quality pre-treatment structure immediately adjacent to the salt shed access to capture potential salt road runoff from vehicles.

- The revised plan eliminates the proposed relocation of the resident recycling Facility. This area will only be accessible by authorized personal and will prevent the disposal or dumping of inappropriate materials.

Consideration of Alternatives

Consistent with the Commission's practice there was considerable discussion of potential alternatives to the proposed action that could potentially reduce or eliminate impacts on the wetland buffer. The Commission agrees that the current plan and proposed revisions reduces impacts to the maximum extent practical and that other alternatives generate other potential concerns or do not advance the City's municipal service obligations and needs to provide a practical de-icing facility and recycling facility.

Ideally, there would be an alternative de-icing product that could be used to reduce or eliminate the amount salt currently used by the City that would provide effective de-icing for City streets. It is understood based on discussions with City staff that there are some products currently available that may be more environmentally friendly, but that they are not as effective and still rely on the use of salt since they are limited to pre-treatment applications prior to weather events. The City will continue to explore alternative products in the future, but the Commission agrees that the size of the proposed salt shed is properly sized to meet the City's reasonable salt storage needs.

The Commission notes that a larger salt shed facility provides environmental benefits. Most notably is that the building is designed to accommodate the amount of salt for an entire season and will not require re-supply mid-season. Also, unlike the current salt shed the proposed facility allows for the delivery and manipulation of salt completely within an enclosed structure. This is an environmental benefit because it reduces the accumulation of excess salt outside of the structure where it would be exposed to the elements and potential runoff. This larger size means that the proposed salt shed cannot fit in its current location without impacting the use and access to the adjacent DPW garage/administrative building.

The Commission also reviewed alternative locations within Disbrow Park that would eliminate wetland buffer encroachment. This can be achieved in the currently proposed location by reducing the width and length of the building so that

it no longer has the recycling component within the structure. Mapping prepared by the project's consulting engineer demonstrated that a 70'x120' building could be located in this location outside of the wetland buffer.

The concern with this alternative however is that the existing green waste operation would need to remain in its current location immediately adjacent to the wetland. The Commission would prefer that this operation be relocated outside of the buffer. The proposed plan would relocate this operation to the "top-of-the-hill" approximately 120 feet east of the proposed salt shed/recycling facility, just north of the existing incinerator building. The Commission also sees value in relocating the existing recycling operation from its current location. This operation is open to the elements and often results in loose recycling materials being blown throughout Disbrow Park. The expanded size of a combined salt shed/recycling facility building allows for the dumping and processing of recycling within an enclosed structure.

In addition, two additional alternative locations were reviewed by the Commission. A 70' x 120' salt shed only building could be accommodated outside the wetland buffer on the "top-of-the-hill" location noted above. The Commission is concerned, however that the ground elevation at this location is approximately 15-20 feet higher than the proposed ground elevation at the proposed location. Based on the visual simulations provided by the project engineer, this will make the building visible from area residential neighborhoods and disrupt scenic vistas from Playland Parkway.

There were similar visual impact concerns on residential areas with the fourth location reviewed by the Commission at the end of the parking area adjacent to Feeley Field. Implementation of a salt shed only building in this location will also require tree removal, loss of some parking spaces and the relocation of the existing batting cage.

DPW is a 24-hour operation that is constrained by seasonal recreation fields and facilities. The four locations reviewed by the Commission are the only alternative sites available in Disbrow Park which do not impact existing recreational fields or other DPW operations. Based on this alternatives analysis, the Commission therefore agrees that the combined salt shed/recycling building in the proposed location is the preferred alternative and reduces impacts to wetlands to the maximum extent practicable. The Commission notes that the 10-foot reduction in width will reduce buffer encroachment of the building to under 600 square feet.

Water Quality Concerns

The Commission shares the concerns of the CC/AC regarding the potential impact de-icing products may have on water quality and wildlife habitat. In response to these concerns, the project engineer and City staff modified the plans to include or clarify proposed mitigation measures to reduce potential water quality impacts. The proposed Calcium Chloride storage will be enclosed within the salt shed. In addition, it will be set within baffle walls that will have a containment capacity that exceeds the volume of the tank in the event there is a leak.

The revised plan includes an approximately 800 square-foot grass filter strip located immediately adjacent to the salt shed access. This water quality measure is designed to intercept and treat potential salt runoff close to the source. It is noted that there will be no washing down of vehicles at the salt shed location. That activity will remain at its current location within DPW Building 5. All wash down is captured and directed to the sanitary sewer system.

In addition, the plan proposes a wetland restoration of the intermittent watercourse adjacent to the western edge of the project site. As shown in the March 2022 wetland and environmental assessment report prepared the by the City's consultant GZA, this watercourse is in poor condition and subject to scour. The City is proposing to enhance this area with a combination of a bioretention stormwater practice and living shoreline embankment. Landscape plantings are also proposed on the water side of the proposed wall.

The project area is currently paved so there is no net increase in impervious area in the wetland buffer, which is consistent with the Commission's desired practice in its review of wetland permit applications. The Commission considers the removal of green waste storage from this location as a benefit. The salt shed and related recycling facility will be contained within a wall that is in approximately the same location as the existing block wall on the site.

The construction of the building will be sequenced to install the perimeter wall first to prevent potential encroachment within the wetland. In addition, proper erosion control measures will be installed and maintained during construction.

The proposed building has been shifted both horizontally and vertically to the maximum extent possible to increase separation from the wetland edge. The building location is also shifted as far south as possible to keep the salt shed buffer encroachment associated with the lower value intermittent watercourse buffer and not within the tidal NYSDEC wetland buffer.

Flood Resiliency

The Commission encourages flood resistant construction given the potential future increase in the frequency and intensity of storm events. This is particularly important given the location of the proposed building within a designated flood zone. The Commission agrees that the proposed design satisfies this concern by elevating the building substantially above FEMA-designated 100-year flood elevations. To achieve this elevation existing stockpiled material on the site will be used so that there will be no net fill within the wetland buffer. Excess fill and other material will be removed from the site and wetland buffer.

The proposed floor elevation of the salt shed is 17 feet above sea level, which is the 500-year FEMA-designated flood elevation in this location. New construction is required to be two feet above the 100-year flood elevation. The proposed building is four feet above the 100-year elevation. This elevation is at or above the elevation of the Blind Brook Sewage Treatment Plant and 1-2 feet higher in elevation than the existing salt shed building, which is currently located at elevation 15 or 16 feet above sea level.

Stantec Consulting Services, Inc.
61 Commercial Street, Suite 100
Rochester NY 14614-1009

March 8, 2022

Project/File: 192311093

Board of Architectural Review
City of Rye - City Hall
1051 Boston Post Rd
Rye, NY 10580

Dear Board of Review Members:

Reference: Rye DPW Bldg #5, Disbrow Park

Stantec has been working with the City of Rye to develop a new multi-use Department of Public Works building to replace the existing Building 5 located in the DPW complex within Disbrow Park. The existing building, constructed in 1927, functions primarily as a truck garage and is obsolete in a number of ways; functional layout, building condition, thermal/energy performance, and lack of fire protection system to name several. At 18,000sf, the new facility more than doubles the useful square footage of the existing building and has been designed bring DPW facilities up to date and to serve the needs of the City of Rye and its citizens for decades to come

The first floor the new building replaces the existing fleet storage function of the existing structure with twenty (20) 10’ x 30’ pull-through truck stalls with appropriate clearances for modern equipment. The second floor supports a range of DPW functions and personnel, with administrative offices, public service counter, conference rooms, crew lockers and showers, a bunk room for emergency operations, and a large multi-purpose room that can serve as crew marshalling space, break room or large public meeting room. The building will be designed to serve as a Designated Emergency Preparedness Communications and Operations Center for the City. The building centralizes and consolidates DPW functions currently distributed in different buildings in the complex, freeing up those vacated spaces to be adapted into other needed utilitarian functions while creating a new state-of-the-art facility for DPW operations and public interface.

The new building has been sited on the same footprint of the existing building and is rectangular in massing. The second floor administrative offices and the multi-purpose room extend out in a gesture to the park on the primary public (west) elevation, with this cantilevered volume featuring large, die-cast lettering “City of Rye” announcing this building as a community asset. Also, as appropriate for a municipal building, brick-clad elements frame the north and south ends of the building and recall the 1927 brick Building 5. Brick is carried around as a watertable at the base of the north and south elevations, with the balance of the building being clad in insulated metal panels in two surface textures; smooth used in most instances and corrugated as an accent on the main facade. Material color selections are still to be finalized; three palettes have been developed for review and comment – all intended to be appropriate expressions for a civic building and be harmonious with the setting within Disbrow Park.

Doing business as: Stantec Architecture and Engineering (NY) | Stantec Architecture P.C. (DC, MS, MO, NE) | For a list of our registered architects, please visit stantec.com/registeredarchitects.

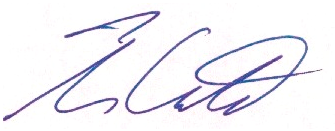
Reference: Rye DPW Bldg #5, Disbrow Park

This new facility has been designed for sustainable and responsible energy use. Mechanical systems have been selected for their efficiency and the building envelope is specified to meet or exceed Energy Code requirements. Electricity is the primary power source for all functions, which facilitates the ability to have energy provided from renewable sources. A rooftop mounted Photovoltaic array to directly harvest solar energy is incorporated into the design.

On behalf of the Stantec design team, we appreciate your time and consideration reviewing this project.

Sincerely,

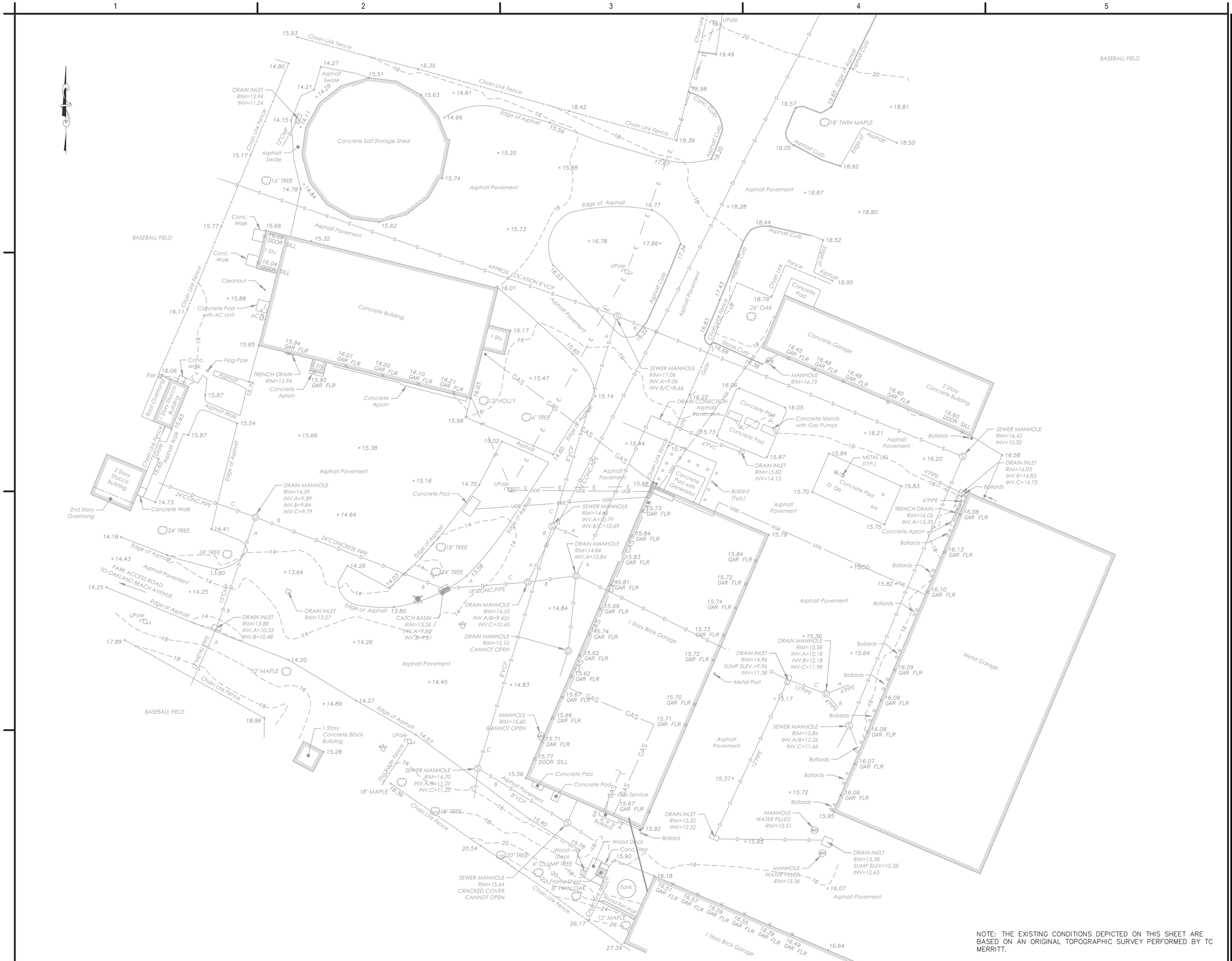
STANTEC CONSULTING SERVICES, INC.



Thomas Castelein AIA
Senior Associate
Phone: 585-287-7927
thomas.castelein@stantec.com

DPW Building 5 Replacement: Project Location *(shown with blue flag)*

141 Oakland Beach Avenue, City of Rye, New York



NOTE: THE EXISTING CONDITIONS DEPICTED ON THIS SHEET ARE BASED ON AN ORIGINAL TOPOGRAPHIC SURVEY PERFORMED BY TC MERRITT.

Rev 360
7/8/2020 7:53:43 AM

ORIGINAL SHEET - ANSI D

Stantec

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61 Commercial Street Suite 100
Rochester, NY 14614-1009
Tel: (585) 475-1440 • www.stantec.com

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Consultant

Notes

Revision	By	Appd	YYYY.MM.DD

Issued	By	Appd	YYYY.MM.DD
File Name: N/A	CEH	PK	AD	12/11/20
	Dwn.	Dsgn.	Chkd.	YYYY.MM.DD

Permit/Seal

PRELIMINARY NOT FOR CONSTRUCTION

Not for permits, pricing or other official purposes. This document has not been completed or checked and is for general information or comment only.

Client/Project Logo

CITY OF RYE NY 1942

Client/Project

CITY OF RYE

DISBROW PARK DPW

141 OAKLAND BEACH AVE
RYE, NY 10580

Title

Existing Conditions

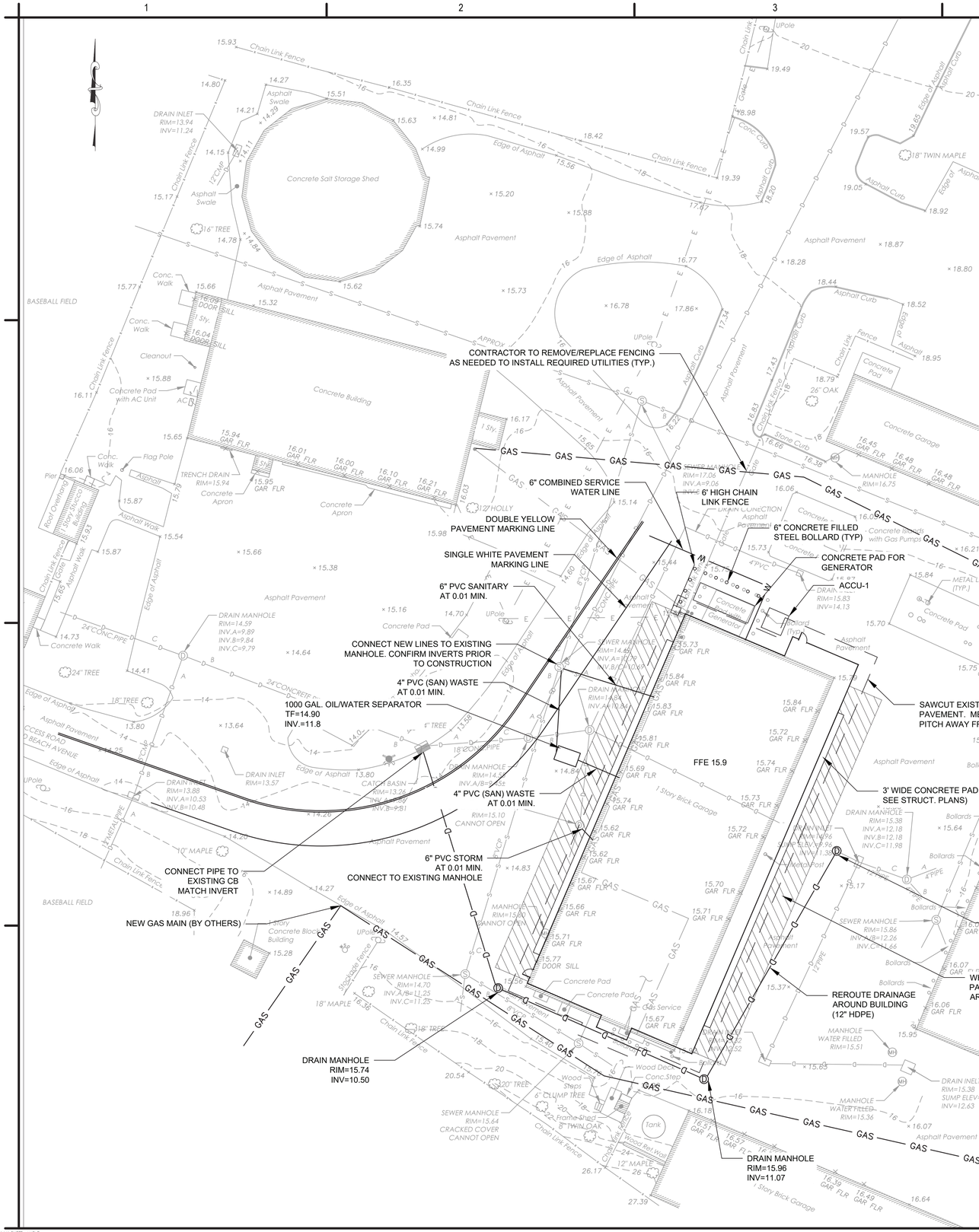
Project No. 192311093

Scale 1" = 20'

Revision

Drawing No.

C-100



GENERAL NOTES:

1. ALL UNDERGROUND UTILITY INFORMATION AS SHOWN ON THESE PLANS SHALL BE CONSIDERED APPROXIMATE BOTH AS TO SIZE AND LOCATION. THE CONTRACTOR SHALL CALL 1–800–962–7962 "DIG SAFELY NEW YORK" TWO DAYS PRIOR TO BEGINNING ANY EXCAVATION AT THE SITE.

2. PROTECT EXISTING UTILITIES FROM DAMAGE. ACTIVE UTILITY LINES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED AS DIRECTED BY THE OWNER AT NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH ALL SUBSURFACE UTILITIES PRIOR TO THE START OF WORK.

3. THE CONTRACTOR SHALL USE CARE DURING CONSTRUCTION TO AVOID DAMAGING ANY UTILITIES AND STRUCTURES NOT SCHEDULED FOR REMOVAL . THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: EXISTING ELECTRICAL, CABLE, TELEPHONE, SEWER AND WATER LINES, DRAINAGE STRUCTURES, VALVES, SITE FURNISHINGS, CURBS, PAVEMENT AND PLANTINGS. ANY DAMAGE RESULTING FROM THIS CONSTRUCTION SHALL BE RESTORED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER OR TO THE UTILITY OWNER.

4. ABANDONED SURFACE AND SUBSURFACE UTILITIES I.E. WATER, ELECTRIC, TELEPHONE, GAS, STORM SEWER, SANITARY LINES, CONCRETE FOOTINGS AND FOUNDATIONS UNCOVERED DURING CONSTRUCTION SHALL BE REMOVED WHEN NECESSARY AND AS APPROVED BY THE ENGINEER TO PERMIT NEW CONSTRUCTION.

5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM AND COORDINATE WITH ALL UTILITY COMPANIES (WATER, SEWER, ELECTRICAL, ETC...) FOR CONNECTIONS AND OR RELOCATIONS TO EXISTING SERVICES.

6. TEST PIT MAY BE REQUIRED TO DETERMINE LOCATIONS OF EXISTING UTILITIES AND PRESENCE OF ANY UTILITIES NOT SHOWN OF SURVEY. CONTACT DESIGN ENGINEER IF UNFORESEEN OBSTRUCTIONS ARE ENCOUNTERED.

7. SILTATION AND EROSION CONTROL MEASURES SHALL BE INSTALLED AS NECESSARY PRIOR TO THE START OF GRADING AND MAINTAINED UNTIL ALL GROUND SURFACES ARE STABILIZED I.E. WITH TURF, PAVEMENTS, ETC.

8. SEE SITE STAGING PLAN FOR ADDITIONAL INFORMATION REGARDING STAGING/STORAGE AREA AND LIMITS OF CONSTRUCTION FENCING, GATES, ETC.. ALL SITE ITEMS SUCH AS PAVEMENT, CURBS, TREES, UTILITIES, LAWN, ETC. OUTSIDE THE CONTRACT LIMIT LINE FOR THE BASE BID SHALL BE PROTECTED IN PLACE. ANY DAMAMGE TO EXISTING ITEMS NOT SCHEDULED TO BE DEMOLISHED/REMOVED SHALL BE REPAIRED IN KIND BY THE CONTRACTOR AT HIS EXPENSE.

9. ALL EXISTING UTILITIES (STRUCTURES AND PIPES) WITHIN THE LIMIT OF WORK SHALL BE ABANDONED UNLESS OTHERWISE NOTED IN THE CONTRACT DOCUMENTS. TOP 2' OF ALL DRAINAGE STRUCTURES SHALL BE REMOVED AND STRUCTURE SHALL BE FILLED WITH CRUSHED STONE. CAP/ABANDON UTILITY CONNECTIONS TO THE MAINS AT THE STREET IN ACCORDANCE WITH UTILITY COMPANY REQUIREMENTS. UTILITIES CONFLICITNG WITH PROPSOED WORK SHALL BE REMOVED.

10. WATER: ALL NEW OR MODIFIED CONNECTIONS MAY REQUIRE A PERMIT APPLICATION AND POTENTIAL ASSOCIATED CONNECTION FEE. ALL NEW PIPING MUST BE PRESSURE TESTED AND DISINFECTED PER AWWA STANDARDS. BACKFLOW DEVICES SHALL BE INSTALLED AND INSPECTED PRIOR TO SERVICE BEING TURNED ON.

11. SEWER: ALL NEW OR PROPOSED/MODIFIED CONNECTIONS MAY REQUIRE A PERMIT APPLICATION AND POTENTIAL CONNECTION FEE.

12. EROSION & SEDIMENT CONTROL: EROSION & SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED DURING CONSTRUCTION AND POST CONSTRUCTION UNIL THE SITE IS STABILIZED. ALL CATCH BASINS SHALL BE PROTECTED FROM EROSION & SEDIMENT DURING THAT TIME PERIOD.

13. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EXISTING CONDITIONS. IF THERE ARE ANY DISCREPANCIES, THE CONTRACTOR SHALL NOTIFY THE OWNER.

14. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE RESTORED WITH LAWN OR BITUMINOUS PAVEMENT OR AS NOTED ON THE CONTRACT DOCUMENTS.

Stantec

Stantec Consulting Services Inc.
61 Commercial Street Suite 100
Rochester, NY 14614-1009
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Notes

Revision	By	Appd	YYYY.MM.DD

Issued	By	Appd	YYYY.MM.DD
File Name: N/A	CEH	PK	AD	12/11/20
	Dwn.	Dsgn.	Chkd.	YYYY.MM.DD

Permit/Seal

PRELIMINARY NOT FOR CONSTRUCTION

Not for permits, pricing or other official purposes. This document has not been completed or checked and is for general information or comment only.

Client/Project Logo

CITY OF RYE NY 1942

Client/Project

CITY OF RYE

DISBROW PARK DPW

141 OAKLAND BEACH AVE
RYE, NY 10580

Title

Site Plan

Project No. 192311093

Scale 1" = 20'

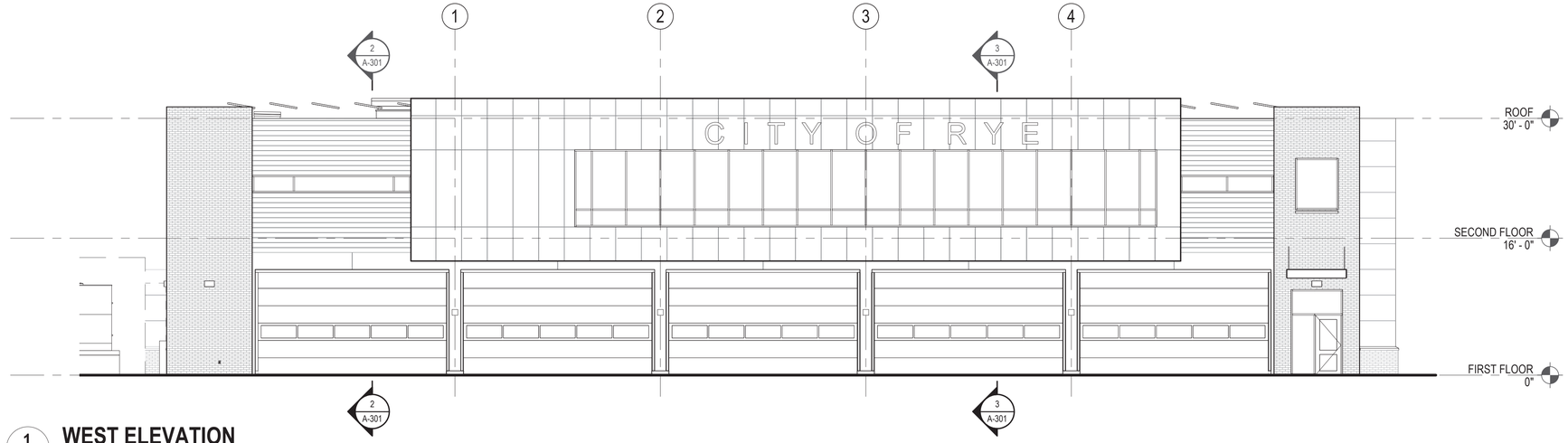
Revision

Drawing No.

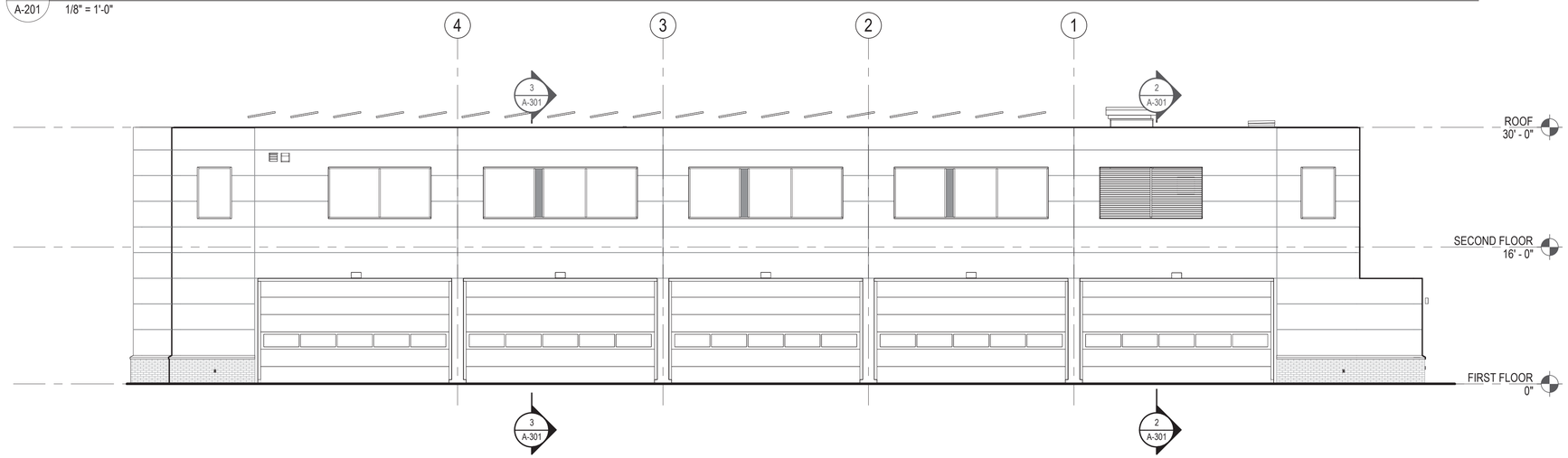
C-102

Rev 360
7/8/2020 7:53:43 AM

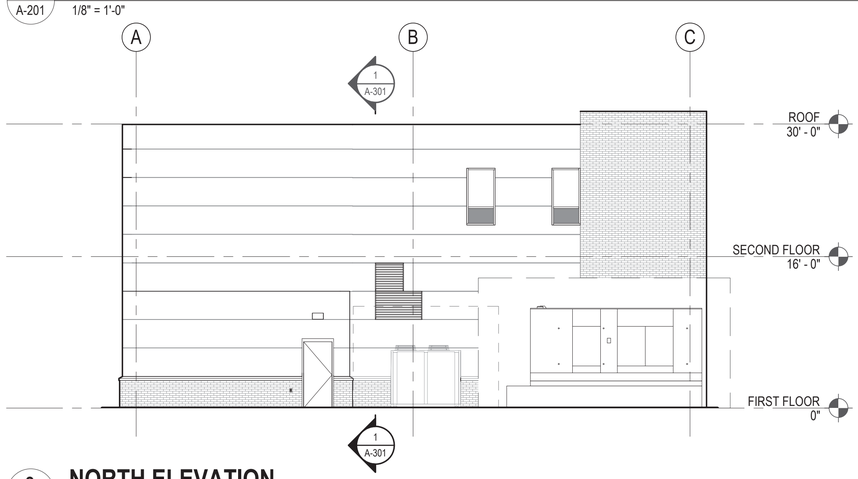
ORIGINAL SHEET - ANSI D



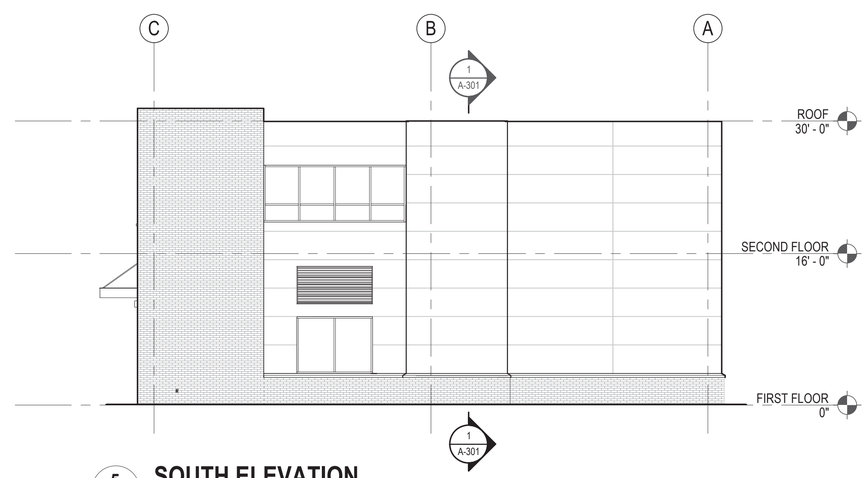
1 A-201 **WEST ELEVATION**
1/8" = 1'-0"



2 A-201 **EAST ELEVATION**
1/8" = 1'-0"



3 A-201 **NORTH ELEVATION**
1/8" = 1'-0"



5 A-201 **SOUTH ELEVATION**
1/8" = 1'-0"

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Notes

Revision	By	Appd	YYYY.MM.DD

Issued	By	Appd	YYYY.MM.DD
	CVR	THC	AJP	2020.12.11
	Dwn.	Dsgn.	Chkd.	YYYY.MM.DD

Permit/Seal

PRELIMINARY NOT FOR CONSTRUCTION
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Client/Project Logo

Client/Project
CITY OF RYE

DISBROW PARK DPW

141 OAKLAND BEACH AVE
RYE, NY 10580

Title
BUILDING ELEVATIONS

Project No.
192311093

Scale
1/8" = 1'-0"

Date
2020.12.11

Drawing No.
A-201

BIM 360
12/11/2020 12:46:26 PM

ORIGINAL SHEET - ANSI D

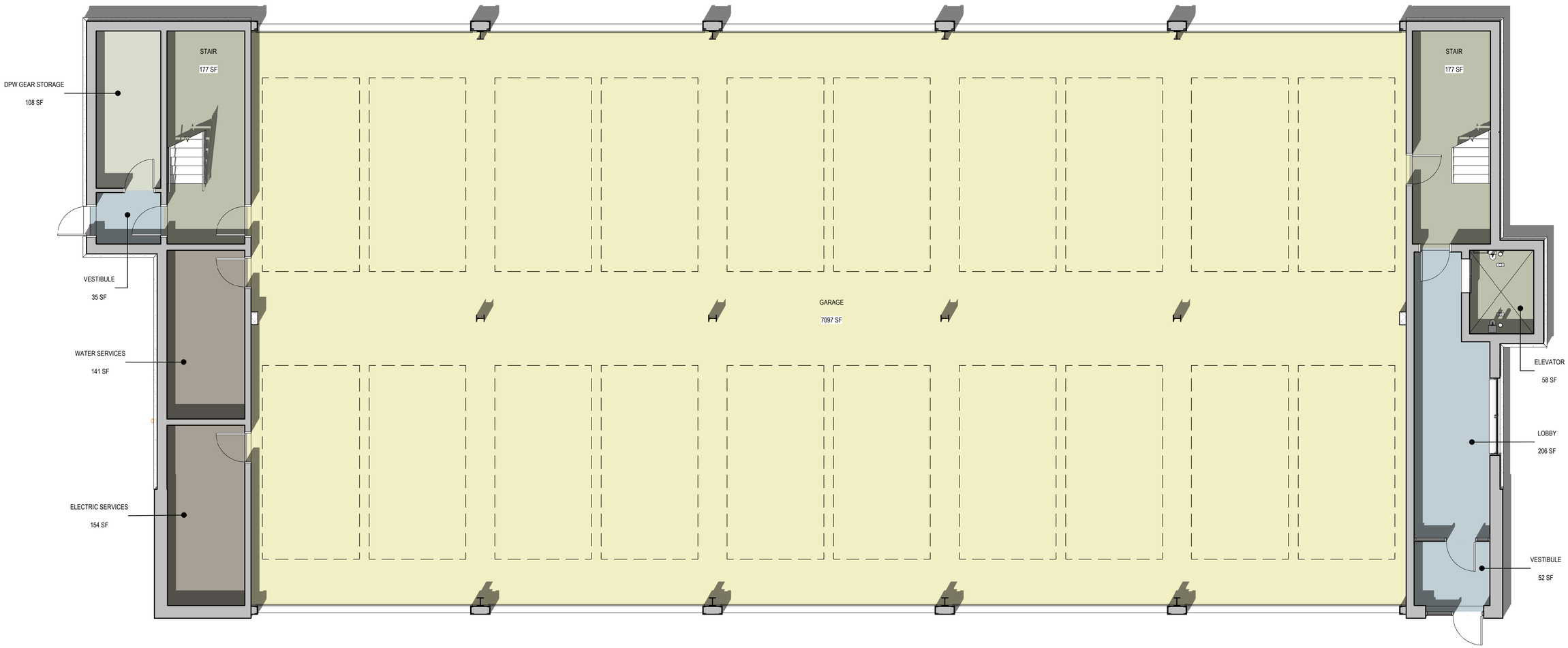
CITY OF RYE

192311093

SITE IMAGE

DPW BUILDING 5

2021.07.22



CITY OF RYE

192311093

FIRST FLOOR PLAN

DPW BUILDING 5

2021.07,22

0 4" 8" 16"

192311093

0 4" 8" 16"

CITY OF RYE

SECOND FLOOR PLAN

DISBROW PARK DPW

2021.07.22

CITY OF RYE

192311093

EXISTING CONDITIONS

DPW BUILDING 5

2021.07.22

CITY OF RYE

192311093

FRONT RENDERING

DISBROW PARK DPW

2021.07.22

192311093

CITY OF RYE

FRONT RENDERING

DISBROW PARK DPW

2021.07.22

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information

Name of Action or Project:

Rye City DPW Salt Shed/Recycling Facility

Project Location (describe, and attach a location map):

Rye DPW property located at 141 Oakland Beach Avenue, Rye, New York 10580

Brief Description of Proposed Action:

The project involves the construction of a new Salt Deicing Storage and Recycling Facility at the City's The project involves the construction of a new 70-foot wide by 140-foot long by 36-foot high City Salt Storage Shed and Recycling Facility located at the City's public works facility located at 141 Oakland Beach Avenue, Rye, New York. The project is proposed in the northwestern portion of the site currently used as green waste storage/transfer area and other stockpiling activities. There will be no disturbance to wetland areas, but there will be construction activities within 100-foot wetland buffer. Total project disturbance would be between 1.0 and 1.5 acres. The project location is currently restricted to DPW operations and does not allow public access. This would remain unchanged by the project. The proposed activity is not a water-enhanced or water-dependent use, however this location is the only viable alternative within Disbrow Park. Existing green waste storage and other stockpiling would be eliminated from this location and relocated to other publically restricted areas used by DPW. The City Planning Commission found that the project is consistent with the City's LWRP policies.

Name of Applicant or Sponsor:	Telephone: 914-967-7404
Rye City Council	E-Mail: cmanager@ryeny.gov

Address:

1051 Boston Post Road

City/PO:	State:	Zip Code:
Rye	NY	10580

	NO	YES
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.	☑	☐
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: Interested and/or Involved agencies: DASNY, OPRHP/SHPO, NYSDEC, NYSDOS, Advisory Rye City Planning Commission, BAR	☐	☑

3. a. Total acreage of the site of the proposed action? 1.0-1.5 acres
   b. Total acreage to be physically disturbed? 1.0-1.5 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 47 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☑ Aquatic ☑ Other(Specify): Sewage Treatment Plant
   ☑ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: Name:Long Island Sound, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90	☐	☑
	NO	YES
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?	☐	☑
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:	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: The building does not require and will not have potable water service.	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: The building does not require sewer service and will not include connection to municipal sanitary sewer system.	☑	☐
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?	☑	☐
See attached letter of no impact from SHPO 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?	☐	☑
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:		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☑ Wetland ☐ Urban ☑ Suburban

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☐	☑
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: Existing on-site municipal stormwater systems will be used and enhanced by water quality pre-treatment measures.		
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:	☑	☐
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: Project location is near a former refuse incinerator and former ash landfill	☐	☑
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:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Rye City Council Date: 10/31/22

Signature: Christian K. Miller Title: Rye City Planner

PRINT FORM

EAF Mapper Summary Report

Wednesday, November 2, 2022 11:09 AM

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

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

LWRP Consistency Application

City of Rye, New York Planning Department
1051 Boston Post Road, Rye, New York 10580
Phone: (914) 967-7167 Fax (914) 967-4641 www.ci.rye.ny.us\planning.htm

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

A. Application Name: **DPW Building 5**

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

Name:	Rye City Council				
Address:	1051 Boston Post Road				
City:	Rye	State:	NY	Zip:	10580
Phone:	914-967-7474				
Fax:					
Email:	**cmanager@ryeny.gov**				

C. Property Owner:

Name:	City of Rye				
Address:	1051 Boston Post Road				
City:	Rye	State:	NY	Zip:	10580
Phone:	914-967-7474				
Fax:					

D. Architect/Landscape Architect/Engineer or Surveyor:

Name:	Stantec Consulting Service, Inc.				
Address:	55 Church Street, Suite 601				
City:	New Haven	State:	CT	Zip:	06510
Phone:					
Fax:					

For Planning Department Use Only:

Application Receipt Date:

Application No.:
Application No.:
Fee Check No.:
Prior Approvals:
Prior Approvals:

LWRP Consistency Application
City of Rye, New York Planning Department

F. Property Information:

Street Address:	City Department of Public Works, 141 Oakland Beach Aveue		
City:	Rye	State: NY	Zip: 10580
Property Area (Acres):	55.2 Acres (0.75-acre project area)		
Tax Map Designation:	Sheet: 146-18	Block: 4	Lot(s): 68
	Sheet:	Block:	Lot(s):
	Sheet:	Block:	Lot(s):
Zoning District:	R-4		
Flood Insurance Zone:	AE (elevation 13)		

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

Please include application fee and indicate amount here: $_____

H. City Naturalist's Determination:

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

I. Coastal Assessment Form

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

J. Statement of Proposed Work and Purpose Thereof:

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

The project involves the construction of a new DPW garage and administrative building at the City's Department of Public Works facility. It will replace the existing garage building (known as Building 5).

See March 8, 2022 memorandum from Stantec Consulting to the Board of Architectural Review for a more complete description of the project.

K. Evaluation of Consistency with LWRP Policies:

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

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

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

The proposed project is located within the LWRP Boundary, but not located within close proximity of a waterfront area.

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

The proposed project would replace an existing DPW garage building with a new building within a nearly identical footprint. It would not change use.

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

This policy is not applicable to the proposed project and it will not adversely impact existing harbor areas in the City.

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

The proposed facility will require upgrades to existing electrical systems. It would not use any gas or oil and would be completely serviced by electric and potentially solar.

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

Not applicable.

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

The proposed facility will not impact wildlife habitats.

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

Not applicable.

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

The proposed facility is not located in a flood zone and would not result in an increase in impervious area.

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

Economic, social and environmental interests will not be compromised by the proposed action.

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

This area of DPW is not currently open to the public. The proposed project would replace an existing DPW garage building with a new building within a nearly identical footprint. It is not located near a coastal area.

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

The proposed project would replace an existing DPW garage building with a new building within a nearly identical footprint.

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

The proposed would not compromise existing scenic resources.

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

Not applicable. The proposed action is not an energy facility.

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

Not applicable.

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

The proposed project would replace an existing DPW garage building with a new building within a nearly identical footprint. There would be no increase in impervious area and no discharge of pollutants.

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

Not applicable.

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

The proposed project would replace an existing DPW garage building with a new building within a nearly identical footprint. It would not result in a change to the use or handling of any materials.

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

The proposed action would not adversely impact air quality.

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

The proposed facility is not located near tidal or freshwater wetlands.

L. Evaluation of Actions Inconsistent with LWRP Policies:

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

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

The location of the building is consistent with the recommendations of the Disbrow Park Master Plan (November 30, 2018). Other potential alternative locations would impact existing or planned recreation or DPW operations.

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

The action would not have adverse effects on LWRP policies. The proposed action is a continuation of current garage activities within a nearly identical footprint.

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

The proposed action will not adversely impact LWRP facilities.

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

The garage supports essential City DPW services.

M. Regulatory Compliance

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

N. Prior Approvals – Application Checklist for Permits:

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

LWRP Consistency Application

City of Rye, New York Planning Department

Board, Commission or Inspector:	Date(s) of Prior Approval(s):	City Identifier Reference(s):	Previous Action(s) on Application(s):	New Permit(s) Applied for: (Check Boxes)
Appeals				☐
Architectural Review				☐
Conservation				☐
Landmarks				☐
Planning Commission				☐
Building Inspector				☐
City Engineer				☐
Naturalist				☐
City Planner				☐
Other:				☐

O. Signatures

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

Christian K. Miller, City Planner — 10/31/22

Applicant Signature — Date

Property Owner Signature(s) — Date

Coastal Assessment Form

City of Rye, New York Planning Department
1051 Boston Post Road, Rye, New York 10580
Phone: (914) 967-7167 Fax (914) 967-4641 www.ci.rye.ny.us\planning.htm

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants or in the case of direct actions, city agencies, shall complete this Coastal Assessment Form (CAF) for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a city agency in making a determination of consistency.

2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the City Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

3. If any question in Section C on this form is answered "yes", then the proposed action may effect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of city agency action (check appropriate response):
   (a) Directly undertaken (e.g capital construction, planning activity, agency regulation, land transaction): Construction of a New DPW Building 5
   (b) Financial assistance (e.g. grant, loan, subsidy): _____
   (c) Permit, approval, license, certification: _____
   (d) Agency undertaken action: City Council

2. Describe nature and extent of action:
   Contruction of new DPW garage and administrative building, replacing existing DPW building 5 in the same location and nearly identicial building footprint.

3. Location of action (including street or site description):
   141 Oakland Beach Avenue, Disbrow Park/City DPW

4. Size of site: Less than 1.0 acre

5. Present land use: DPW Garage (A.K.A. Building 5)

6. Present zoning classification: R-5

Coastal Assessment Form

City of Rye, New York Planning Department

7. Describe any unique or unusual forms on the project site (i.e. bluffs, dunes, swales, ground, depressions, other geological formations):
None.

8. Percentage of site which contains slopes of 15% or greater None

9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?

   (a) Name: None

   (b) Size (in acres): _____

10. If an application for the proposed action has been filed with the city agency, the following information shall be provided:

    (a) Name of applicant: City of Rye

    (b) Mailing address: 1051 Boston Post Road, Rye, New York 10580

    (c) Telephone number: Area Code: 914-967-7404

    (d) application number, if any: _____

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

    ☐ Yes ☒ No If yes, which state or federal agency?

    _____

Coastal Assessment Form

City of Rye, New York Planning Department

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

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

Coastal Assessment Form

City of Rye, New York Planning Department

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

Coastal Assessment Form

City of Rye, New York Planning Department

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

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

The project involve the construction of a new DPW garage and administrative building in the same location and nearly identical footpring ot existing DPW Building 5.

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

Preparer Name Christian K. Miller Date 10/31/22

Signature _____ Title City Planner

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: October 27, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Review of the City of Rye Procurement Policy.

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the Council adopt the new Procurement Policy.

WHEREAS, Section 104-b of the General Municipal Law (GML) requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the City of Rye involved in the procurement process, now, therefore, be it

RESOLVED, that the City of Rye does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City last updated its Procurement Policy in 2011. The substantive updates suggested make adjustments to the dollar limits that would serve to expedite procurement of goods and services while ensuring the prudent and economical use of public moneys. These changes in the policy will make purchasing easier and more effective for staff while still adhering to all guidelines of the GML.

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

Tel: (914) 967-7404
E-mail: gusry@ryeny.gov
http://www.ryeny.gov

CITY OF RYE
Office of the City Manager

Inter-Office Memorandum

To: City Council

From: Greg Usry, City Manager

Date: November 3, 2022

Re: City of Rye Procurement Policy

New York State requires municipalities to periodically review their Procurement Policies. The City last made updates to its policy in 2011. Based upon the feedback received from various City Department Heads, the City's Procurement Policy needs adjustments to remain current. Following a review of procurement policies from like communities, and the collaborative suggestions of Finance and DPW, several recommended changes have been proposed. The substantive updates make adjustments to the dollar limits that would serve to expedite procurement of goods and services while ensuring the prudent and responsible use of public monies. These changes in the policy will make purchasing easier and more effective for staff while still adhering to all guidelines of the General Municipal Law and prudent procurement.

CITY OF RYE

Purchasing Policy

The adoption of a purchasing policy confirms the commitment of The City of Rye to ensure that its purchases of goods and services are made legally, fairly, prudently, competently, and at the lowest possible cost offered by responsible vendors. This purchasing policy, our City Charter, General Municipal Law §§103 and 104, and the State Comptroller's Financial Management Guide subsection 11 provide guidance to those city employees involved in the purchasing process. The City of Rye has adopted the following purchasing policy statements in accordance with §104-b of the General Municipal Law (GML):

City Charter §C8-2(J) states that the City Manager shall have control and supervision of all city purchases except for those requiring competitive bidding.

1) <u>Public Works Contracts vs. Purchase Contracts</u>

It is important to distinguish between contracts for public work and contracts for purchases of goods. Many times, contracts involve both goods and services and it is necessary to determine which bid limit to apply. Each procurement must be reviewed on a case-by-case basis and a determination must be made as to what kind of contract is involved.

a. *Public Works Contract* - As a general rule, if the contract involves a substantial amount to services, such that it is the predominate element and goods are incorporated in the project, it will be considered a contract for public work. Included in this category would be work covered under NYS Labor Law Articles 8 or 9 such as construction, plumbing, electrical, and building service contracts. All public works contracts must be reviewed by the City Engineer per City policy.

b. *Purchase Contract* - If services or labor are only minimal or incidental to the acquisition of goods, (delivery, setup, installation, or assembly) it is considered a purchase contract for goods.

The dollar thresholds stated in this policy are to mean the total city-wide aggregate amount which is estimated to be spent for the same or similar item in the course of a fiscal year. It shall be the responsibility of the Department Heads and Comptroller to coordinate the purchases of like-items.

2) <u>Competitive Bidding</u>

Per GML §103, competitive bids will be required for purchase contracts in excess of $20,000 and public works contracts in excess of $35,000.

The procedure for competitive bidding can be found in General Municipal Law §§103

3) Exemptions to Competitive Bidding

In some cases, competitive bidding may not be required even though the cost is above the thresholds stated above. In these cases, the purchase record shall include documentation clearly indicating the exception as defined in GML §103 or §104-b.

a. New York State Office of General Services – State Contract

New York State Office of General Services awards centralized contracts based on competitive bidding for commodities, services, information technology and telecommunications. State contracts should be reviewed and used whenever possible to provide additional cost savings. The City of Rye is eligible to purchase through State Contracts as a political subdivision of New York State.

New York State General Municipal Law does not require competitive bidding if purchases are made under State Contract. Therefore, spending levels do not apply only if the purchase is made under New York State Contract. Purchases made from vendors offering lower-than-state contract price do not qualify under this exception. State Contracts are on file in the Purchasing Department, and are accessible on-line at http://www.ogs.state.ny.us

b. Westchester County Contracts

New York State General Municipal Law does not require competitive bidding if purchases are made under County Contract. Therefore, spending levels do not apply only if the purchase is made under Westchester County Contract. Purchases made from vendors offering lower-than-county contract price do not qualify under this exception. County Contracts are accessible on-line at https://westchestershares.com/

c. Purchases Made Under New York State or Other Government Agency Contracts

The City of Rye may, for purposes of public purchases, utilize the provisions of GML Section 103 with regard to so-called "piggybacking" on purchases. Pursuant to GML Section 103, the City of Rye may purchase through the bids solicited by the United States government, New York State, other U.S. states and/or any other political subdivision (counties, towns, villages, school districts, etc.), provided those contracts clearly state that they are available for use by other governmental entities within the requirements of GML Section 103(16). Prior to such purchases, the Department making the purchase will ensure that a piggyback purchase qualifies as follows:

The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the City of Rye should determine that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by either the City of Rye or other municipalities. This determination should be made on a case-by-case basis.

The specific contract must have been issued in accordance with the provisions of General Municipal Law § 103.

4) <u>Non-Competitive Solicitations</u>

Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Rye to solicit quotations or document the basis for not accepting the lowest bid:

a. <u>Professional services</u>

Professional services or services requiring special or technical skill, training or expertise, such as architects, attorneys, insurance coverages, engineers and other professional consultants. The individual or company must be chosen based on qualifications showing accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the following guidelines shall be considered: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. <u>Emergency purchases pursuant to Section 103(4) of the General Municipal Law</u>

Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may affect public buildings, public property or threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits. Emergency situations must be documented.

c. <u>Purchases of surplus and second-hand goods from any source</u>

If alternate proposals are required, this limits the sources through which the City can purchase goods. For example, if quotes are required, the City would be precluded from purchasing items at auction. Additionally, it is not appropriate to procure used or second-hand goods on a quote comparison basis as a lower price is typically indicative of poorer quality. For example, if the City were desirous of purchasing a used vehicle, a lower price would indicate that it is likely in poor condition, would require enhanced maintenance and have a reduced expected useful life whereas a higher price would indicate that the vehicle is well maintained and will have a longer service life.

d. Sole source situations

When there is only one possible source from which to procure goods and/or services, thus indication there is no possibility of competition, the following must be documented in writing and accompany the requisition or claim paperwork submitted to the Comptroller's Office for processing:

i. Unique benefits of time needed
ii. No other product/service can compare
iii. Cost is reasonable as compared to product offered
iv. There is no competition available

e. Goods purchased from agencies for the blind or severely handicapped
f. Goods purchased from correctional facilities
g. Goods purchased from another governmental agency

5) Purchase Procedures

a. Purchase Contracts

Dollar Limit	Procedure
Less than $3,000	At discretion of Department Head
$3,000 or more	PO required
$3,000 - $4,999	2 written quotes
$5,000 - $19,999	3 written quotes
$20,000	Council approval required if competitively bid

b. Public Works Contracts

Dollar Limit	Procedure
Less than $3,000	At discretion of Department Head
$3,000 or more	PO required
$3,000 - $9,999	2 written quotes
$10,000 - $34,999	3 written quotes
$35,000	Council approval required if competitively bid

Where it is feasible, departments are encouraged to seek competitive written quotes from multiple vendors, regardless of whether multiple quotes are required.

Purchase Orders shall be submitted to the Comptroller for review and processing.

Only Purchase Orders generated by the Finance Department shall be used for requisitioning. Employees shall not authorize the acquisition of goods or services without first receiving the completed Purchase Order from the Comptroller.

All purchases will be sufficiently documented. "Sufficiently documented" means that a person unfamiliar with the transaction would understand the transaction, including, but not limited to, the nature and purpose of the transaction, parties involved, goods or services ordered and delivered, itemized and total costs, accounts charged, person(s) who authorized the purchase, person(s) who confirmed receipt of the goods or services, and the date of each material event in the purchasing process.

The justification and reasons for any variance from this policy, including but not limited to, the selection of a vendor who is not the lowest responsible bidder or the failure to obtain sufficient competitive quotes, will be documented and made a part of the purchasing record.

c. Blanket Purchase Orders

Blanket Purchase orders are open-end purchase orders issued to various vendors for the purpose of consolidating numerous purchases over the course of the year. Blanket purchase orders eliminate the issuance of separate orders for groups of items which are purchased frequently from the same vendor, and permit departments to purchase items of this nature on an "as needed" basis. If at any time the amount allowed on the Blanket Purchase Order will be exceeded, a change order is to be submitted to the City Manager.

d. Change Orders

A change order shall mean a properly prepared and authorized document which directs and authorizes a vendor providing goods or performing services to change the quantity or character of goods provided or services performed from that originally specified or estimated and to correspondingly change the payment due. Change orders are submitted first to the City Manager for approval.

e. Prevailing Wage and Insurance

All contractors and subcontractors must pay prevailing wage as per NYS Labor Law Articles 8 and 9 except where exempt, such as single source or emergency purchasing. Proof of insurance is required as part of this purchasing policy and all chosen vendors must meet the applicable insurance requirements as determined by the City Manager.

f. General Information

The City Council and all City Department Heads will review this policy periodically and at least annually. Comments, questions, and proposed changes should be addressed to the City Comptroller.

The unintentional failure to comply with this purchasing policy or the provisions of GML §104-b shall not be grounds to void action taken or give rise to a cause of action against the City or any officer or employee of the City.

Purchase Contracts

Municipality	PO Required	2 Quotes	3 Quotes	Board Approval/Bidding
Rye – current	$1,500	$2,500 - $4,999	$5,000 - $19,999	$20,000 or greater
Rye – proposed	$3,000	$3,000 - $4,999	$5,000 - $19,999	
Harrison	$1	$1,500 - $4,999	$5,000 - $19,999	
Rye Brook	$4,000	$2,000 - $3,999 (3 verbal)	$4,000 - $19,999	
Scarsdale	$5,000 or more	$1,000 - $4,999 (verbal)	$5,000 - $19,999	
Village of Mamaroneck	$1,500	$1,500 - $4,999	$5,000 - $19,999	
Town of Mamaroneck	$2,000	-	$2,001 - $19,999	
Town of New Castle	$3,000	$3,000 - $9,999	$10,000 - $19,999	

Public Works Contracts

Municipality	PO Required	2 Quotes	3 Quotes	Board Approval/Bidding
Rye – current	$1,500 or more	$2,500 - $4,999	$5,000 - $34,999	$35,000 or greater
Rye – proposed	$3,000 or more	$3,000 - $9,999	$10,000 - $34,999	
Harrison	$1	$10,000 - $19,999	$20,000 - $34,999	
Rye Brook	$4000 or more	$2,000 - $3,999 (verbal quotes)	$4,000 - $34,999	
Scarsdale	$5,000 or more	$1,000 - $4,999 (verbal)	$5,000 - $34,999	
Village of Mamaroneck	$1,500 or more	$1,500 - $4,999	$5,000 - $34,999	
Town of Mamaroneck	$3000 or more	$3,000 - $9,999 (3 quotes)	$10,000 - $34,999 And Public RFP	
Town of New Castle	$3,000 or more	$3,000 - $9,999	$10,000 - $34,999	

CITY COUNCIL AGENDA

DEPT.: Planning/Building DATE: October 27, 2022

CONTACT: Christian Miller, City Planner

AGENDA ITEM: Open a public hearing for October 26, 2022 to consider a local law to add a new Chapter 89 "Fats, Oils and Grease Abatement" to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments.

FOR THE MEETING OF:
November 9, 2022
RYE CITY CODE,
CHAPTER 89 (New)
SECTION

RECOMMENDATION: That the City Council review the attached draft local law and environmental assessment form (EAF) and set a public hearing on the draft local law for its next meeting on October 26, 2022.

IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Pursuant to a 2020 Stipulated Order, the City of Rye is required to implement a Fats, Oils and Grease (FOG) program to reduce and prevent the introduction of FOG into the City's sanitary sewer lines. As a component of the FOG program, the Stipulated Order requires the Rye City Council to adopt a local law requiring the routine inspection of grease generating properties (such as food establishments), the installation, regular maintenance and inspection of grease traps and enforcement mechanisms to insure the proper handling and disposal of fats, oils and grease. Attached hereto is the draft local law and environmental assessment form.

LOCAL LAW NO. -2022

A Local Law to Add a New Chapter 89 "Fats, Oils and Grease Abatement" to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments

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

Section 1. **The following new Chapter 89, titled "Fats, Oils and Grease Abatement" is hereby added to the Rye City Code:**

Chapter 89
FATS, OILS AND GREASE ABATEMENT

§89-1 Purpose.

A. The discharge of fats, oils, grease, sand, grit and other harmful materials into the sanitary sewer system poses a threat to the health, welfare and safety of the residents and the environment of the City of Rye by reducing system reliability and requires additional maintenance efforts which increase cost.

B. The purpose of this chapter is to aid in the prevention of sanitary sewer blockages, backups and obstructions from contributions and accumulation of fats, oils, and grease into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

§ 89-2 Applicability.

This chapter shall apply to all existing and new food establishments within the City of Rye.

§ 89-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING INSPECTOR
The Building Inspector, Assistant Building Inspector of the City of Rye or City Engineer or their designee.

FATS, OILS, AND GREASE
Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations, 40 CFR 136, as may be amended from time to time.

FOOD ESTABLISHMENT
Any establishment which serves made-to-order food or beverages that generates fats, oils and/or grease as defined herein for dine-in, takeout, or delivery. Food establishments shall include, but are not limited to, restaurants, cafes, fast-food establishments and food

establishments within grocery stores, except as otherwise determined by the Building Inspector.

GREASE

A material comprised of fatty matter from animal or vegetable sources or hydrocarbons of petroleum origins.

GREASE TRAP/GREASE INTERCEPTOR

A device for separating and retaining waterborne fats, oils and grease and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer system.

PERSON

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

§89-4 Prohibited acts.

A. Introduction of any additives into any establishment's wastewater system for the purpose of emulsifying fats, oils and grease is prohibited.

B. Disposal of waste cooking oils into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

C. Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.

D. The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited, unless written approval from the Building Inspector.

E. Discharge of wastes from toilets, urinals, wash basins and other fixtures containing fecal materials to lines intended for grease interceptor service is prohibited.

F. Discharge of fats, oils and grease to toilets, urinals, wash basins and other fixtures is prohibited.

G. Discharge into the sanitary sewer system of any waste which has fats, oils and grease as well as solid materials removed from the grease control device is prohibited. Grease removed from grease interceptors shall be waste hauled periodically as part of the operation and maintenance requirements for grease interceptors. Licensed waste haulers or an approved recycling facility must be used to dispose of fats, oils and grease, including waste cooking oil.

H. Installation of food grinders are prohibited unless specifically allowed in writing by the Building Inspector.

I. No food waste disposal unit or dishwasher shall be connected to or discharged into any grease trap.

§89-5 Installation of grease traps.

A. Grease trap installation generally. The Building Inspector may at any time require the installation and/or relocation of an internal or external grease trap at a food establishment, as he/she may deem necessary to maintain a particular building sewer pipe, any lateral sewer pipe or sewer main pipe free from obstructions caused by fats, oils or grease emanating from the food establishment. Food establishments required to install grease traps shall be given a reasonable amount of time to complete the installation.

B. Grease trap installation in all food establishments.

(1) In every case where a food establishment is preparing or selling food, a suitable internal or external grease trap conforming to the applicable building and plumbing codes must be installed.

(2) The Building Inspector may require that a grease trap in a food establishment be upgraded to the then current-day industry standards.

(3) Food waste, including fats, oils, and grease, cannot be discarded into a slop sink, floor drain, toilet or any other plumbing fixture not connected to a grease trap.

C. Additional requirements for new or remodeled food establishments. New or remodeled food establishments, at the discretion of the Building Inspector, may be required to install an external grease trap. For the purpose of this regulation, a remodeled food establishment is a food establishment that undergoes a renovation requiring the submittal of plans to the City Building Department.

D. Grease trap requirements. Grease traps must be sized in accordance with the standards set forth in the Uniform Code of the State of New York.

§89-6 Grease trap maintenance.

A. All grease traps shall be maintained by the food establishment at the food establishment's expense. Such maintenance shall be performed such that all grease traps shall be maintained to assure proper operation and efficiency. All food establishments shall have all grease traps cleaned before the amount of grease exceeds 25% of the grease capacity of the grease trap or once every month for internal grease traps and once every six months for external grease traps, whichever comes first.

B. Maintenance of grease traps shall include the complete removal of all contents, including floating materials, wastewater, bottom sludge and solids. The decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited.

C. Written logs, as well as all service reports by third party maintenance/service/plumbing professionals, of any repairs, inspections, maintenance, cleaning and pumpings of the grease trap(s) and/or grease trap plumbing shall be maintained on-site by the food establishment. The written logs and service reports shall include the date of service, the type of service, by whom, and the signature of the person performing the service. Said logs and service reports shall be made available on-site to the Building Inspector upon demand.

D. Any biological additive(s) placed into the grease trap or building discharge line, including, but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease, shall in no way be considered as a substitution to the maintenance procedures required herein.

§ 89-7 Best management practices required.

All food establishments shall adhere to best management practices dealing with fats, oils, and grease disposal and shall educate their employees to these practices. Best management practices include, but are not limited to, the following:

A. Training kitchen staff on fats, oils and grease handling practices. The food establishment shall maintain proper written documentation of all training, including the date of training, the training topic, name of attendees, and copies of any distributed training materials. Said documentation shall be made available to the Building Inspector upon demand.

B. Hanging fats, oils and grease-handling posters in the kitchen.

C. Instructing employees that food waste shall be disposed of in the trash and not in the sanitary sewer system.

D. Providing ample paper towel dispensers for dry-wiping fats, oils and grease from spills, pots, frying, grilling equipment, and other surfaces saturated with fats, oils, and/or grease residue.

E. Using strainer baskets in sinks to catch food waste.

F. Directing all drains from fats, oils and grease-producing sources to a properly sized grease trap.

G. Collecting and disposing of used fats, oils and grease through a licensed septage handler instead of pouring it down the drain.

H. Capturing fats, oils and grease in ventilation and exhaust hoods.

§ 89-8 Storage and disposal.

A. Storage.

(1) All waste fats, oils and grease and other related wastes requiring storage at the food establishment as a result of removal from grease traps or otherwise shall be collected and stored in a container(s) (i.e., fifty-five-gallon drums or such other suitable storage containers). The container(s) and the location of the container(s) shall be approved by the Building Inspector.

(2) No more than 110 gallons (two fifty-five-gallon containers) shall be stored on site unless otherwise approved by the Building Inspector.

(3) The container(s) shall be sealed, protected from the elements and provided with

secondary containment in case of leakage. The container(s) shall be screened from public view, such screening to be approved by the Building Inspector.

(4) All grease containers and surrounding areas must be kept in a sanitary condition at all times.

B. Disposal.

(1) All waste fats, oils and grease and related wastes shall be removed from the food establishment only by a permitted septage handler.

(2) All material removed from grease traps and hauling and disposal of fats, oils and grease and other related waste, shall be documented in the written log.

(3) The food establishment is responsible for assuring that all waste fats, oils and grease and related wastes are disposed of in accordance with all federal, state and local disposal regulations.

(4) In no way shall any waste fats, oils and grease and related wastes material be disposed of in any private or public portion of the City's sanitary sewer collection system.

C. The food establishment shall maintain proper written documentation of fats, oils and grease and related wastes removed from the food establishment including copies of bills and other paperwork from any third-party septage handler, noting the name, address and phone number of the septage handler, the date and volume in gallons of the waste that was removed from the premises, and the signature of the septage handler in the written log and/or service report. Said documentation shall be made available to the Building Inspector upon demand.

§ 89-9 Records retention.

Retention of records. Each food establishment shall retain all training, inspection, maintenance, cleaning, pumpings and disposal records for review by the Building Inspector upon his or her request. Such records shall be retained by the food establishment for no less than three years.

§ 89-10 Inspections.

A. The Building Inspector or their designees shall have the authority to enforce the provisions of this chapter. These officials may enter upon any premises at any reasonable time to inspect for compliance.

B. Upon written notification by the Building Inspector, the food establishment shall be required to perform the required maintenance or repair within the time period specified by the Building Inspector.

C. The food establishment may be required to install, at its sole expense, additional controls to prevent discharges of undesirable materials into the wastewater collection system.

D. Refusal to provide reasonable cooperation and access shall constitute a violation of this

chapter subject to enforcement as set forth below.

§ 89-11 Enforcement; violations and penalties.

A. Notice of violation. When the City of Rye determines that a food establishment has violated or is in violation of a requirement or provision of this chapter, it may issue a written notice of violation, to the food establishment. The notice of violation shall contain:

(1) The name and address of the landowner;

(2) The name and address of the food establishment;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the food establishment into compliance; and

(5) A statement of the penalty or penalties that shall or may be assessed against the person whom the notice of violation is directed.

B. The Building Inspector, or his or her duly authorized designee, may issue a stop-work order, if, in the judgment of the Building Inspector, the operations on-site are not being performed in a safe and sanitary manner, are not in compliance with all approved plans, or are not otherwise in conformance with the requirements of this chapter.

C. Recovery of damages. When the discharge from a food establishment causes an obstruction, damage, or any other impairment to the sanitary sewer system, or causes any expense, fine, penalty, or damage of whatever character or nature to the City, the Building Inspector shall invoice the owner for same incurred by the City. All costs or expenses incurred by the City in connection with any such obstruction, damage, or any other impairment to the sanitary sewer system shall be assessed against the property on which the work was required to be done and shall be a lien against such property until paid, the same as any tax which the City is authorized to impose on properties within the City.

D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person committing an offense against the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding $1,000. Each day's continued violation shall constitute a separate violation.

<u>Section 3.</u> Amend Chapter 53, *Appearance Tickets*, §52-2.A and §52-2.B, *Enforcement Responsibilities*, as follows:

A. Building Inspector and Assistant Building Inspector: Chapters 53, 68, 71, 72, 81, 89, 93, 98, 100, 108, 117, 121, 133, 153, 161, 157, 166A, 170, 194, 195, 196 and 197 and the New York State Uniform Fire Prevention and Building Code.

B. City Engineer and Assistant City Engineer: Chapters 71, 89, 161, 167, 170, 173, 187, 194 and 196

Section 4. **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 5. **Effective Date.**

This Local Law shall take effect on January 1, 2023.

x:\special projects\fog law\fats, oils and grease abatement - chapter 89 ckm.docx

9/22/2022

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information

Name of Action or Project:

Rye City DPW Salt Shed/Recycling Facility

Project Location (describe, and attach a location map):

Rye DPW property located at 141 Oakland Beach Avenue, Rye, New York 10580

Brief Description of Proposed Action:

The project involves the construction of a new Salt Deicing Storage and Recycling Facility at the City's The project involves the construction of a new 70-foot wide by 140-foot long by 36-foot high City Salt Storage Shed and Recycling Facility located at the City's public works facility located at 141 Oakland Beach Avenue, Rye, New York. The project is proposed in the northwestern portion of the site currently used as green waste storage/transfer area and other stockpiling activities. There will be no disturbance to wetland areas, but there will be construction activities within 100-foot wetland buffer. Total project disturbance would be between 1.0 and 1.5 acres. The project location is currently restricted to DPW operations and does not allow public access. This would remain unchanged by the project. The proposed activity is not a water-enhanced or water-dependent use, however this location is the only viable alternative within Disbrow Park. Existing green waste storage and other stockpiling would be eliminated from this location and relocated to other publically restricted areas used by DPW. The City Planning Commission found that the project is consistent with the City's LWRP policies.

Name of Applicant or Sponsor:	Telephone: 914-967-7404
Rye City Council	E-Mail: cmanager@ryeny.gov

Address:

1051 Boston Post Road

City/PO:	State:	Zip Code:
Rye	NY	10580

	NO	YES
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.	☑	☐
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: Interested and/or Involved agencies: DASNY, OPRHP/SHPO, NYSDEC, NYSDOS, Advisory Rye City Planning Commission, BAR	☐	☑

3. a. Total acreage of the site of the proposed action? 1.0-1.5 acres
   b. Total acreage to be physically disturbed? 1.0-1.5 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 47 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)

☐ Forest ☐ Agriculture ☑ Aquatic ☑ Other(Specify): Sewage Treatment Plant

☑ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: Name:Long Island Sound, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90	☐	☑
	NO	YES
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?	☐	☑
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:	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: The building does not require and will not have potable water service.	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: The building does not require sewer service and will not include connection to municipal sanitary sewer system.	☑	☐
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?	☑	☐
See attached letter of no impact from SHPO 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?	☐	☑
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:		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☑ Wetland ☐ Urban ☑ Suburban

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☐	☑
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: Existing on-site municipal stormwater systems will be used and enhanced by water quality pre-treatment measures.		
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:	☑	☐
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: Project location is near a former refuse incinerator and former ash landfill	☐	☑
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:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Rye City Council Date: 10/31/22

Signature: Christian K. Miller Title: Rye City Planner

PRINT FORM

Agency Use Only [If applicable]

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?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
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?	☑	☐
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?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

PRINT FORM

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.

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

PRINT FORM

RESOLUTION

Adopting a Local Law to Add a New Chapter 89 "Fats, Oils and Grease Abatement" to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments

WHEREAS, as a result of a legal action brought against the City of Rye by Save the Sound and Atlantic Clam Farms of Connecticut, Inc. (Case No. 7:15-cv-06323-CS), the City of Rye entered into a settlement agreement; and

WHEREAS, pursuant to a 2020 Stipulated Order, the City of Rye is required to implement a Fats, Oils and Grease (FOG) program to reduce and prevent the introduction of FOG into the City's sanitary sewer lines; and

WHEREAS, as a component of the FOG program, the 2020 Stipulated Order requires the Rye City Council to adopt a local law requiring the routine inspection of grease generating properties (such as food establishments), the installation, regular maintenance and inspection of grease traps and enforcement mechanisms to insure the proper handling and disposal of fats, oils and grease; and

WHEREAS, on October 12, 2022, the City Council set a public hearing for October 26, 2022 on a draft local law to add a new Chapter 89, "Fats, Oils and Grease Abatement" to the Rye City Code; and

WHEREAS, notice of the hearing was published and circulated as required by law; and

WHEREAS, the City Council conducted a noticed public hearing on the local law on October 26, 2022, in which it gave all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, a draft local law and Environmental Assessment Form was presented to the City Council; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF) and determines that the proposed action is consider an Unlisted Action; and

WHEREAS, the City Council is the only Involved Agency in connection with the proposed action;

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

BE IT FURTHER RESOLVED, that the City Council adopts Local Law #_____ -2022 to add a new Chapter 89 "Fats, Oils and Grease Abatement" to the Rye City Code; and

BE IT FURTHER RESOLVED, that the Fee Schedule of the City of Rye shall be amended to add a new fee for “Fats, Oils and Grease Inspection” in the amount of two-hundred dollars ($200).

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CITY COUNCIL AGENDA

DEPT.: City Manager DATE: September 30, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Refer to the BAR and set a public hearing for November 30, 2022 to consider an application from Airosmith Development, engaged by AT&T to modify an existing facility located at 66 Milton Rd. that does not substantially change the physical dimensions of the current facility.

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the Council consider referring the application to the BAR.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:
All wireless telecommunications facilities within the City must comply with Chapter 196 "Wireless Telecommunications Facilities" of the City Code and all other applicable law and regulations. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Before the Council considers this application, the Council shall refer it to the Board of Architectural Review for and advisory opinion.

See attached and with further application details here: https://ryeny.sharefile.com/

BY FEDEX

September 21, 2022

City of Rye
1051 Boston Post Rd
Rye, NY 10580

Re: Telecommunications Special Permit Application/Building Permit Application – Modification of Existing Wireless Facility
AT&T Cell Site – FA # 10105111
Site Address: 66 Milton Rd, Rye, NY 10580

To Sir or Madam,

Airosmith Development is engaged by AT&T to assist in the planned minor modification of the existing wireless facility ("Facility") at 66 Milton Rd, Rye, NY 10580 (the "Site"). AT&T is submitting a building permit application as an eligible facility under Section 6409(a) of the federal Middle Class Tax Relief and Job Creation Act of 2012 for modifications of the Site.

AT&T's modifications to this existing telecommunications facility are necessary to provide enhanced services to this area of the City of Rye and meet the increased demand for reliable high-speed data in this area.

The Federal Communications Commission ("FCC"), which has interpretative authority in this field of federal law, adopted rules to clarify and implement the requirements of Section 6409(a) (the "2014 FCC Order"). As established by the FCC, an eligible facility that does not cause a substantial change to the physical dimensions of the existing facility requires a shortened review period, in this case 45 days, and applications not processed in this timeframe are automatically deemed granted.

AT&T's proposal constitutes "collocation" as it involves the replacement of existing equipment on an existing structure that currently supports the existing facilities of AT&T. Similarly, this proposal does not increase the height of the facility in any way, does not protrude from the building (base station) structure by more than six (6) feet, and does not conflict with any approval conditions or compromise any concealment elements of the existing wireless facility. As such, the proposed upgrades are not a substantial change, and are in compliance with the requirements of 6409(a)

In support of this request, please find the following:

1. Completed Telecommunications Special Permit Application.
2. Completed Building Permit Application
3. Five (5) sets of Drawings prepared by Airosmith Engineering dated September 01, 2022
4. Five (5) Mount Analysis reports prepared by Airosmith Engineering dated September 01, 2022
5. Check for $5,000.00
6. Check for $3,000.00
7. Check for $200.00

8. Lease agreement
9. AT&T LOA
10. Previous Building Permit (permit # P0512521)
11. COI
12. Short Environmental Form

We request the enclosed building permit application be reviewed and approved for the proposed minor modifications to the existing AT&T Site.

Once approved, please me with the Permit fee amount, so I can have a check issued for the same. If you require anything further, please do not hesitate to contact me at (732) 503-0869.

Thank you for your consideration of the enclosed materials.

Sincerely,

Michelle Curry
Site Acquisition Specialist II
Airosmith Development
318 West Ave.
Saratoga Springs, NY 12866
(732) 503-0869 Cell
mcurry@airosmithdevelopment.com

LETTER OF AUTHORIZATION

Date: July 10, 2018

RE: New Cingular Wireless PCS, LLC ("AT&T Mobility")
Letter of Agency
Airosmith Development

To Whom It May Concern:

On behalf of AT&T Mobility, this Letter of Agency provides written approval that Airosmith Development, its agents, employees and contractors are authorized to work on behalf of AT&T. Such work may include but is not limited to, negotiating leases with potential site owners and applying for all necessary permits or any other approvals, including, but not limited to the filing of building permit applications which are necessary for the erection of a wireless telecommunications facility.

Thank you,

Signed

Robert Minnick
_____
Robert Minnick
Construction & Engineering
AT&T Mobility UNY

cc: Jon Terry – Airosmith Development

Building Permit Application

City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580
Building@ryeny.gov (914) 967-7372 www.ryeny.gov

Permit Type (Check Applicable Box):

One- and Two-Family:		**Other:**	
☐	New Construction	☐	Interior Building*
☐	Addition/Alteration	☐	Modification of Approved Permit/Plans
Multi-Family and Commercial:		☐	Extension of Approved Building Permit*
☐	New Construction	☐	Re-roofing**
☐	Addition/Alteration	**Value of Improvement:**	
☐	Change of Tenant Occupancy**	**$** 20,000	
☐	Temporary Tent**		

* *Complete Sections A thru H only.,* ***Complete Sections A, B, C, D, E and H only*

A. Property Information:

Street Address: **66 Milton Rd**
Property Area (Acres):
Tax Map Designation: Sheet: Block: 1 Lot(s): 73
Sheet: Block: Lot(s):
Zoning District: RA-3
Current Use:
Proposed Use:
Flood Insurance Zone: Select FEMA Flood Zone: Elevation: Select FEMA Flood Elevation:
Prior Bldg. Permit No. PO512521 *Required for Modifications and Extensions only*

B. Architect/Engineer/Applicant Representative:

Name: New Cingular Wireless PCS, LLC (AT&T)
Address: 340 Mt Kemble Ave
City: Morristown State: NJ Zip: 07960
Phone: 201-571-0638 Email:

C. Contractor:

Name: Levest West. Co. Lic. #: 036669
Address: 325 W 37th St
City: New York State: NY Zip: 10018
Phone: 212-563-0742 Email: Jeremy.Doodnauth@LevestEl

NOTE: Please attach hereto, contractors insurance, (naming the City of Rye as certificate holder and additionally insured) including liability and Form NYS C105 workers compensation (NYS 105) (or a signed New York State compensation waiver).

For Building Department Use Only:

Application Receipt Date:

Building Permit Application

City of Rye, New York Building Department

D. Property Owner/Applicant:

Name*: Blind Brook Lodge Owners
Address: 76 S Lexington Ave
City: White Plains State: NY Zip: 10606
Phone: Email:

** If owner or applicant is an LLC, please provide name of principal and contact information.*

E. Project Description: (Please describe the proposed project).

Remove (3) Existing Panel Antennas
Install (9) New Panel Antennas
Install (3) New RRH's
Ground:
Install (7) Rectifiers

F. Regulatory Compliance:

1. Is the project located in a flood zone or floodway? ☐ Yes ☑ No
   (If yes, Chapter 100, Floodplain Management, may apply)
2. Is the project a Protected Structure or within a Preservation District? ☐ Yes ☑ No
   (If yes, Chapter 117, Landmarks Preservation, may apply)
3. Is a fence or wall proposed as part of the application? ☐ Yes ☑ No
   (If yes, Chapter 90, Fences and Walls, may apply)
4. Is the property located within a designated coastal area boundary? ☐ Yes ☑ No
   (If yes, Chapter 73, Coastal Zone Management, may apply)
5. Is the property located within 100 feet of a wetland? ☐ Yes ☑ No
   (If yes, Chapter 195, Wetlands and Watercourses, may apply)
6. Is any land disturbing activity proposed greater than 300 square feet? ☐ Yes ☑ No
   (If yes, Please complete an Engineering Review Form as required by Chapter 174, Stormwater Management, of the Rye City Code)
7. Is any tree removal proposed? ☐ Yes ☑ No
   (If yes, Chapter 187, Trees may apply)
8. Is any signage proposed? ☐ Yes ☑ No
   (If yes, Chapter 165, Signs may apply)
9. Would the project change the exterior appearance of the structure? ☐ Yes ☑ No
   (If yes, Chapter 153, Architectural Review applies. Please complete the Board of Architectural Review Application attached hereto.)

Building Permit Application

City of Rye, New York Building Department

G. Zoning Compliance:

Applicants are responsible for their applications to be compliant with all requirements of Chapter 197, Zoning, of the Rye City Code. To assist the City in assessing compliance, please complete the table below and include on the first page of the plan submission. This table includes many, but not all of the bulk and dimensional requirements of the City Zoning Code. Please visit www.ryeny.gov for entire Code.

RA-3 **Zoning District:**	**Allowed/Required[1]**	**Existing**	**Proposed[2]**
Principal Building(s):			
Lot Area (in square feet)	2,500.0	2.7	0.0
Floor Area Ratio[3]			
First Floor Area	n/a		0.0
Second Floor Area	n/a		0.0
Attic Floor Area	n/a		0.0
Other Area[4]	n/a		0.0
Total Floor Area			0.0
F.A.R.[5]			0.000
Yard Setbacks			
Front Yard	25.0		0.0
Shortest Side Yard	20.0		0.0
Total of Two Side Yards			0.0
Rear Yard	40.0		0.0
Lot Width	40.0	117.0	0.0
Height/Stories			
Number of Stories			
Building Height			
First Floor Elevation[6]			
Parking			
Number of Spaces			
Closest Side Yard Setback			
Accessory Building(s):			
Floor Area			
Front Yard Setback			
Closest Side Yard Setback			
Rear Yard Setback			
Max. Rear Yard Coverage	0.0%	0.0%	0.0%
Number of Stories			
Building Height			

[1] Carefully review all sections of Article V of the City Zoning Code ***AND*** footnotes included in Tables A, B and C.
[2] Provide copies, if any, of all variances issued for the property regardless of whether they are related to the project.
[3] Floor area diagram of every floor (and accessory building(s)) is required for all new construction and additions.
[4] Shall include other floors (if applicable) and all existing and proposed accessory building(s) on the property.
[5] F.A.R. shall be rounded to not more than three (3) decimal places (e.g. 0.256)
[6] For single-family residential buildings see Section 197-46.1.

Building Permit Application

City of Rye, New York Building Department

H. Affidavit

State of New York
County of Westchester

I, Michelle Curry (please print), being duly sworn, depose and say that I am the owner (lessee, engineer, surveyor, architect, builder, or agent of the owner) in fee of the premises to which this application applies; that I (the applicant) is duly authorized to make this application and that the statements contained in the papers submitted herein are true to the best of his knowledge and belief, and that the work will be performed in the manner of set forth in the application and in the plans and specification filed therewith, and in accordance with State Uniform Building Code and all other applicable laws, ordinances and regulations of the municipality.

The signature of the applicant also grants consent to having relevant City Staff or City Board or Commission members responsible for of the review or approval of this application(s) to enter the property of the subject application.

_____
Signature of Applicant

SWORN to before me this _____ day of _____, 20 _____.

_____
Notary Public

Note: For additional information and a complete description of the Department's building permit process and submission requirements please visit the Building Department page of the City's website at www.ryeny.gov/government/building-department.

Board of Architectural Review Application

City of Rye, New York Building Department
1051 Boston Post Road, Rye, New York 10580
Building@ryeny.gov (914) 967-7372 www.ryeny.gov

A. Address: 66 Milton Rd

B. Architect/Engineer/Applicant Representative:

Name: New Cingular Wireless PCS, LLC (AT&T)
Address: 340 Mt Kemble Ave
City: Morristown State: NJ Zip: 07960
Phone: 201-571-0638
Email:

C. Property Owner:

Name*: Blind Brook Lodge Owners
Address: 76 S Lexington Ave
City: White Plains State: NY Zip:10606
Phone:
Email:

* *If owner is an LLC, please provide name of principal and contact information.*

D. Project Description (please specify the following):

	Material	Color
Exterior Walls:	Brick	Red
Roof:	Slate/Membrane	Grey
Trim:	Wood	Brown
Shutters:	n/a	n/a
Chimney:	Brick	Red

The following have been provided:

	Yes	No
Photographs:	☐	☐
Elevation:	☐	☐
Plot Plan:	☐	☐

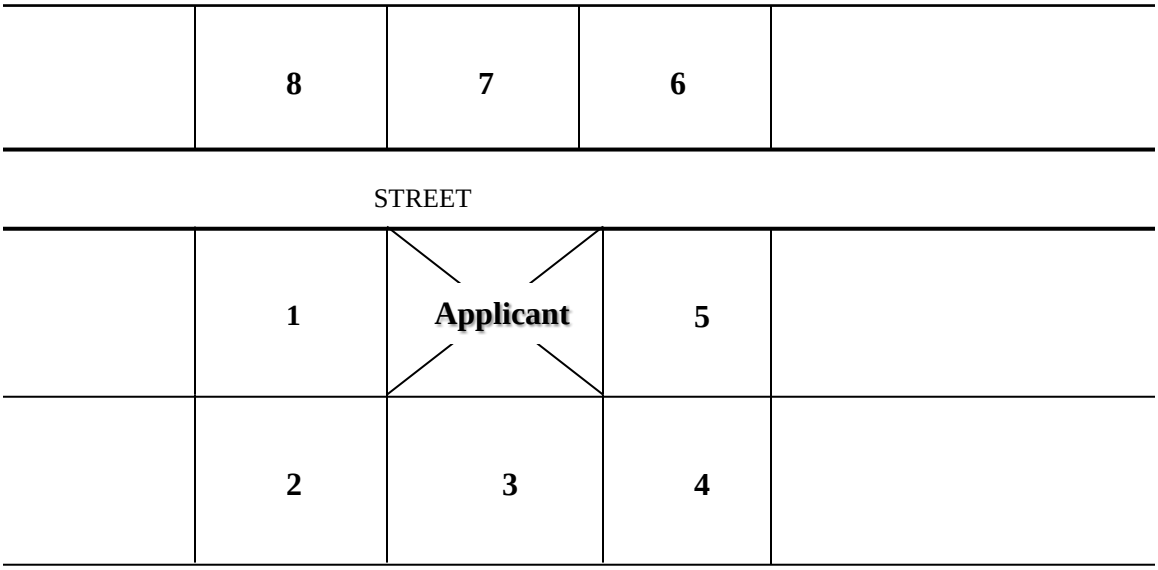
Board of Architectural Review Application

City of Rye, New York Building Department

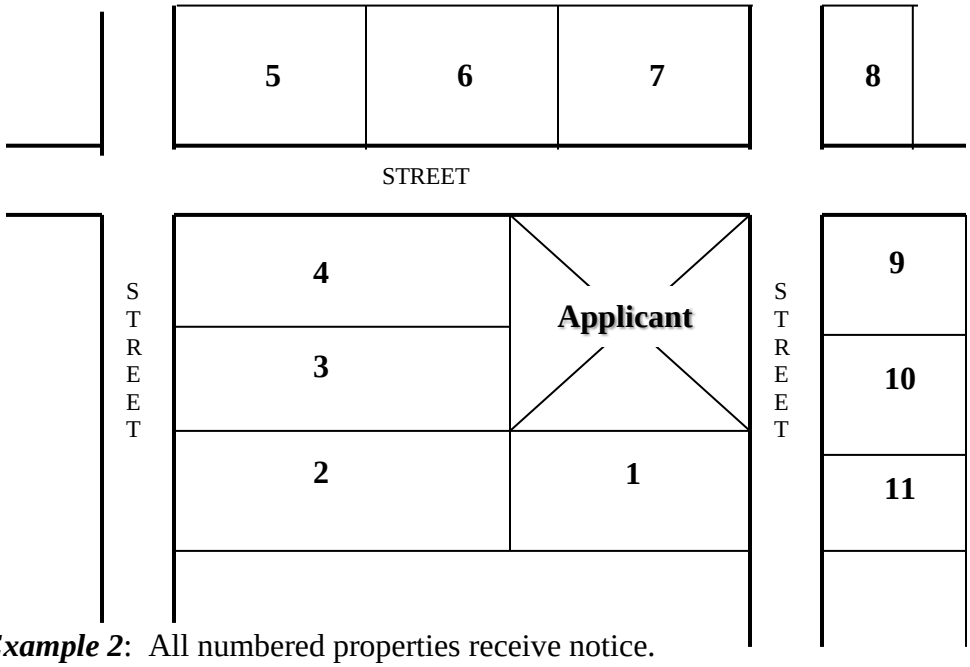
1051 Boston Post Road, Rye, New York 10580

Building@ryeny.gov (914) 967-7372 www.ryeny.gov

At least **fourteen (14) days** prior to the Board of Architectural Review meeting date, the applicant must circulate the public notice to all property owners *abutting and located across the street* from the subject property. Notice shall be sent via certified mail (no return receipt). A copy of the certificate of mailing shall be included with the submission of a building permit to the City Building Department. Names and addresses of neighbors can be found by using the "abutters" tab from the mapping section of the City's website at www.ryeny.gov.



Example 1: All numbered properties receive notice.



Example 2: All numbered properties receive notice.

Board of Architectural Review Application

City of Rye, New York Building Department
1051 Boston Post Road, Rye, New York 10580
Building@ryeny.gov (914) 967-7372 www.ryeny.gov

N O T I C E

An application is being made for a building permit to the City of Rye, New York Building Department for the following:

☐ Addition
☑ Alteration
☐ New structure

For a property located at: **66 Milton Rd**

(Check only one of the following paragraphs)

☐ This application will be referred to the Board of Architectural Review for aesthetic consideration pursuant to Chapter 53 of the Rye City Code, and will be reviewed by the Board at a future public meeting. To determine when this application will be reviewed, please visit the City of Rye website at www.ryeny.gov and click on *Board of Architectural Review Agenda.*

☑ This application is being submitted for a Building Permit as a "Small Project" pursuant to Section 53-1 (B) of the Rye City Code. "Small Projects" are exempt from review by the Board of Architectural Review unless referred by the Building Inspector upon finding that the project may have a substantial aesthetic impact upon immediate neighboring properties. The Board of Architectural Review has prepared guidelines for such referral of "Small Projects", including the receipt of comments from neighbors regarding aesthetic impact**. If you wish to review and comment on this application, you must contact the Building Department within fourteen (14) days of the date indicated on this form.**

This notice is being submitted to you by Michelle Curry
(please print)

09/1/22
Date

Telecommunications Facility Special Permit Application

City of Rye, New York

1051 Boston Post Road, Rye, New York 10580
Phone: (914) 967-7167 Fax: (914) 967-4641 www.ci.rye.ny.us

This application should be completed and signed according to Chapter 196 of the Code of the City of Rye, accompanied by any necessary drawings, and submitted to the City Clerk with appropriate fees.

PART I – General Information:

A. Application Name:

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

Name: New Cingular Wireless PCS, LLC (AT&T)
Address: 340 Mt Kemble Ave
City: Morristown State: NJ Zip: 07960
Phone: 201-571-0638 Fax: Email:

C. Property Owner:

Name: Blind Brook Lodge Owners
Address: 76 S Lexington Ave
City: White Plains State: NY Zip: 10606
Phone: Fax: Email:

D. Applicant Representative:

Name: Michelle Curry
Firm: Airosmith Development
Address: 318 West Ave
City: Saratoga Springs State: NY Zip: 12866
Phone: 732-503-0869 Fax: Email: mcurry@airosmithdevelopment.com

For Internal Use Only:

Application Receipt Date:

Application No.: **TC**
Fee Check No.:
Fee Check No.:

Prior Approvals:

Telecommunications Facility Special Permit Application
City of Rye, New York

PART II – Project Information:

A. Property Information:

Street Address:	66 Milton Rd	TaxID:146-11-1-73			
City:	Rye	State:	NY	Zip:	10580
Property Area (Acres):	2.7				
Tax Map Designation:	Sheet: Sec: 146.11	Block: 1		Lot(s): 73	
	Sheet:	Block:		Lot(s):	
	Sheet:	Block:		Lot(s):	
Zoning District:	RA-3				
Flood Insurance Zone:	n/a				

B. Project Description:

In the space below, briefly describe the proposed project. A report detailing the specifications of this proposal, pursuant to the requirements set forth in section 196-5 (E) of the Code of the City of Rye, must be attached.

Remove (3) Existing Panel Antennas
Install (9) New Panel Antennas
Install (3) New RRH's
Ground:
Install (7) Rectifiers

C. Regulatory Compliance

1. Will the proposed project place any fill or a structure within a Flood Zone? ☐ Yes ☒ No
   (If yes, Chapter 100, Floodplain Management, may apply)
2. Is the proposed activity located within a designated preservation area? ☐ Yes ☒ No
   (If yes, Chapter 117, Landmarks Preservation, may apply)
3. Is a fence or wall proposed as part of the application? ☐ Yes ☒ No
   (If yes, Chapter 90, Fences and Walls, may apply)
4. Is the property located within a designated coastal area boundary? ☐ Yes ☒ No
   (If yes, Chapter 73, Coastal Zone Management, may apply)
5. Is the property located within 100 feet of a wetland? ☐ Yes ☒ No
   (If yes, Chapter 195, Wetlands and Watercourses, may apply)

Telecommunications Facility Special Permit Application
City of Rye, New York

D. Prior Approvals – Application Checklist for Permits

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

Board, Commission or Inspector:	Date(s) of Prior Approval(s):	City Identifier Reference(s):	Previous Action(s) on Application(s):	New Permit(s) Applied for: (Check Boxes)
Appeals				☐
Architectural Review				☐
Conservation				☐
Landmarks				☐
Planning Commission				☐
Building Inspector	6/7/05	PO512521	Approved	☐
City Engineer				☐
Naturalist				☐
City Planner				☐
Other: City Council	11/17/04	TC 010	Approved	☐

PART III – Facility Compliance: Please attach a written statement that affirms the following:

A. The applicant's proposed wireless telecommunications facility will be maintained in a safe manner and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations

B. The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York State.

PART IV – Fees and Consultant Review Deposit:

Application Fee Submitted: $ $3000 ($5,000 or $3,000 for collocation)

Deposit Submitted for Consultant Review: $ $5000 ($7,500 or $5,000 for collocation)

Note: As per section 196-13, if the amount in this account should fall below $2,500 during the review of this application, the applicant must submit funds to bring the balance of this account up to $5,000.

Telecommunications Facility Special Permit Application
City of Rye, New York

PART V – State Environmental Quality Review (SEQRA)

Does the application exceed any Type I threshold under SEQRA (see 6 NYCRR, Part 617.4)*****?

☐ **No –** please complete Short (or Full, if desired) Environmental Assessment Form and attach hereto.*****

☐ **Yes** – please complete Full Environmental Assessment Form and attach hereto.*****

***** Please refer to State Environmental Quality Review Act (SEQRA) online at http://www.dec.state.ny.us/website/regs/617.htm). Environmental Assessment Forms available from Rye City Planning Department or online at http://www.dec.state.ny.us/website/dcs/seqr/seqrdld.html

PART VI – Signatures

In signing this application, I acknowledge that I have read the Chapter 196 of the Rye City Code, and that the proposed use, to the best of my knowledge, will conform to those provisions. Further, I understand that a written request for re-certification, pursuant to Chapter 196-17 of the Code of the City of Rye, must be submitted prior to each fifth anniversary of the effective date of this application.

	09/1/2022
Applicant Signature	Date

I, the owner of the property described herein, consent to the filing of this application.

See cover and signature pages of Lease Agreement annexed in Exhibit B	09/1/2022
Property Owner Signature(s)	Date

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information

Name of Action or Project:
Playland - Sq NR ISR CPanel

Project Location (describe, and attach a location map):
Lde Milton RD Rye, NY 10580

Brief Description of Proposed Action:
Remove (3) existing Panel Antennas
Install (9) New Panel Antennas
Install (3) New RRH's
Install (7) Rectifiers

Name of Applicant or Sponsor:	Telephone: 201-571-0638
AT+T (New Cingular wireless PCS)	E-Mail:

Address:
340 MT Kemble Ave

City/PO:	State:	Zip Code:
Morristown	NJ	07960

	NO	YES
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.	☑	☐
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:	☑	☐

3. a. Total acreage of the site of the proposed action? 2.7 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? N/A acres

4. Check all land uses that occur on, are adjoining [and] or near the proposed action.

☐Urban ☐Rural (non-agriculture) ☐Industrial ☐Commercial ☑Residential (suburban)

☐Forest ☐Agriculture ☐Aquatic ☐Other (specify): _____

☐Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☑

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service[(]s[)] 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	YES
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	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☑	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☑	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archeological site, or district that [a structure that] is listed on [either] the National Register of Historic Places or the 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 [proposed action] project site, or any portion of it, located in or adjacent to an area designated as [archaeologically] sensitive [area] for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
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: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐Shoreline ☐Forest ☐Agricultural/grasslands ☐Early mid-successional

☐Wetland ☐Urban ☒Suburban

	NO	YES
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?	☒	☐
16. Is the project site located in the 100-year flood plan?	☒	☐
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:		
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:	☒	☐
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:	☒	☐
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:	☒	☐

I [AFFIRM] CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Michelle Curry - Agent on behalf of MTA Date: 9/21/22

Signature: [signature] Title: SAD

Site Map: 66 MILTON ROAD

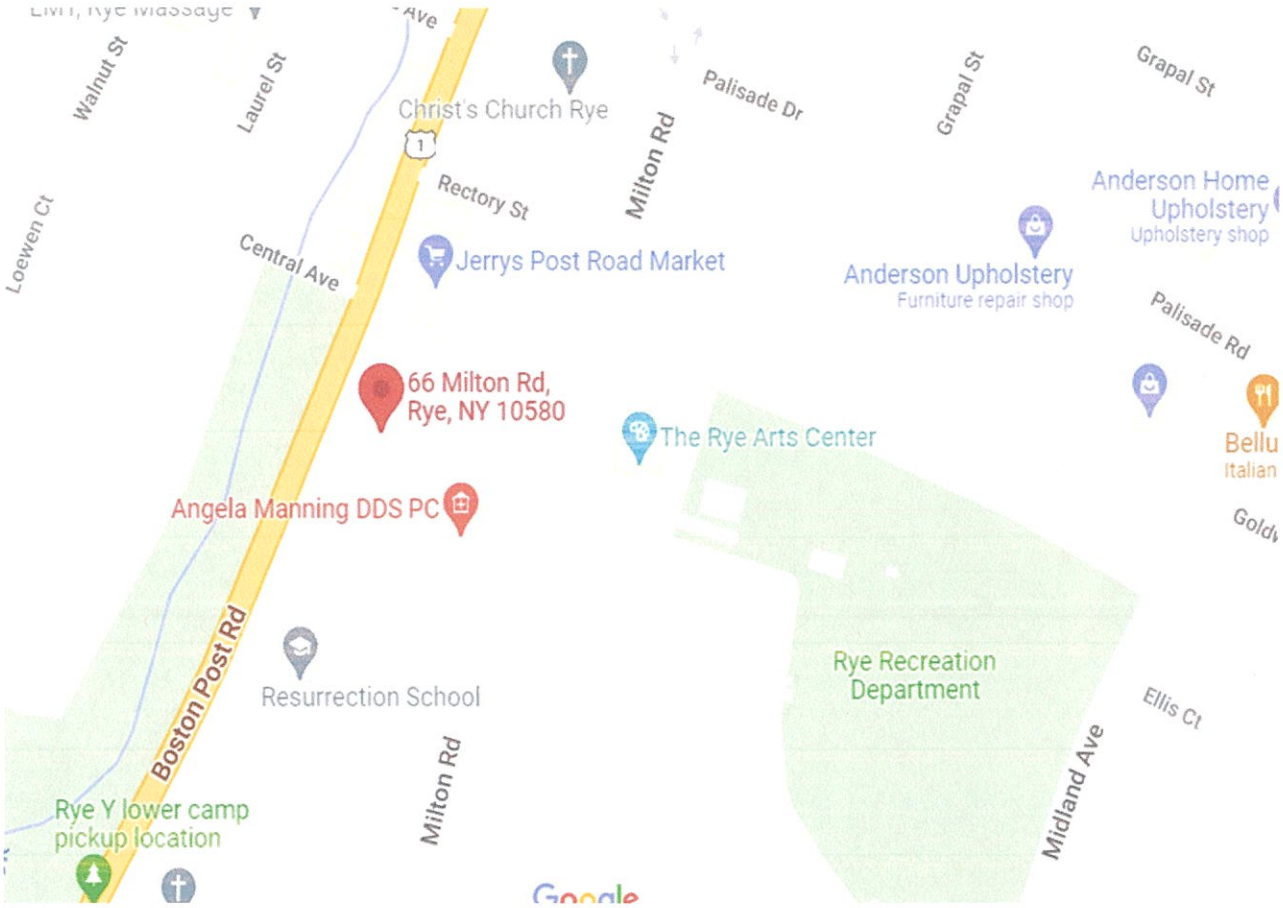
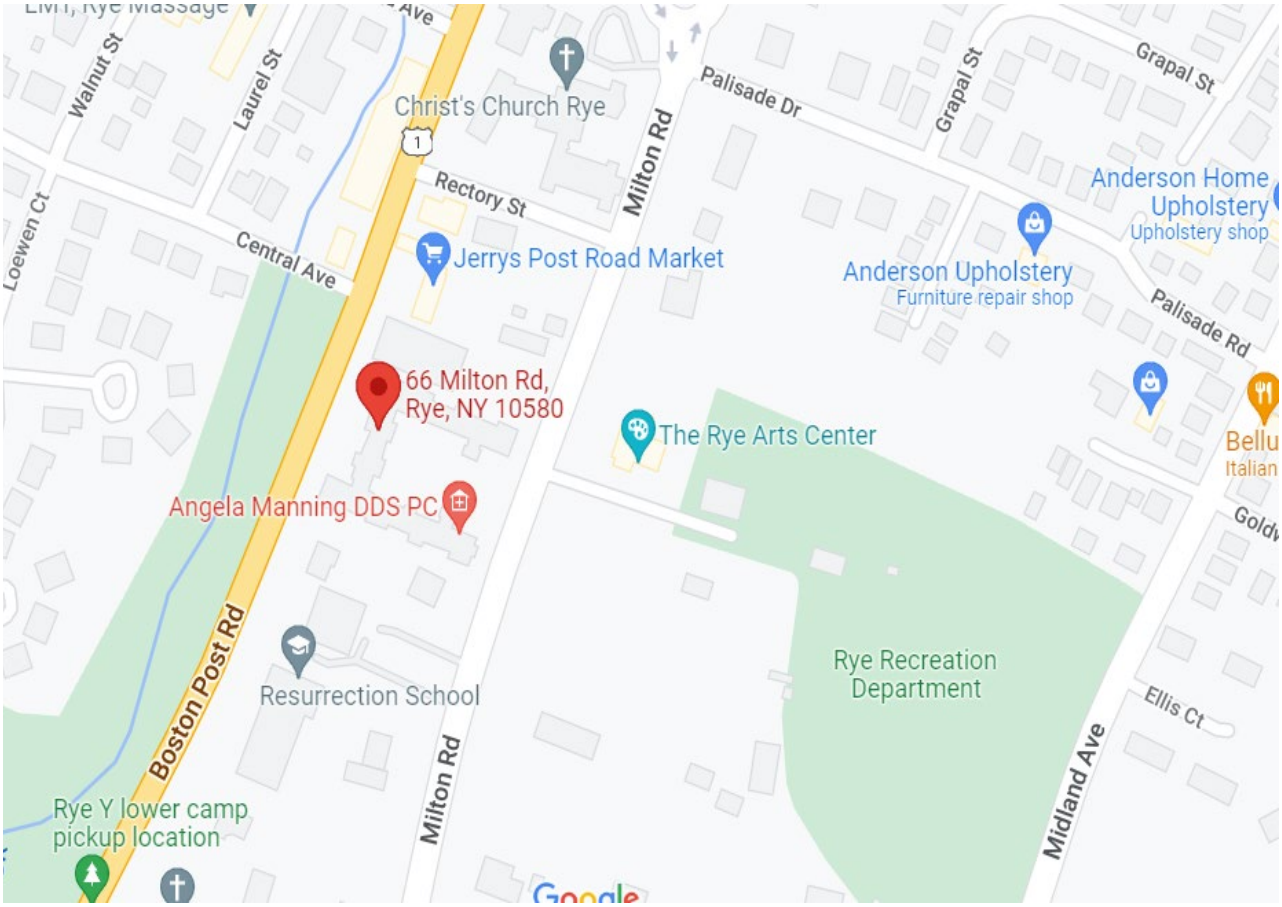


PHOTO LOCATION MAP
Site Number: NWL00373
66 MILTON ROAD
RYE, NEW YORK, 10580

Package Date: September 15, 2022

Site Map: 66 MILTON ROAD



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Telecommunications Facility Special Permit Application

City of Rye, New York

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Phone: Fax: Email:

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Firm: Airosmith Development
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Phone: 732-503-0869 Fax: Email: mcurry@airosmithdevelopment.com

For Internal Use Only:

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Fee Check No.:

Prior Approvals:

Telecommunications Facility Special Permit Application
City of Rye, New York

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	Sheet:	Block:		Lot(s):	
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Flood Insurance Zone:	n/a				

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Telecommunications Facility Special Permit Application
City of Rye, New York

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Appeals				☐
Architectural Review				☐
Conservation				☐
Landmarks				☐
Planning Commission				☐
Building Inspector	6/7/05	PO512521	Approved	☐
City Engineer				☐
Naturalist				☐
City Planner				☐
Other: City Council	11/17/04	TC 010	Approved	☐

PART III – Facility Compliance: Please attach a written statement that affirms the following:

A. The applicant's proposed wireless telecommunications facility will be maintained in a safe manner and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations

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Telecommunications Facility Special Permit Application
City of Rye, New York

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☐ **No –** please complete Short (or Full, if desired) Environmental Assessment Form and attach hereto.*****

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PART VI – Signatures

In signing this application, I acknowledge that I have read the Chapter 196 of the Rye City Code, and that the proposed use, to the best of my knowledge, will conform to those provisions. Further, I understand that a written request for re-certification, pursuant to Chapter 196-17 of the Code of the City of Rye, must be submitted prior to each fifth anniversary of the effective date of this application.

	09/1/2022
Applicant Signature	Date

I, the owner of the property described herein, consent to the filing of this application.

See cover and signature pages of Lease Agreement annexed in Exhibit B	09/1/2022
Property Owner Signature(s)	Date

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: October 29, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of an application from T-Mobile Northeast, LLC to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the Council consider set the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:
All wireless telecommunications facilities within the City must comply with Chapter 196 "Wireless Telecommunications Facilities" of the City Code and all other applicable law and regulations. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Before the Council considers this application, the Council shall refer it to the Board of Architectural Review for and advisory opinion.

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591
(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

e-mail to **DKenny@Snyderlaw.net**

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO
DOUGLAS W. WARDEN
JORDAN M. FRY

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Tarrytown Office

September 21, 2022

Hon. Mayor Josh Cohn and
Councilmembers of the City Council
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: **Eligible Facilities Request**
T-Mobile Northeast, LLC
66 Milton Road, City of Rye, New York

Dear Hon. Mayor Cohn and
City Councilmembers:

We represent T-Mobile Northeast LLC ("T-Mobile") in connection with the Eligible Facilities Request ("EFR"), to modify an existing base station ("Existing Facility") on the rooftop of the existing building ("Existing Building") located at the above referenced property ("Property") that does not substantially change the physical dimensions of such base station pursuant to Section 6409 (codified as 47 U.S.C.S. 1455(a)) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Tax Relief Act"), and its implementing regulation 47 C.F.R. §1.6100 (a copy of which is attached hereto).

Section 6409 of the Tax Relief Act requires the City to grant T-Mobile's request to modify an existing base station so long as T-Mobile's proposed modification does not substantially change the physical dimensions of such base station. The legislative history for Section 6409 clearly establishes the intent of Congress. "Section 6409. This section streamlines the process for siting of wireless facilities by *preempting the ability of State and local authorities to delay collocation of, removal of, and replacement of wireless equipment* (emphasis added)." 158 Cong. Rec. E237-39 (daily ed. February 24, 2012) (statement of Rep. Fred Upton). On October 17, 2014, the Federal Communications Commission adopted the Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies order ("FCC Order") further implementing Section 6409 of the Tax Relief Act. Under the FCC Order, municipalities shall approve an eligible facilities request within 60 days of receiving the application or the request will be deemed granted.

As set forth in the materials submitted herewith, T-Mobile's request involves the replacement and installation of transmission equipment that does not substantially change the

physical dimensions of the existing base station.

Pursuant to federal law, there will be no "substantial change" to the physical dimensions of the base station for the following reasons. **First**, the proposed antennas will not increase the height of the Existing Facility by more than 10 feet in accordance with 47 C.F.R. § 1.6100(b)(7)(i), in fact there will be no increase in height at all. **Second**, the proposed antennas will not protrude from the edge of the Existing Building by more than 6 feet in accordance with 47 C.F.R. § 1.6100(b)(7)(ii). **Third**, the number of equipment cabinets will not be increased by more than four (4) in accordance with 47 C.F.R. § 1.6100(b)(7)(iii). **Fourth**, the proposed installation will be on the Existing Facility and there will be no excavation or deployment outside of the existing base station's current site in accordance with 47 C.F.R. § 1.6100(b)(7)(iv). **Fifth**, the proposed work will not defeat any existing concealment elements of the existing base station in accordance with 47 C.F.R. § 1.6100(b)(7)(v). **Sixth**, the proposed work will not violate any prior conditions of approval for the existing base station in accordance with 47 C.F.R. § 1.6100(b)(7)(vi).

Please note that, in accordance with 47 C.F.R. § 1.6100(c)(1), an EFR application is to only include materials and information reasonably related to determining if the proposed modification meets the requirements contained in the Tax Relief Act's implementing regulations. See 47 C.F.R. § 1.6100(c)(1). The City's Code in § 196-5(F)(3) states that an EFR application must include all of the information required in § 196-6(V). Section 196-6(V) of the City's Code states the following "[t]o the extent applicable, every applicant for an **eligible facility permit** shall comply with § 196A [sic *intended 196-6(A)*] through D, E(1) through (8), (10), (11) through (14), (18) through (21), (24), (25), G through J, N, O, Q, and R." Therefore, in accordance with 47 C.F.R. § 1.6100(c)(1), T-Mobile respectfully requests a waiver from all application requirements contained in Section 196-6(V) that are not reasonably related to determining if T-Mobile's modification is an EFR.

More specifically T-Mobile respectfully requests the following waivers from the application requirements contained in § 196-6(V) of the City's Code:

1. Section196-6(E)(6): *"Size of the property stated both in square feet and lot line dimensions and a diagram showing the location of all lot lines where the facility is proposed to be located outside of the right-of-way, and within the rights-of-way, the location of the proposed facility in relation to the right-of-way, pedestrian and nonmotorized vehicle pathways and crosswalks, and the location in relation to driveways on the same right-of-way and within 750 feet."* As this is for a modification of an existing installation on a rooftop, and will not affect any rights-of-way, a waiver is respectfully requested from this code section.

2. Section 196-6(E)(7): *"Location of all residential structures within 750 feet."* As this application involves the modification of an existing rooftop facility, and that this information is not reasonably related to the review of an EFR application, a waiver is respectfully requested from this code section.

3. Section 196-6(E)(8): *"Location of all habitable structures within 750 feet."* As this

application involves the modification of an existing rooftop facility, and that this information is not reasonably related to the review of an EFR application, a waiver is respectfully requested from this code section.

4. Section 196-6(E)(11): *"Type, size and location of all proposed and existing landscaping."* As this application involves a modification of an existing rooftop facility, a waiver is respectfully requested from this code section.

5. Section 196-6(E)(19): *"The applicant's proposed wireless telecommunications facility maintenance and inspection procedures and related system of records."* As this is an application that does not involve a tower, and a Compliance Statement regarding maintenance of the Facility will be submitted, a waiver from this code section is respectfully requested. However please note that the Facility will be routinely inspected by an on-site technician, and the Facility is also remotely monitored at all times.

6. Section 196-6(E)(20): *"A copy of the FCC license applicable for the use of the wireless telecommunications facility, if any, and a copy of any certificate issued by the State of New York for the facility; and proof that applicant and any person who will own facilities associated with the proposed wireless telecommunications facility are authorized to place the facilities at the location proposed."* As this is a modification to an existing facility, and that T-Mobile is a known FCC licensed provider of personal wireless services, a waiver from this code section is respectfully requested.

7. Section 196-6(E)(25): *"Information relating to the expected useful life of the proposed wireless telecommunications facility."* As this Facility is part of an ever-evolving telecommunications network, it is extremely difficult to provide the information requested. Also, as this is a modification to an Existing Facility and this information is not reasonably related to an EFR review, a waiver from this code section is respectfully requested.

8. Section 196-6(I): "*The applicant shall submit a completed long form EAF and a completed visual EAF addendum. The Council may require submission of a more detailed visual analysis based on the results of the visual EAF addendum. Applicants are encouraged to seek preapplication meetings with the City Council to address the scope of the required visual assessment.*" As this application meets the EFR requirements and is a modification of a rooftop facility, the proposed modification is a Type II action in accordance with 6 CRR-NY 617.5(c)(19), and does not require SEQRA review. Therefore, a waiver from this code section is respectfully requested.

9. Section 196-(6)(J): "*A visual impact assessment shall be provided with each application...*" The Application includes photosimulations showing the proposed modification, to the extent anything further is required a waiver is respectfully requested.

10. Section 196-(6)(R): *"If the applicant is proposing the construction of a tower or installation on an existing tower or building, the applicant shall examine the feasibility of designing a multicarrier use to extent practicable...."* The structural report submitted

with the application shows that the impact of the telecommunications equipment on the building is minimal, and it should be noted that there are several other carriers already co-located at the Existing Facility. Therefore, a waiver from this code section is respectfully requested.

In furtherance of the foregoing, enclosed please find the following application materials:

1. Building Permit Application Form;
2. Engineering Application Form;
3. Letter of Authorization from Property Owner;
4. Contractor Insurance Certificates;
5. Proof of Notice and Certificate of Mailing;
6. Statement of Compliance;
7. FCC Compliance Report;
8. Photosimulations of the Proposed Modification;
9. Structural Report certifying the Existing Building has sufficient capacity to withstand the proposed modification; and
10. Signed and Sealed Plans.

Thank you for your consideration of this Eligible Facilities Request, we look forward to discussing this matter with the City Council at their next available meeting. Please contact my office when the permit for T-Mobile's EFR application has been approved.

Respectfully submitted,
SNYDER & SNYDER, LLP

By: _____
David J. Kenny

Enclosures
cc: Kerry Lenihan, Building Inspector via email
Applicant
Z:\SSDATA\WPDATA\SS3\RDG\T-Mobile\Rye, City of\WE03042\2022\We03042 Cover Letter 9.13.22.rtf

Code of Federal Regulations
Title 47. Telecommunication
Chapter I. Federal Communications Commission (Refs & Annos)
Subchapter A. General
Part 1. Practice and Procedure (Refs & Annos)
Subpart U. State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities (Refs & Annos)

47 C.F.R. § 1.6100

§ 1.6100 Wireless Facility Modifications.

Effective: January 4, 2021
Currentness

(a) [Reserved by 83 FR 51886]

(b) Definitions. Terms used in this section have the following meanings.

(1) Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

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(3) Eligible facilities request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(4) Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.

(7) Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

(8) Transmission equipment. Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) Tower. Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(c) Review of applications. A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) Documentation requirement for review. When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

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(3) Tolling of the timeframe for review. The 60–day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) Failure to act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) Remedies. Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

Credits

[80 FR 28203, May 18, 2015; 83 FR 51886, Oct. 15, 2018; 85 FR 78018, Dec. 3, 2020]

SOURCE: 56 FR 57598, Nov. 13, 1991; 57 FR 187, Jan. 3, 1992; 58 FR 27473, May 10, 1993; 59 FR 22985, May 4, 1994; 61 FR 45618, Aug. 29, 1996; 61 FR 46561, Sept. 4, 1996; 61 FR 52899, Oct. 9, 1996; 62 FR 37422, July 11, 1997; 63 FR 67429, Dec. 7, 1998; 63 FR 71036, Dec. 23, 1998; 64 FR 63251, Nov. 19, 1999; 65 FR 10720, Feb. 29, 2000; 65 FR 19684, April 12, 2000; 65 FR 31281, May 17, 2000; 69 FR 77938, Dec. 29, 2004; 71 FR 26251, May 4, 2006; 74 FR 39227, Aug. 6, 2009; 75 FR 9797, March 4, 2010; 76 FR 43203, July 20, 2011; 77 FR 71137, Nov. 29, 2012; 78 FR 10100, Feb. 13, 2013; 78 FR 15622, March 12, 2013; 78 FR 41321, July 10, 2013; 78 FR 50254, Aug. 16, 2013; 79 FR 48528, Aug. 15, 2014; 80 FR 1268, Jan. 8, 2015; 81 FR 40821, June 23, 2016; 81 FR 52362, Aug. 8, 2016; 81 FR 79930, Nov. 14, 2016; 81 FR 86601, Dec. 1, 2016; 82 FR 8171, Jan. 24, 2017; 82 FR 18581, April 20, 2017; 82 FR 20839, May 4, 2017; 82 FR 24561, May 30, 2017; 82 FR 41103, Aug. 29, 2017; 82 FR 41544, Sept. 1, 2017; 82 FR 55331, Nov. 21, 2017; 82 FR 58758, Dec. 14, 2017; 83 FR 2556, Jan. 18, 2018; 83 FR 4600, Feb. 1, 2018; 83 FR 7401, Feb. 21, 2018; 83 FR 46836, Sept. 14, 2018; 83 FR 47095, Sept. 18, 2018; 83 FR 48963, Sept. 28, 2018; 83 FR 51884, Oct. 15, 2018; 83 FR 61089, Nov. 27, 2018; 83 FR 63095, Dec. 7, 2018; 84 FR 8618, March 11, 2019; 84 FR 50999, Sept. 26, 2019; 84 FR 57363, Oct. 25, 2019; 86 FR 12547, March 4, 2021; 86 FR 15797, March 25, 2021, unless otherwise noted.

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AUTHORITY: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

Notes of Decisions (5)

Current through March 25, 2021; 86 FR 15799.

End of Document

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AFFIDAVIT OF MAILING

State of New York)
) ss:
County of Westchester)

Nancy Mareschi, being duly sworn, deposes and says that she is over twenty-one years of age and works at 94 White Plains Road, Tarrytown, in the State of New York; that she is a paralegal at Snyder & Snyder, LLP, the attorney for T-Mobile Northeast LLC regarding its application for its eligible facilities request to modify its existing wireless telecommunications facility located at 66 Milton Road, Rye, New York. On September 14, 2022, she served notice, a copy of which is attached hereto, upon the following named persons at the addresses set forth, as shown on the attached certificate of mailing, by mailing true copies of the same via certified mail, enclosed and properly sealed in postpaid envelopes, which she entrusted to the exclusive care and custody of the United States Postal Service within the State of New York.

Nancy Mareschi

Sworn to and subscribed before me
this 15th day of September 2022

NOTARY PUBLIC

David James Kenny
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02KE6343903
Qualified in Westchester County
Commission Expires June 20, 2020
24

Board of Architectural Review Application

City of Rye, New York Building Department
1051 Boston Post Road, Rye, New York 10580
Building@ryeny.gov (914) 967-7372 www.ryeny.gov

N O T I C E

An application is being made for a building permit to the City of Rye, New York Building Department for the following:

- [ ] Addition
- [x] Alteration
- [ ] New structure

For a property located at: **66 Milton Road**

(Check only one of the following paragraphs)

- [x] This application will be referred to the Board of Architectural Review for aesthetic consideration pursuant to Chapter 53 of the Rye City Code, and will be reviewed by the Board at a future public meeting. To determine when this application will be reviewed, please visit the City of Rye website at www.ryeny.gov and click on *Board of Architectural Review Agenda.*

- [ ] This application is being submitted for a Building Permit as a "Small Project" pursuant to Section 53-1 (B) of the Rye City Code. "Small Projects" are exempt from review by the Board of Architectural Review unless referred by the Building Inspector upon finding that the project may have a substantial aesthetic impact upon immediate neighboring properties. The Board of Architectural Review has prepared guidelines for such referral of "Small Projects", including the receipt of comments from neighbors regarding aesthetic impact. **If you wish to review and comment on this application, you must contact the Building Department within fourteen (14) days of the date indicated on this form.**

This notice is being submitted to you by David Kenny, Esq of Snyder & Snyder, LLP (attorney for the applicant T-Mobile)
(please print)

September 14, 2022
Date

UNITED STATES POSTAL SERVICE®

Firm Mailing Book For Accountable Mail

Name and Address of Sender

SNYDER & SNYDER LLP
94 WHITE PLAINS ROAD
TARRYTOWN NY 10591

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- ☐ Certified Mail Restricted Delivery
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	USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.	9214 8901 9403 8389 5713 39	JERMAR PROPERTIES LLC 1000 BOSTON POST RD RYE NY 10580-2830	0.57	4.00								2.00			
2.	9214 8901 9403 8389 5713 77	1004 BPR RYE LLC 1004 BOSTON POST RD RYE NY 10580-2830	0.57	4.00								2.00			
3.	9214 8901 9403 8389 5714 52	CHRIST EPISCOPAL CHURCH 2 RECTORY ST RYE NY 10580-3818	0.57	4.00								2.00			
4.	9214 8901 9403 8389 5715 06	25 MILTON ROAD LLC 25 MILTON RD RYE NY 10580-3854	0.57	4.00								2.00			
5.	9214 8901 9403 8389 5715 82	CITY OF RYE PARKLAND 3 CENTRAL AVE RYE NY 10580	0.57	4.00								2.00			
6.	9214 8901 9403 8389 5716 43	BURKE T PATRICK AND CARRIE BURKE 40 MILTON RD RYE NY 10580-3814	0.57	4.00								2.00			
7.	9214 8901 9403 8389 5717 04	CITY OF RYE RYE ART CENTER 51 MILTON RD RYE NY 10580-3854	0.57	4.00								2.00			
8.	9214 8901 9403 8389 5717 35	BLIND BROOK LODGE OWNERS C/O: RMR RESIDENTIAL 66 MILTON RD RYE NY 10580-3850	0.57	4.00								2.00			

Handling Charge - if Registered and over $50,000 in value

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	USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
9.	9214 8901 9403 8389 5717 97	IMAM FAIZA 78 MILTON RD RYE NY 10580-3814	0.57	4.00								2.00			
10.	9214 8901 9403 8389 5718 65	ROMAN CATHOLIC CHURCH OF THE RESURRECTION 964 BOSTON POST RD RYE NY 10580-2800	0.57	4.00								2.00			
11.	9214 8901 9403 8389 5719 40	JOCO PROPERTIES INC 979 BOSTON POST RD RYE NY 10580-3075	0.57	4.00								2.00			
12.	9214 8901 9403 8389 5720 22	CITY OF RYE PARKLAND BOSTON POST ROAD CITY OF RYE 10580	0.57	4.00								2.00			
13.	9214 8901 9403 8389 5724 04	BLIND BROOK LODGE OWNERS C/O: RMR RESIDENTIAL 75 MILTON RD RYE NY 10580	0.57	4.00								2.00			

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TARRYTOWN NY 10591 SEP 2022 USPS

Building Permit Application

City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580
Building@ryeny.gov (914) 967-7372 www.ryeny.gov

Permit Type (Check Applicable Box):

One- and Two-Family:		Other:	
☐	New Construction	☐	Interior Building*
☐	Addition/Alteration	☐	Modification of Approved Permit/Plans
Multi-Family and Commercial:		☐	Extension of Approved Building Permit*
☐	New Construction	☐	Re-roofing**
✓	Addition/Alteration	**Value of Improvement:**	
☐	Change of Tenant Occupancy**	$	
☐	Temporary Tent**		

* *Complete Sections A thru H only.,* ***Complete Sections A, B, C, D, E and H only*

A. Property Information:

Street Address: **66 Milton Road**
Property Area (Acres): N/A
Tax Map Designation: Sheet: 146 Block: 11 Lot(s): 73
Sheet: Block: Lot(s):
Zoning District: RA-3
Current Use: Rooftop wireless telecommunications facility
Proposed Use: same
Flood Insurance Zone: NONE Elevation: 30
Prior Bldg. Permit No. *Required for Modifications and Extensions only*

B. Architect/Engineer/Applicant Representative:

Name: T-Mobile Northeast LLC
Address: c/o Snyder & Snyder LLP 94 White Plains Road
City: Tarrytown State: NY Zip: 10591
Phone: 914-333-0700 Email: Dkenny@snyderlaw.net

C. Contractor:

Name: Metro RF West. Co. Lic. #: WC-34581-H21
Address: 130 Furler Street
City: Totowa State: NJ Zip: 07512
Phone: 973-529-4069 Email: rebecca.stalter@metrorf.com

NOTE: Please attach hereto, contractors insurance, (naming the City of Rye as certificate holder and additionally insured) including liability and Form NYS C105 workers compensation (NYS 105) (or a signed New York State compensation waiver).

For Building Department Use Only:

Application Receipt Date:

Building Permit Application

City of Rye, New York Building Department

D. Property Owner/Applicant:

Name*: Blind Brook Lodge Owners, Inc.

Address: c/o RMR Residential Realty LLC 76 Lexington Avenue

City: White Plains State: NY Zip: 10606

Phone: Email:

** If owner or applicant is an LLC, please provide name of principal and contact information.*

E. Project Description: (Please describe the proposed project).

Replace four (4) existing T-Mobile panel antennas, and install related equipment at existing rooftop facility. Application is an eligible facilities request in accordance with 47 C.F.R. Sec. 1.6100.

F. Regulatory Compliance:

1. Is the project located in a flood zone or floodway? ☐ Yes ☑ No
   (If yes, Chapter 100, Floodplain Management, may apply)
2. Is the project a Protected Structure or within a Preservation District? ☐ Yes ☑ No
   (If yes, Chapter 117, Landmarks Preservation, may apply)
3. Is a fence or wall proposed as part of the application? ☐ Yes ☑ No
   (If yes, Chapter 90, Fences and Walls, may apply)
4. Is the property located within a designated coastal area boundary? ☐ Yes ☑ No
   (If yes, Chapter 73, Coastal Zone Management, may apply)
5. Is the property located within 100 feet of a wetland? ☐ Yes ☑ No
   (If yes, Chapter 195, Wetlands and Watercourses, may apply)
6. Is any land disturbing activity proposed greater than 300 square feet? ☐ Yes ☑ No
   (If yes, Please complete an Engineering Review Form as required by Chapter 174, Stormwater Management, of the Rye City Code)
7. Is any tree removal proposed? ☐ Yes ☑ No
   (If yes, Chapter 187, Trees may apply)
8. Is any signage proposed? ☐ Yes ☑ No
   (If yes, Chapter 165, Signs may apply)
9. Would the project change the exterior appearance of the structure? ☐ Yes ☑ No
   (If yes, Chapter 153, Architectural Review applies. Please complete the Board of Architectural Review Application attached hereto.)

Building Permit Application
City of Rye, New York Building Department

G. Zoning Compliance:

Applicants are responsible for their applications to be compliant with all requirements of Chapter 197, Zoning, of the Rye City Code. To assist the City in assessing compliance, please complete the table below and include on the first page of the plan submission. This table includes many, but not all of the bulk and dimensional requirements of the City Zoning Code. Please visit www.ryeny.gov for entire Code.

RA-3 **Zoning District:**	**Allowed/Required[1]**	**Existing**	**Proposed[2]**
	Principal Building(s):		
Lot Area (in square feet)			
Floor Area Ratio[3]			
First Floor Area	n/a		
Second Floor Area	n/a		
Attic Floor Area	n/a		
Other Area[4]	n/a		
Total Floor Area			
F.A.R.[5]			
Yard Setbacks			
Front Yard			
Shortest Side Yard			
Total of Two Side Yards			
Rear Yard			
Lot Width			
Height/Stories			
Number of Stories			
Building Height			
First Floor Elevation[6]			
Parking			
Number of Spaces			
Closest Side Yard Setback			
	Accessory Building(s):		
Floor Area			
Front Yard Setback			
Closest Side Yard Setback			
Rear Yard Setback			
Max. Rear Yard Coverage	0.0%	0.0%	0.0%
Number of Stories			
Building Height		118'	no change

[1] Carefully review all sections of Article V of the City Zoning Code ***AND*** footnotes included in Tables A, B and C.
[2] Provide copies, if any, of all variances issued for the property regardless of whether they are related to the project.
[3] Floor area diagram of every floor (and accessory building(s)) is required for all new construction and additions.
[4] Shall include other floors (if applicable) and all existing and proposed accessory building(s) on the property.
[5] F.A.R. shall be rounded to not more than three (3) decimal places (e.g. 0.256)
[6] For single-family residential buildings see Section 197-46.1

Building Permit Application
City of Rye, New York Building Department

H. Affidavit

State of New ~~York~~ Jersey
County of ~~Westchester~~ Morris

I, Mike Bath (please print), being duly sworn, depose and say that T-Mobile Northeast LLC is ~~I am~~ the ~~owner~~ (lessee, ~~engineer~~, ~~surveyor, architect, builder~~, ~~or agent~~ of the owner) in fee of the premises to which this application applies; that ~~I~~ (the applicant) is duly authorized to make this application and that the statements contained in the papers submitted herein are true to the best of his knowledge and belief, and that the work will be performed in the manner of set forth in the application and in the plans and specification filed therewith, and in accordance with State Uniform Building Code and all other applicable laws, ordinances and regulations of the municipality.

The signature of the applicant also grants consent to having relevant City Staff or City Board or Commission members responsible for of the review or approval of this application(s) to enter the property of the subject application.

Signature of Applicant

SWORN to before me this 25th day of August, 20 22.

Notary Public

PETER ROMANO
Commission # 2443617
Notary Public, State of New Jersey
My Commission Expires
March 11, 2024

Note: For additional information and a complete description of the Department's building permit process and submission requirements please visit the Building Department page of the City's website at www.rye ny.gov/government/building-department.

Board of Architectural Review Application

City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580

Building@ryeny.gov (914) 967-7372 www.ryeny.gov

A. Address: 66 Milton Road

B. Architect/Engineer/Applicant Representative:

Name: T-Mobile Northeast LLC
Address: c/o Snyder & Snyder LLP 94 White Plains Road
City: Tarrytown State: NY Zip: 10591
Phone: 914-333-0700
Email: Dkenny@snyderlaw.net

C. Property Owner:

Name*: Blind Brook Lodge Owners, Inc.
Address: c/o RMR Residential Realty LLC 76 Lexington Avenue
City: White Plains State: NY Zip:10606
Phone:
Email:

* *If owner is an LLC, please provide name of principal and contact information.*

D. Project Description (please specify the following):

	Material	Color
Exterior Walls:		
Roof:		
Trim:		
Shutters:		
Chimney:		

The following have been provided:

	Yes	No
Photographs:	☐	☐
Elevation:	☐	☐
Plot Plan:	☐	☐

Engineering Review Application

City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580
Phone 914.967.7372 Email: Building@ryeny.gov www.ryeny.gov

Section I. Applicant Information

Property Address: 66 Milton Road

Description of work: Replace 4 antennas and install related equipment at existing wireless facility

Applicant:	T-Mobile Northeast LLC	Owner:	Blind Brook Lodge Owners, Inc.
Address:	c/o Snyder & Snyder LLP 94 White Plains Road	Address:	c/o RMR Residential Realty LLC 76 Lexington Ave
City/State/Zip:	Tarrytown, NY 10591	City/State/Zip:	White Plains, NY 10606
Phone:	914- 333-0700	Phone:	
Email:	Dkenny@snyderlaw.net	Email:	

Section II. Application Requirements and Conditions

A. Drawings must be submitted for all applications (2 COPIES)
B. Drawing scale must be at least 1" = 30'
C. Street name and house number must be clearly identified.
D. If applicable, location, size, and type of trees on property shall be shown on drawing.
E. Location of any trees in the Right-of-Way, AND any trees to be removed must be shown.
F. All work must be in accordance with Chapter 174, *Stormwater Management*, of the Rye City Code.
G. All driveway work must comply with the City of Rye Code section 197-30.
H. Existing and Proposed Contours shall be provided for any proposed change in grade.

Section III. Construction Requirements and Conditions

A. Erosion control measures must be properly installed, maintained and inspected around the work site.
B. Construction entrances must be properly maintained so that dirt and debris is not deposited on street.
C. Exposed areas must be stabilized as soon as land alterations are completed.
D. Any underground piping or structures must be inspected prior to backfilling.
E. 24 hour notice is required for any inspection.

Section IV. Storm Drain Connection

Will a connection to the Storm Drain be made?
If YES, Right of Way Permit must be filed with Public Works. If NO Proceed to Section V.

Section V. Signature

I hereby certify that I am duly authorized to file this application, that all statements contained in this application are true to the best of my knowledge and belief and that the work will be performed in the manner set forth in the application, plans and specifications filed herewith in compliance with the applicable laws, ordinances, codes, rules, regulations and directives of the City of Rye. The plans and specifications have been prepared so as to include all necessary data to show compliance with the State, County and City of Rye regulations. The undersigned understands that the filing of this application amounts to the written consent to all necessary inspection by the Building or Engineering Departments in connection with this application.

Applicant _____ Date 08/25/2022

Applicant (print) Mike Bath Title Director, New Jersey Northeast Region

For Office use only

Location

Permit number Date

Fee $ 500.00

PROPERTY OWNER LETTER OF AUTHORIZATION

BLIND BROOK LODGE, the owner of the existing building ("Existing Building") located 66 Milton Road, Rye, New York does hereby appoint T-Mobile Northeast LLC and its representatives, for the purposes of filing any application necessary to ensure its ability to modify its existing wireless telecommunication service facility at the aforementioned property. The owner is fully aware of the actions concerning the applications that are being made by T-Mobile Northeast LLC and its representatives.

Owner:

By: _____

Name: [illegible]

Title: MANAGING AGENT

Sworn to before me this 14th
day of July, 2022

_____
Notary Public

SUSAN J. MOESKER
Notary Public - State of New York
No. 01MO6341836
Qualified in Kings County
My Commission Expires May 10, 2024

T-MOBILE NORTHEAST LLC

a Delaware Limited Liability Company

BOSTON POST RD. & OLD POS_2 - WE03042D
66 MILTON ROAD
RYE, NY 10580
WESTCHESTER COUNTY
BLOCK: 1, LOT: 73

SCOPE OF WORK

- UPGRADE EXISTING TELECOMMUNICATIONS FACILITY
- REPLACE FOUR (4) EXISTING PANEL ANTENNAS AND INSTALL ONE (1) NEW CABINET, FOUR (4) RRU's, AND (4) HCS FIBER CABLES ON THE EXISTING BUILDING ROOFTOP.

CONTACT INFORMATION

PROJECT MANAGER: JOHN MARINO

RF ENGINEER: Z. SIDDIQUE

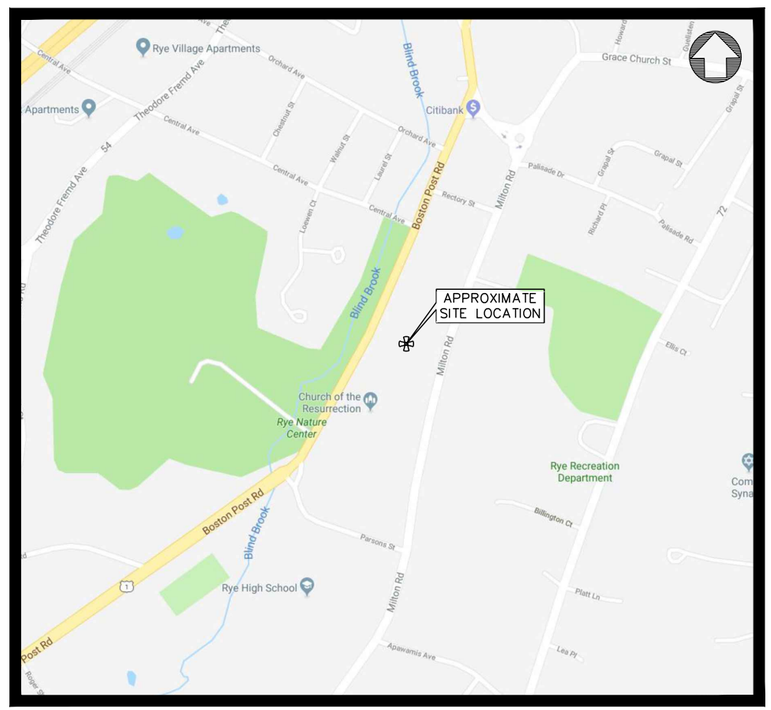
DIRECTIONS TO SITE:

1. HEAD NORTHWEST ON SYLVAN WAY
2. TURN RIGHT ONTO US-202 N
3. USE THE RIGHT LANE TO TAKE THE RAMP ONTO I-80 E
4. MERGE ONTO I-80 E
5. TAKE EXIT 43 FOR I-287 N/MAHWAH N
6. MERGE ONTO I-287 N
7. KEEP LEFT TO STAY ON I-287 N
8. USE THE RIGHT 2 LANES TO MERGE ONTO I-287 E/I-87 S TOWARD TAPPAN ZEE BR/NEW YORK CITY
9. PARTIAL TOLL ROAD
10. KEEP LEFT AT THE FORK TO CONTINUE ON I-287 E, FOLLOW SIGNS FOR WHITE PLAINS/RYE
11. TAKE EXIT 11 FOR US-1 TOWARD PORT CHESTER/RYE
12. TURN RIGHT ONTO US-1 S/BOSTON POST RD
13. SLIGHT LEFT ONTO CROSS ST
14. AT THE TRAFFIC CIRCLE, TAKE THE 1ST EXIT ONTO MILTON RD
15. DESTINATION WILL BE ON THE RIGHT

SITE INFORMATION

SITE NUMBER:	WE03042D
SITE ADDRESS:	66 MILTON ROAD RYE, NY 10580
OWNER:	BLIND BROOK LODGE OWNERS 76 S. LEXINGTON AVE. WHITE PLAINS, NY 10606
APPLICANT:	T-MOBILE NORTHEAST, LLC A DELAWARE LIMITED LIABILITY COMPANY 4 SYLVAN WAY PARSIPPANY, NEW JERSEY 07054 (973) 397-4800
PARCEL ID:	146-11-1-73
BLOCK & LOT:	BLOCK 1 LOT 73
ZONE:	RA-3
* LATITUDE:	40.97772°± (NAD 83)
* LONGITUDE:	-73.68488°± (NAD 83)

* INTERPOLATED FROM USGS QUADRANGLE



LOCATION MAP

SCALE: 1" = 400'

GRAPHIC SCALE

400 0 200 400 800 1600

(IN FEET)
1 INCH = 400 FT.

STRUCTURAL NOTE:
ANTENNA MOUNTING TO BE IN ACCORDANCE WITH THE ANCHOR PROJECT STRUCTURAL ANALYSIS.

CONTRACTOR TO VERIFY CONDITIONS OF THE EXISTING WIRELESS INSTALLATION PRIOR TO MODIFICATIONS. IF THE CONDITIONS ARE NOT AS PER THE ORIGINAL INSTALLATION OR THE SUPPORTING STRUCTURE HAS DETERIORATED, THE ENGINEER MUST BE NOTIFIED IMMEDIATELY.

DRAWING SCHEDULE

DWG#	DRAWING TITLE
C-01	COVER SHEET
A-01	PARTIAL ROOF PLAN AND NOTES
A-02	ENLARGED AREA AND ANTENNA PLAN
A-03	ELEVATION
A-04	DETAILS

SITE CONFIGURATION | **4Sec-67D5D998E**

FRENCH & PARRELLO ASSOCIATES
1900 Route 34, Suite 101 • Wall, New Jersey 07719
o: 732.312.9600 f: 732.312.9601

NOTES:
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SEAL: STATE OF NEW YORK · PETER J. TARDY · LICENSED PROFESSIONAL ENGINEER

5/19/2022

PETER J. TARDY, P.E.
NEW YORK PROFESSIONAL ENGINEER LIC. NO. 079612

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2	05/09/22	REVISED PER COMMENTS
3	05/19/22	ISSUED FOR CONSTRUCTION

T-MOBILE NORTHEAST LLC
a Delaware Limited Liability Company

4 SYLVAN WAY, PARSIPPANY, NJ 07054

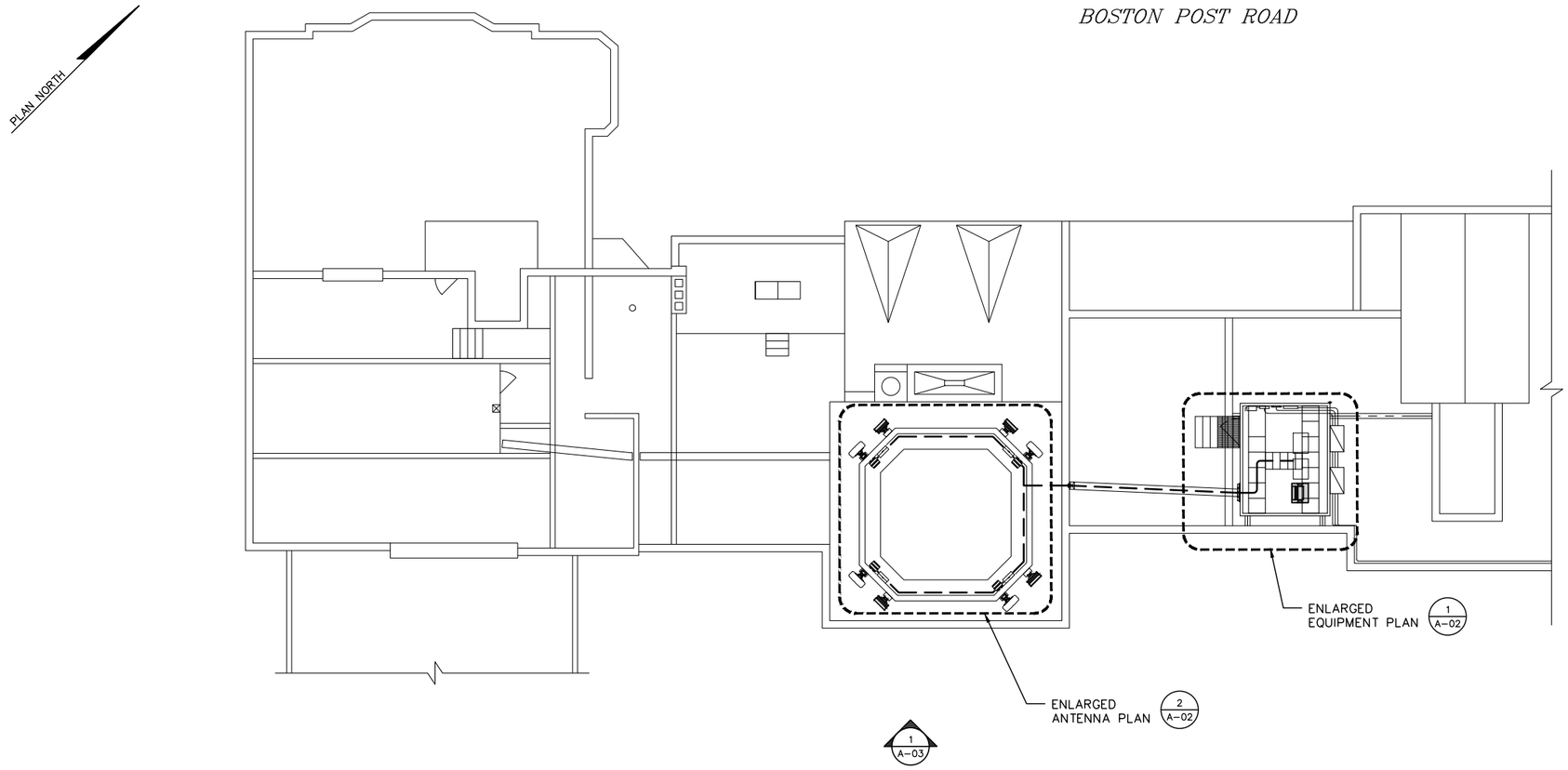
APPROVALS

	SIGNATURE	DATE
T-MOBILE		
OWNER/LANDLORD		
LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS_2
WE03042D
66 MILTON ROAD
RYE, NY 10580
WESTCHESTER COUNTY
BLOCK 1, LOT 73

COVER SHEET

DATE: 02/14/22	SCALE: AS NOTED
DRAWN BY: C.J.R.	SHEET #:
CHECKED BY: P.J.T.	C-01
PROJECT # 2442.204.207	



1 A-01 PARTIAL ROOF PLAN
SCALE: 1/8" = 1'-0"

GRAPHIC SCALE

8 0 4 8 16 32

(IN FEET)
1/8 INCH = 1 FOOT

GENERAL NOTES:

1. SUBJECT PROPERTY IS KNOWN AS BLOCK 11, LOTS 1–73 AS SHOWN ON THE MUNICIPALITY TAX MAP AND IS SITUATED AT 66 MILTON ROAD, RYE, NY 10580

2. APPLICANT: T–MOBILE
A DELAWARE LIMITED LIABILITY COMPANY
4 SYLVAN WAY
PARSIPPANY, NEW JERSEY 07054
(973) 397–4800

PROPERTY OWNER: BLIND BROOK LODGE OWNERS
45 KNOLLWOOD D, SUITE 30
ELMSFORD, NY 10606

3. THE APPLICANT PROPOSES TO REPLACE FOUR (4) EXISTING PANEL ANTENNAS AND INSTALL ONE (1) NEW CABINET, FOUR (4) RRU'S, AND (4) HCS FIBER CABLES ON THE EXISTING BUILDING ROOFTOP.

4. THIS FACILITY SHALL BE VISITED ON THE AVERAGE OF ONCE A MONTH FOR MAINTENANCE AND SHALL BE MONITORED FROM A REMOTE FACILITY.

5. THE PROPOSED SITE IS LOCATED AT LATITUDE OF 40.97772°± AND LONGITUDE OF –73.68488°±. THE HORIZONTAL DATUM ARE IN TERMS OF NORTH AMERICAN DATUM OF 1983 (NAD 83).

6. THIS SET OF PLANS HAS BEEN PREPARED FOR THE PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL. THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED AND EACH OF THE DRAWINGS HAVE BEEN REVISED TO INDICATED "ISSUED FOR CONSTRUCTION."

7. ALL MATERIALS, WORKMANSHIP AND CONSTRUCTION FOR THE SITE IMPROVEMENTS SHOWN HEREON SHALL BE IN ACCORDANCE WITH:

7.A. CURRENT PREVAILING MUNICIPAL AND/OR COUNTY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.
7.B. CURRENT PREVAILING UTILITY COMPANY AUTHORITY SPECIFICATIONS, STANDARDS AND REQUIREMENTS

8. THE CONTRACTOR SHALL NOTIFY FRENCH & PARRELLO ASSOCIATES, P.A. IMMEDIATELY IF ANY FIELD–CONDITIONS ENCOUNTERED DIFFER FROM THOSE REPRESENTED HEREON, AND/OR IF SUCH CONDITIONS WOULD OR COULD RENDER THE DESIGNS SHOWN HEREON INAPPROPRIATE AND/OR INEFFECTIVE.

9. THE CONTRACTOR IS RESPONSIBLE TO PROTECT, REPAIR AND/OR REPLACE ANY DAMAGED STRUCTURES, UTILITIES OR LANDSCAPED AREA WHICH MAY BE DISTURBED DURING THE CONSTRUCTION OF THIS FACILITY.

10. THE CONSTRUCTION CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ALL CONSTRUCTION MEANS AND METHODS. THE CONSTRUCTION CONTRACTOR IS ALSO RESPONSIBLE FOR ALL JOB SITE SAFETY.

11. SITE INFORMATION SHOWN TAKEN FROM A SITE VISIT PERFORMED BY FRENCH & PARRELLO ASSOCIATES P.A. ON 04/16/2019.

12. NO GUARANTEE IS MADE NOR SHOULD BE ASSUMED AS TO THE COMPLETENESS OR ACCURACY OF THE HORIZONTAL OR VERTICAL LOCATIONS. ALL PARTIES UTILIZING THIS INFORMATION SHALL FIELD VERIFY THE ACCURACY AND COMPLETENESS OF THE INFORMATION SHOWN PRIOR TO CONSTRUCTION ACTIVITIES

13. ALL IMPROVEMENTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE TOWNSHIP ENGINEER WHO WILL BE GIVEN PROPER NOTIFICATION PRIOR TO THE START OF ANY CONSTRUCTION.

FRENCH & PARRELLO ASSOCIATES
1900 Route 34, Suite 101 • Wall, New Jersey 07719
o: 732.312.9600 f: 732.312.9601

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5/19/2022

PETER J. TARDY, P.E.
NEW YORK PROFESSIONAL ENGINEER LIC. NO. 079612

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T-MOBILE
NORTHEAST LLC
a Delaware Limited Liability Company

4 SYLVAN WAY, PARSIPPANY, NJ 07054

APPROVALS

	SIGNATURE	DATE
T-MOBILE		
OWNER/LANDLORD		
LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS_2
WE03042D
66 MILTON ROAD
RYE, NY 10580
WESTCHESTER COUNTY
BLOCK 1, LOT 73

PARTIAL ROOF PLAN AND NOTES

DATE: 02/14/22
SCALE: AS NOTED
DRAWN BY: C.J.R.
CHECKED BY: P.J.T.
PROJECT # 2442.204.207
SHEET #: A-01

LEGEND

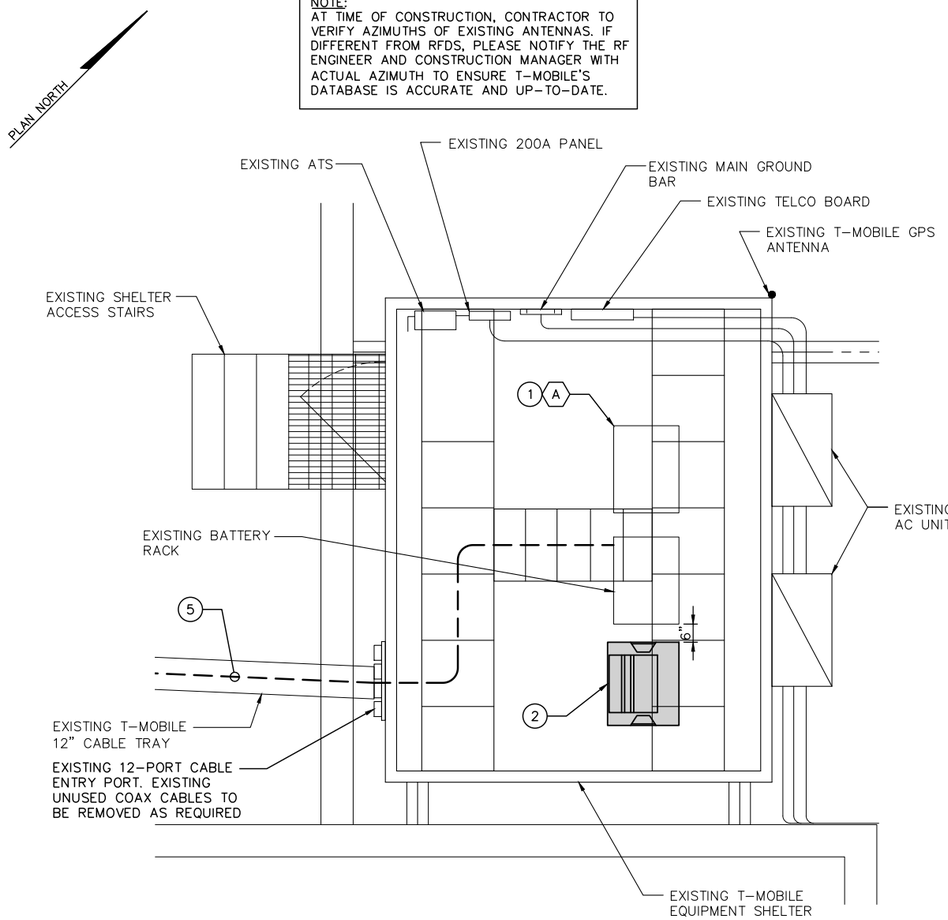
	DEMOLITION NOTES		INSTALLATION NOTES
A	EXISTING 6201 CABINET TO REMAIN (SEE INSTALLATION NOTE 1)	1	UPDATE EXISTING CABINET WITH NEW COMPONENTS IN ACCORDANCE WITH APPROVED SCOPE OF WORK
B	EXISTING AIR32 B66A/B2A ANTENNA TO BE REMOVED (TYP. OF 1 PER SECTOR, TOTAL OF 4)	2	INSTALL POWER 6230 CABINET IN EXISTING EQUIPMENT SHELTER
C	EXISTING FFHH-65A-R3 ANTENNA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)	3	INSTALL AIR6419 B41 ANTENNA ON EXISTING PIPE MAST (TYP. OF 1 PER SECTOR, TOTAL OF 4)
D	EXISTING 1A-PCS TMA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)	4	INSTALL RADIO 4460 B25+B66 ON UNISTRUT (TYP. OF 1 PER SECTOR, TOTAL OF 4)
E	EXISTING 1B-AWS TMA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)	5	INSTALL (4) 6x24 HCS HYBRID CABLES FOLLOWING EXISTING ROUTING FROM EQUIPMENT TO ANTENNAS
F	EXISTING RADIO 4449 B71+B85 TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)		

ANTENNA AND CABLE SCHEDULE

SECTOR	POSITION	EXISTING ANTENNAS	PROPOSED ANTENNA CONFIGURATION		E-TILT	M-TILT	ANTENNA ℄	TMA/RRU	CABLES	JUMPER TYPE	CABLE LENGTH
0° - ALPHA	R1	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0	97'-0"	0/0	(4) EXISTING 7/8"ø COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	1/2"ø COAX	60'-0"
	R2	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0		2/2		DC/FIBER & 1/2"ø COAX	
180° - BETA	W1	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0	97'-0"	0/0	(4) EXISTING 7/8"ø COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	1/2"ø COAX	60'-0"
	W2	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0		2/2		DC/FIBER & 1/2"ø COAX	
270° - GAMMA	B1	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0	97'-0"	2/2	(4) EXISTING 7/8"ø COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	DC/FIBER & 1/2"ø COAX	60'-0"
	B2	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0		0/0		1/2"ø COAX	
90° - DELTA	G1	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0	97'-0"	0/0	(4) EXISTING 7/8"ø COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	1/2"ø COAX	60'-0"
	G2	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0		2/2		DC/FIBER & 1/2"ø COAX	

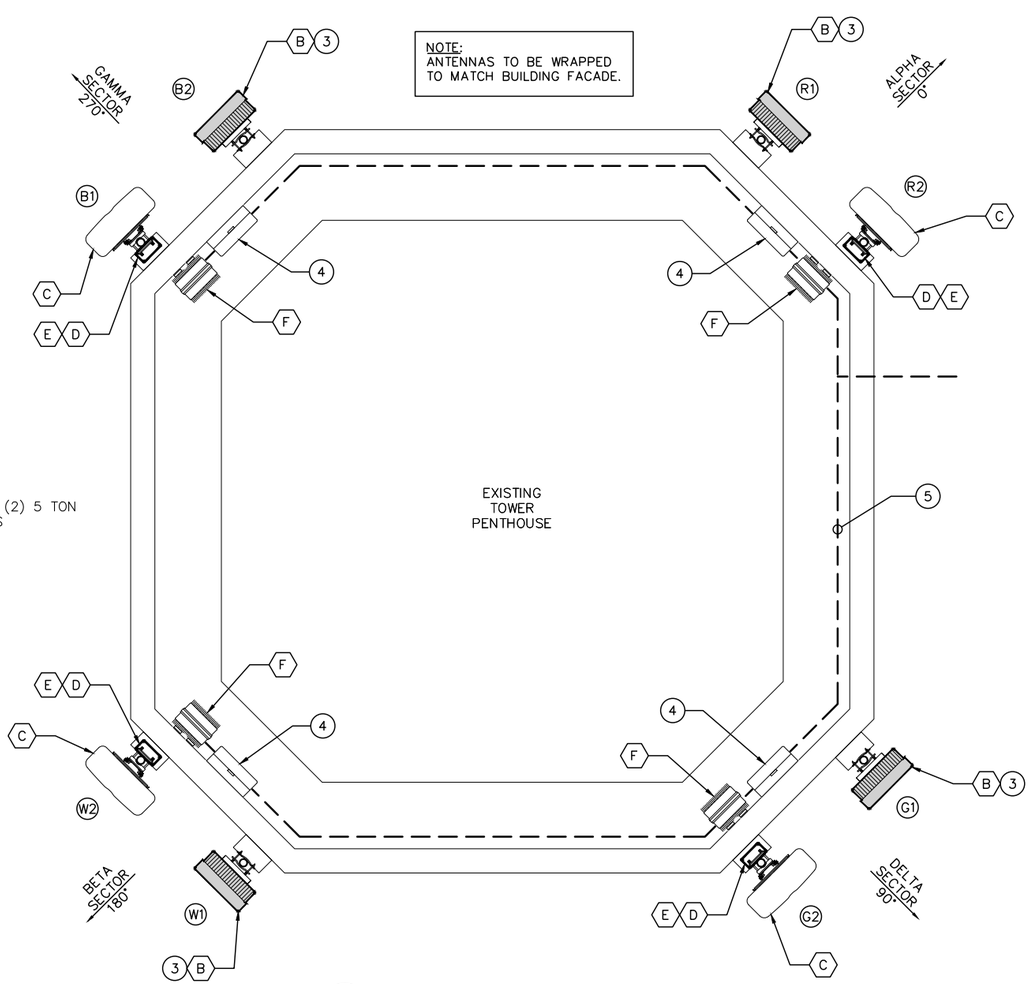
NOTES:
1. ANTENNA INFORMATION BASED ON RFDS DATED 01/04/22 AND FIELD OBSERVATIONS. CHECK WITH RF ENGINEER FOR LATEST RFDS.
2. ANTENNA POSITION IS LOOKING FROM REAR AND LEFT TO RIGHT.

NOTE:
AT TIME OF CONSTRUCTION, CONTRACTOR TO VERIFY AZIMUTHS OF EXISTING ANTENNAS. IF DIFFERENT FROM RFDS, PLEASE NOTIFY THE RF ENGINEER AND CONSTRUCTION MANAGER WITH ACTUAL AZIMUTH TO ENSURE T-MOBILE'S DATABASE IS ACCURATE AND UP-TO-DATE.



1 A-02 ENLARGED EQUIPMENT PLAN
SCALE: 1/2" = 1'-0"
GRAPHIC SCALE
2 0 1 2 4 8
(IN FEET)
1/2 INCH = 1 FOOT

NOTE:
ANTENNAS TO BE WRAPPED TO MATCH BUILDING FACADE.



2 A-02 ENLARGED ANTENNA PLAN
SCALE: 1/2" = 1'-0"
GRAPHIC SCALE
2 0 1 2 4 8
(IN FEET)
1/2 INCH = 1 FOOT

FRENCH & PARRELLO ASSOCIATES
1900 Route 34, Suite 101 • Wall, New Jersey 07719
o: 732.312.9600 f: 732.312.9601

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5/19/2022

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NEW YORK PROFESSIONAL ENGINEER LIC. NO. 079612

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4 SYLVAN WAY, PARSIPPANY, NJ 07054

APPROVALS

	SIGNATURE	DATE
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LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS_2
WE03042D
66 MILTON ROAD
RYE, NY 10580
WESTCHESTER COUNTY
BLOCK 1, LOT 73

ENLARGED AREA AND ANTENNA PLAN

DATE: 02/14/22	SCALE: AS NOTED
DRAWN BY: C.J.R.	SHEET #:
CHECKED BY: P.J.T.	A-02
PROJECT # 2442.204.207	

LEGEND

DEMOLITION NOTES		INSTALLATION NOTES	
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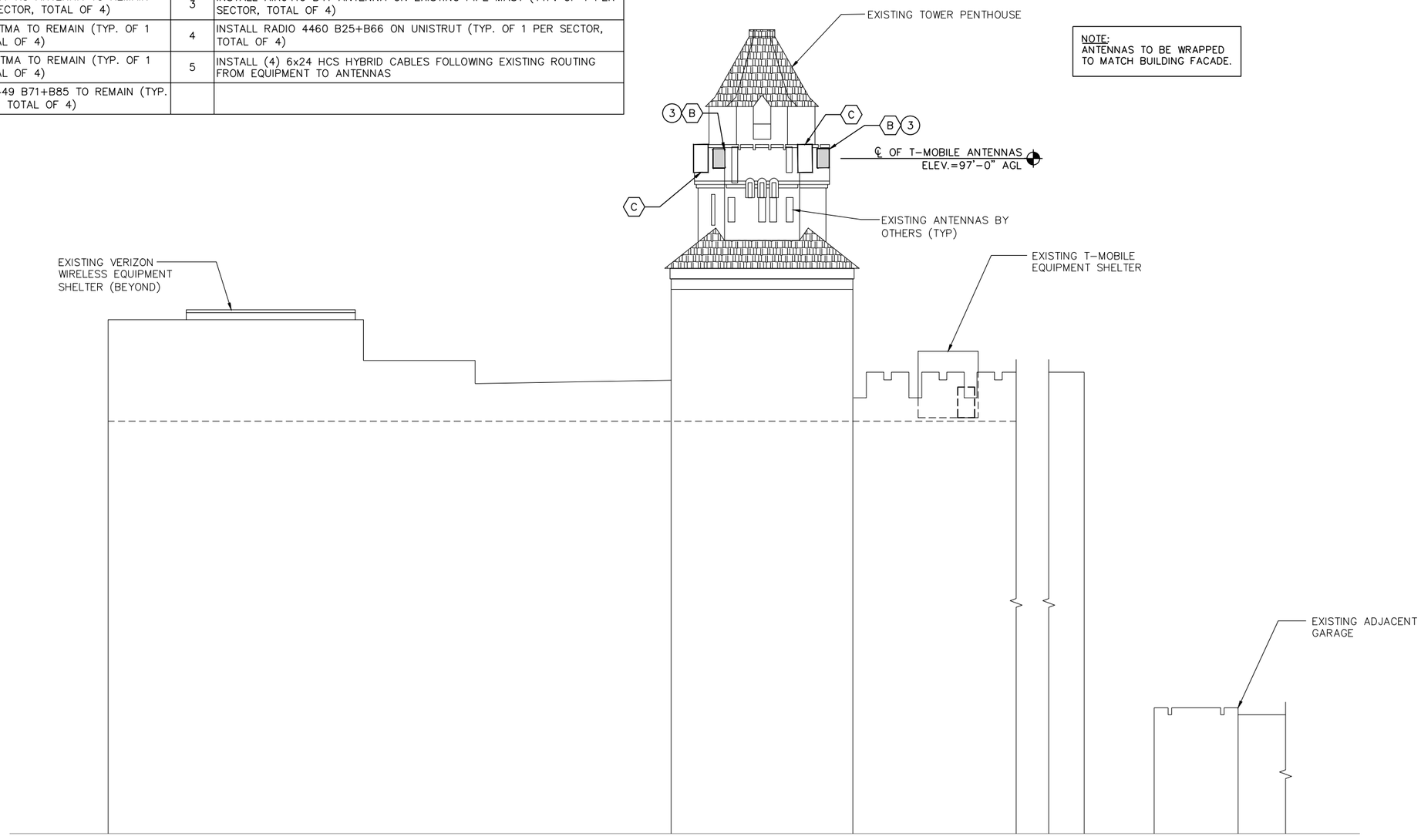
NOTE:
ANTENNAS TO BE WRAPPED TO MATCH BUILDING FACADE.



1 A-03 ELEVATION
SCALE: 1/8" = 1'-0"
GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1/8 INCH = 1 FOOT

FRENCH & PARRELLO ASSOCIATES
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STATE OF NEW YORK · PETER J. TARDY · LICENSED PROFESSIONAL ENGINEER
5/19/2022

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NORTHEAST LLC
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	SIGNATURE	DATE
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RF		
ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS_2
WE03042D
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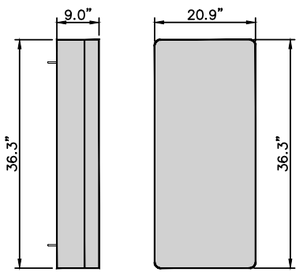
RYE, NY 10580
WESTCHESTER COUNTY
BLOCK 1, LOT 73

ELEVATION

DATE: 02/14/22
SCALE: AS NOTED
DRAWN BY: C.J.R.
CHECKED BY: P.J.T.
PROJECT # 2442.204.207
SHEET #: A-03

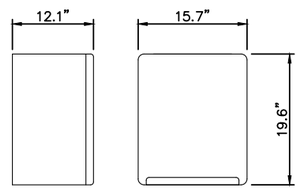


MECHANICAL SPECIFICATIONS:
OVERALL
HEIGHT: 36.3 IN.
WIDTH: 20.9 IN.
DEPTH: 9.0 IN.
WEIGHT: 83.3 LBS.

AIR6419 B41 ANTENNA

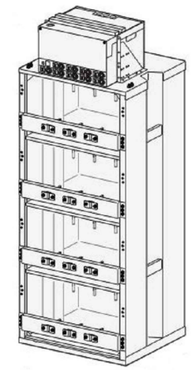
1 A-04 DETAIL
SCALE: N.T.S.

MECHANICAL SPECIFICATIONS:
OVERALL
HEIGHT: 19.6 IN.
WIDTH: 15.7 IN.
DEPTH: 12.1 IN.
WEIGHT: 109 LBS.



ERICSSON RADIO 4460

2 A-04 DETAIL
SCALE: N.T.S.

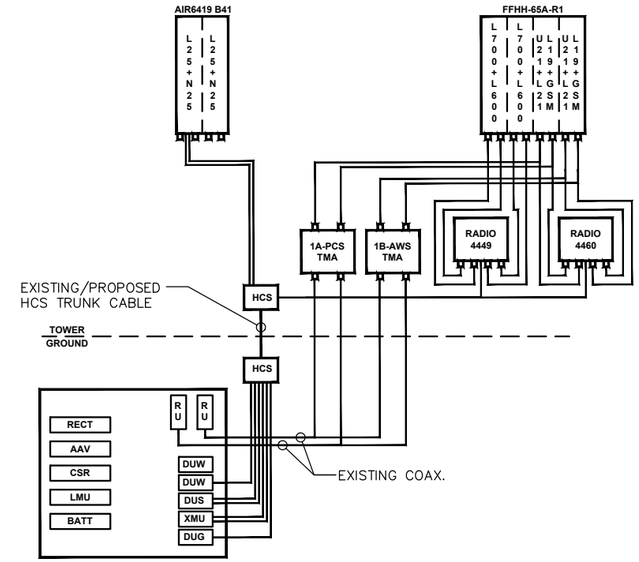


Technical Specifications

Dimensions	Height	63 in.
	Width	27.5 in.
	Depth	23.6 in.
Weight		344 lbs (POWER UNIT W/ EMPTY RACK)

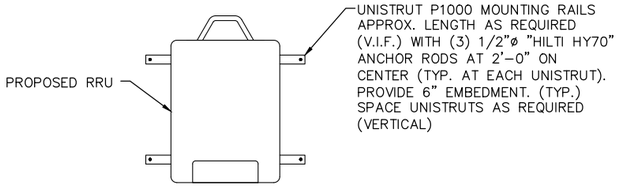
6230 POWER UNIT ON RACK

3 A-04 DETAIL
SCALE: N.T.S.



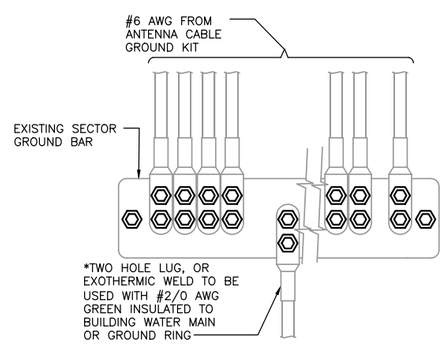
SITE CONFIGURATION 4SEC-67D5D998E
BASED W/6201 & 6230 - HARDWARE

4 A-04 DETAIL PER SECTOR
SCALE: N.T.S.



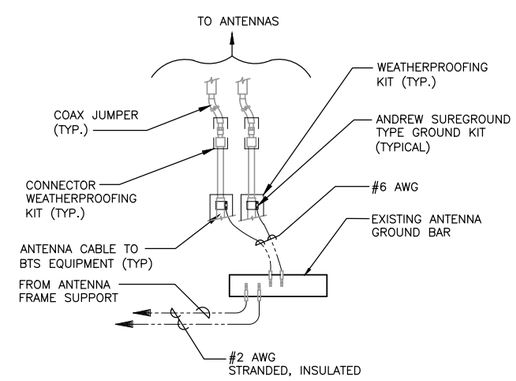
TYPICAL UNISTRUT MOUNT

5 A-04 DETAIL
NTS



INSTALLATION OF GROUND WIRE TO GROUND BAR

6 A-04 DETAIL
NOT TO SCALE



CONNECTION OF GROUND WIRE TO GROUNDING BAR, ROOFTOP

7 A-04 DETAIL
NOT TO SCALE

NOTES:
DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO ANTENNA GROUND BAR.

WEATHER PROOFING SHALL BE ANDREW TWO-PART TAPE KIT, COLD SHRINK SHALL NOT BE USED.

FRENCH & PARRELLO ASSOCIATES
1800 Route 34, Suite 101 • Wall, New Jersey 07719
o: 732.312.9600 f: 732.312.9601

NOTES:
1. THIS DOCUMENT HAS BEEN PREPARED FOR A 24"x 36" FORMAT DO NOT SCALE THIS DOCUMENT IF PLOTTED ON ANY OTHER FORMAT.
2. IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.

SEAL:
STATE OF NEW YORK · PETER J. TARDY · LICENSED PROFESSIONAL ENGINEER
5/19/2022

PETER J. TARDY, P.E.
NEW YORK PROFESSIONAL ENGINEER LIC. NO. 079612

REVISIONS

REV.	DATE	REVISION DESCRIPTION
0	02/14/22	ISSUED FOR REVIEW
1	04/25/22	REVISED PER LATEST RFDS
2	05/09/22	REVISED PER COMMENTS
3	05/19/22	ISSUED FOR CONSTRUCTION

T-MOBILE
NORTHEAST LLC
a Delaware Limited Liability Company
4 SYLVAN WAY, PARSIPPANY, NJ 07054

APPROVALS

	SIGNATURE	DATE
T-MOBILE		
OWNER/LANDLORD		
LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS_2
WE03042D
66 MILTON ROAD
RYE, NY 10580
WESTCHESTER COUNTY
BLOCK 1, LOT 73

DETAILS

DATE: 02/14/22	SCALE: AS NOTED
DRAWN BY: C.J.R.	SHEET #: A-04
CHECKED BY: P.J.T.	
PROJECT # 2442.204.207	

Visual Analysis For

T-Mobile

WE03042D
Rye, NY

Subject Property:
66 Milton Road
Rye, NY
Date: July 13, 2022

Prepared By:
TK Design Associates
PO Box 465
Mendham, NJ 07945

Photographs Taken Date: June 29, 2022

Photo Location 1:

Taken From Milton Road – Rye Arts Center Parking Lot; Looking Southwest

- 1a Existing Conditions Photo
- 1b Photo Simulation of Proposed Installation

Photo Location 2:

Taken From #10 Central Avenue; Looking Southeast

- 2a Existing Conditions Photo
- 2b Photo Simulation of Proposed Installation

Photo Location 3:

Taken From Boston Post Road, Utility Pole #W191; Looking Northeast

- 3a Existing Conditions Photo
- 3b Photo Simulation of Proposed Installation

T-Mobile NORTHEAST, LLC **WE03042 D** **Boston Post Road & Old POS_2** **66 Milton Road** **Rye, NY 10580**	**EXISTING CONDITIONS** **View from Milton Road** **Rye Arts Center parking lot**	**TK Design Associates**

T-Mobile
NORTHEAST, LLC
WE03042 D
Boston Post Road & Old POS_2
66 Milton Road
Rye, NY 10580

PHOTO SIMULATION OF PROPOSED INSTALLATION

View from Milton Road
Rye Arts Center parking lot

TK Design Associates

T-Mobile NORTHEAST, LLC **WE03042 D** **Boston Post Road & Old POS_2** **66 Milton Road** **Rye, NY 10580**	**EXISTING CONDITIONS** **View from #10 Central Avenue**	**TK Design Associates**

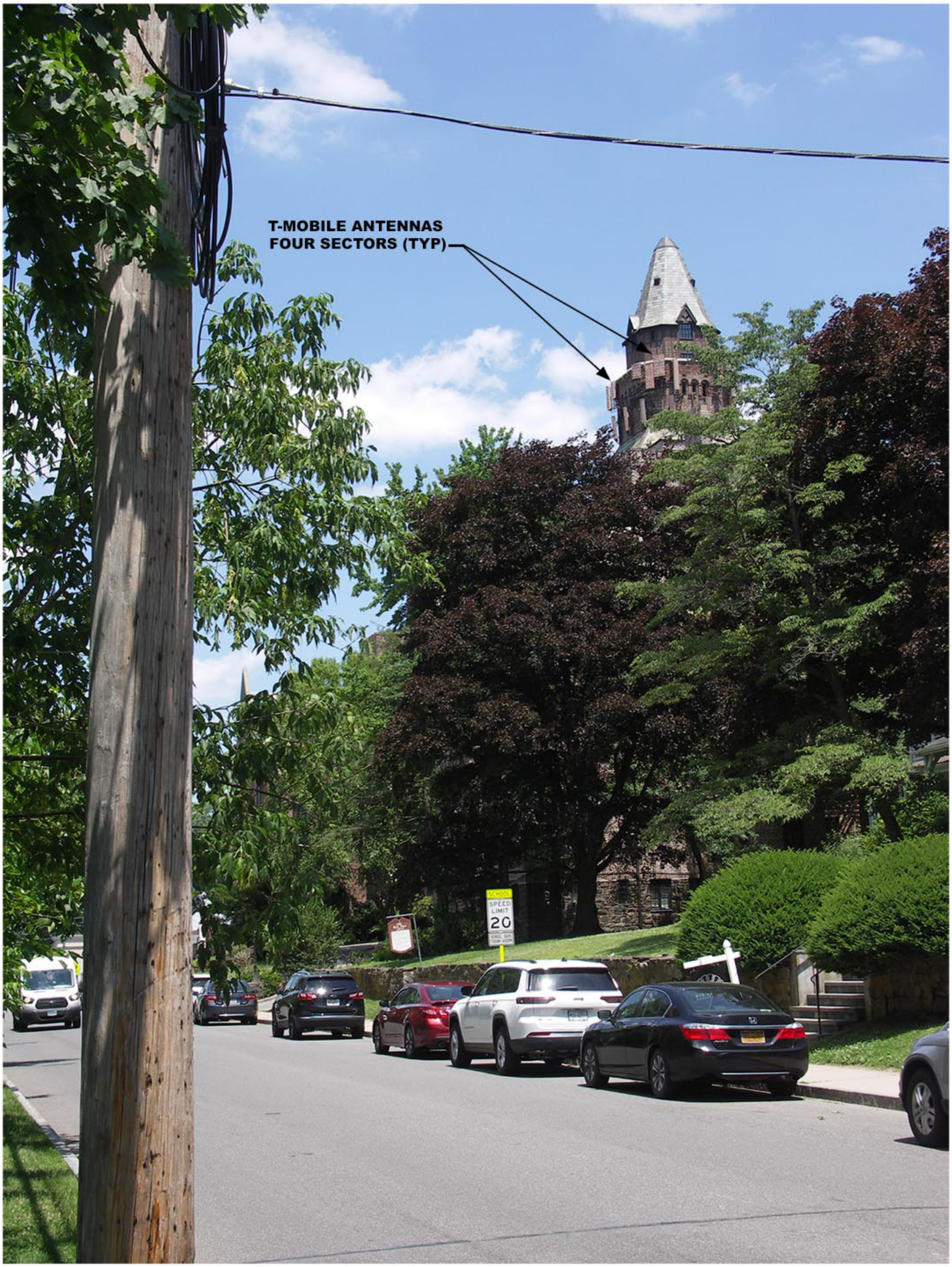
T-Mobile
NORTHEAST, LLC
WE03042 D
Boston Post Road & Old POS_2
66 Milton Road
Rye, NY 10580

PHOTO SIMULATION OF PROPOSED INSTALLATION

View from #10 Central Avenue

TK Design Associates

T-Mobile NORTHEAST, LLC WE03042 D Boston Post Road & Old POS_2 66 Milton Road Rye, NY 10580	**EXISTING CONDITIONS** View from Boston Post Road Pole # W191	TK Design Associates



T-Mobile NORTHEAST, LLC WE03042 D Boston Post Road & Old POS_2 66 Milton Road Rye, NY 10580	**PHOTO SIMULATION OF PROPOSED INSTALLATION** View from Boston Post Road Pole # W191	TK Design Associates

CITY OF RYE
COUNTY OF WESTCHESTER
----------X
In the matter of the Application of

Statement of Compliance

T-Mobile Northeast LLC ("T-Mobile")

Premises: 66 Milton Road
Rye, New York
----------X

State of New ~~York~~ Jersey)
Morris)ss.:
County of ~~Westchester~~)

Mike Bath, on behalf of T-Mobile, being duly sworn, does depose and say:

1. I am the Director, Engineering & Operations, NJ Market of T-Mobile, the Applicant for an eligible facilities request to modify an existing wireless communications facility at 66 Milton Road in the City of Rye ("Property").

2. I hereby state, in accordance with Section 196-6(D) of the City Code that the wireless telecommunications facility ("Facility") located at the Property has been, and shall continue to be, maintained in a safe manner, and in compliance with all conditions of the eligible facility permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations. The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant, T-Mobile, is authorized to do business in New York state.

T-Mobile

By: _____
Name: Mike Bath
Title: Director, New Jersey
Northeast Region

Sworn to before me this
25th day of August, 2022

Notary Public

PETER ROMANO
Commission #2443617
Notary Public, State of New Jersey
My Commission Expires
March 11, 2024

FRENCH & PARRELLO ASSOCIATES

Corporate Office
1800 Route 34, Suite 101, Wall, New Jersey 07719
Regional Offices
King of Prussia, Pennsylvania
Bethlehem, Pennsylvania
Hackettstown, New Jersey
Camden, New Jersey
Newark, New Jersey
New York, New York
Atlanta, Georgia

May 19, 2022

Mr. John Marino
T-MOBILE NORTHEAST LLC
4 Sylvan Way
Parsippany, NJ 07054

RE: Structural Analysis
WE03042D
66 Milton Road
Rye, NY 10580
FPA No. 2442.204.207

Dear Mr. Marino:

As per your request, French & Parrello Associates (FPA) has performed a structural analysis of the proposed modification to the existing T-Mobile wireless facility located at 66 Milton Road, Rye, New York 10580.

The existing facility consists of equipment and four antenna sectors (Alpha, Beta, Gamma, and Delta) located on the roof. The existing equipment consists of (1) 6201 cabinet in an equipment shelter. The Alpha, Beta, Gamma, and Delta antenna sectors are flush mounted to the building façade to the existing tower penthouse. Each sector consists of (2) antennas per sector.

FPA's structural analysis included a site visit (02/01/22), FPA site photos (02/01/22), and a review of the existing Structural report by FPA (07/23/20), T-Mobile RFDS sheet (01/04/22). T-Mobile is proposing to upgrade its existing facility by installing and upgrading the existing antennas in each sector. The final antenna configuration in each sector shall consist of (1) Commscope FFHH-65A-R3 antenna, with dimensions of 48.2"x25.2" and a maximum weight of 72.8 lbs., and (1) Ericsson AIR6419 antenna with dimensions of 36.3" x 20.9" and a maximum weight of 83 lbs. per sector. The new antennas are to be mounted in a similar fashion as the existing. Existing Radio 4449 units are to remain, (1) Radio 4460 is to be added at each sector, and (4) 6X24 HCS cables following existing routing are to be installed. T-Mobile also proposes to install (1) Enclosure 6230 cabinet in the existing equipment shelter.

Based on our structural analysis, the existing antenna support systems are capable of supporting the proposed antenna configuration and loads provided new antennas are to be mounted in a similar fashion as the existing and as per the latest FPA construction drawings. If conditions are found to be different than those depicted above, FPA should be notified immediately.

It should be noted that the conclusion reached by FPA is expressly related to the antenna supports and assumes that all existing anchoring systems and building components are in good condition and are being maintained and inspected at regular intervals in accordance with industry standards. FPA assumes no responsibility for any failure resulting from installations that do not conform to the design drawings or from hidden defects within the existing structural support systems resulting from aging or damaged building components.

Should you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

FRENCH & PARRELLO ASSOCIATES

John Bosco, PE, Senior Project Manager
NY Professional Engineer License No. 85847

Rooftop Antenna Support | Structural Analysis

SITE INFORMATION

Address:	66 Milton Road Rye, NY 10580	Condition:	Fair

DESIGN CRITERIA

APPLICABLE CODES & STANDARDS

All design criteria and loads are in accordance with the 2020 Building Code of New York State in conjunction with ASCE 7-16.

WIND LOAD - Exposure B

V = 116 mph	h = 97 ft	Risk Cat. = II	G = 0.85
K_{ZT} = 1.00	K_d = 0.85	K_Z = 0.98	q_z = 28.6 psf

SNOW LOAD

ρ_g = 30 psf	I = 1.0
C_e = 1.0	C_t = 1.0
ρ_f = 21 psf	

SEISMIC

The proposed antennas and their electrical and mechanical components are exempt from seismic requirements as per ASCE 7-16 Section 13.1.4 Exception 4. "Mechanical and electrical components in structures assigned to Seismic Design Category B"

REFERENCED DOCUMENTS

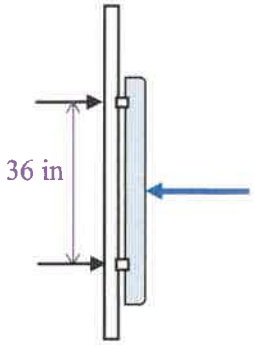
Item	Author/Provider	Date
Existing Construction Drawings	*FPA*	*4/16/2019*
Site Audit Photographs	*FPA*	*2/1/2022*
Existing Structural	*FPA*	*7/23/2020*
Radio Frequency Data Sheet (RFDS)	*T-Mobile*	*1/4/2022*

SECTOR PHOTOS

ALPHA/GAMMA

BETA/DELTA

ALPHA/BETA/GAMMA/DELTA SECTORS



Proposed Antenna Ericsson AIR6419

height: 36.3 in width: 20.9 in depth: 9.0 in

area: 5.27 sq-ft weight: 83 lbs

Dimensions

h_{ant} = 97 ft *(to grade)* d = 36 in

Loads - *ASD Combination: (D+0.6W)*

Wind Load (WL) = 108 lbs (C_f = 1.4)

Top Reaction (R_{top}) = 54 lbs Bottom Reaction (R_{bot}) = 54 lbs

FLUSH MOUNT PIPE

Pipe Size:	2.5" STD	$M_{applied}$ =	1.0 kip-in	<	M_n/Ω =	28.7 kip-in	→ ✔	**0.03 :1.00**
F_y = 35 ksi	Weight: 5.8 plf	$V_{applied}$ =	0.1 kip	<	V_n/Ω =	10.0 kip	→ ✔	**0.01 :1.00**
I_{x-x}= 1.45 in^4	S_{x-x}= 1.01 in^3	Δ_{total} =	0.00 in →	**L/ 14476**	<	L/240 = 0.15 in	→ ✔	**0.02 :1.00**

Therefore, the existing flush mount pipe is structurally adequate.

CONNECTIONS

U-Bolts											
Bolt Size:	1/2" φ A307	No of bolts:	1								
T_{allow} =	4.42 kip	>	$T_{applied}$ =	0.05 kip	✔	1%					
V_{allow} =	2.36 kip	>	$V_{applied}$ =	0.10 kip	✔	4%					
$\sqrt{(T_{applied}/T_{allow})^2 + (V_{applied}/V_{allow})^2}$ = **0.04 :1.0**											

Anchor Bolts											
Anchor Size:	1/2"φ Hilti HY70	No:	2								
T_{allow} =	1.49 kip	<	$T_{applied}$ =	0.05 kip	✔	4%					
V_{allow} =	1.86 kip	<	$V_{applied}$ =	0.10 kip	✔	5%					
$\sqrt{(T_{applied}/T_{allow})^2 + (V_{applied}/V_{allow})^2}$ = **0.07 :1.0**											

Therefore, the existing connections are structurally adequate.

EXISTING STRUCTURE

The majority of the surface area of the antenna and mounts is below the top of the tower penthouse and therefore the change in net load being applied to the existing structure minimal.

Therefore, the existing structure is structurally adequate.

Therefore, the proposed Alpha/ Beta/ Gamma/ Delta sector mounts are <u>STRUCTURALLY ADEQUATE</u> to support the proposed design loads in accordance with the local building codes.

METRRFS-01 ADIAZ

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 6/23/2022

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

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

PRODUCER

The Wooditch Company Insurance Services, Inc.
1 Park Plaza, Suite 400
Irvine, CA 92614

CONTACT NAME:
PHONE (A/C, No, Ext): (949) 553-9800 FAX (A/C, No): (949) 553-0670
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Executive Risk Indemnity, Inc.	35181
INSURER B : Federal Insurance Company	20281
INSURER C : Berkley Assurance Company	39462
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Metro R.F. Services, Inc.
2320 South Archibald Avenue
Ontario, CA 91761

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR	X		54326428	5/15/2022	5/15/2023	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO			54326427	5/15/2022	5/15/2023	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	UMBRELLA LIAB X OCCUR						EACH OCCURRENCE	$ 5,000,000
	X EXCESS LIAB CLAIMS-MADE			5671-7303	5/15/2022	5/15/2023	AGGREGATE	$ 5,000,000
	DED RETENTION $							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						X PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N	N / A		54326429	5/15/2022	5/15/2023	E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
C	Pollution Liability			PCADB-5018165-0522	5/15/2022	5/15/2023	Each Occ. / Agg	5,000,000
C	Professional Liabili			PCADB-5018165-0522	5/15/2022	5/15/2023	Each Claim / Agg	2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: WE03042D. glai
The City of Rye is included as Additional Insured as respects General Liability per attached endorsement.

CERTIFICATE HOLDER

City of Rye
1051 Boston Post Road
Rye, NY 10580

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: METRRFS-01 ADIAZ

LOC #: 1

ADDITIONAL REMARKS SCHEDULE

AGENCY		NAMED INSURED
		Metro R.F. Services, Inc. 2320 South Archibald Avenue Ontario, CA 91761
POLICY NUMBER SEE PAGE 1		
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

Cancellation:
***Except 10 Days Notice of Cancellation for Non-Payment of Premium.**
Should this policy be cancelled before the expiration date, The Wooditch Company will mail 30 (thirty) days written notice to those Certificate Holders which require such action per contract or agreement.

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The ACORD name and logo are registered marks of ACORD

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
WHERE REQUIRED BY WRITTEN CONTRACT, BUT ONLY WHEN THE CONTRACT SPECIFIES COVERAGE FOR COMPLETED OPERATIONS	ALL LOCATIONS WHERE REQUIRED BY WRITTEN CONTRACT
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

© Insurance Services Office, Inc., 2012

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
WHERE REQUIRED BY WRITTEN CONTRACT	ALL LOCATIONS WHERE REQUIRED BY WRITTEN CONTRACT
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

© Insurance Services Office, Inc., 2018

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.

© Insurance Services Office, Inc., 2018

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) Metro RF Services, Inc. 2320 South Archibald Avenue Ontario, CA 91761 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*	1b. Business Telephone Number of Insured (909)-230-4920 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number 95-4846384
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) **City of Rye** **1051 Boston Post Road** **Rye, NY 10580**	3a. Name of Insurance Carrier FEDERAL INSURANCE COMPANY 3b. Policy Number of Entity Listed in Box "1a" 54326429 3c. Policy effective period 05/15/2022 to 05/15/2023 3d. The Proprietor, Partners or Executive Officers are ☒ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: NICOLE MASTROLIA BROWN
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: [signature] 06/23/2022
(Signature) (Date)

Title: VICE PRESIDENT, UNDERWRITING

Telephone Number of authorized representative or licensed agent of insurance carrier: 626-787-2904

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
METRO RF SERVICES INC
2320 S ARCHIBALD AVE
ONTARIO, CA 91761

1b. Business Telephone Number of Insured
(909) 230-4920

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*

1c. Federal Employer Identification Number of Insured or Social Security Number
954846384

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580

3a. Name of Insurance Carrier
New York State Insurance Fund (NYSIF)

3b. Policy Number of Entity Listed in Box "1a"
DBL 5593 63 - 8

3c. Policy effective period
01/15/2022 to 01/15/2023

4. Policy provides the following benefits:
- [x] A. Both disability and paid family leave benefits
- [ ] B. Disability benefits only
- [ ] C. Paid family leave benefits only

5. Policy covers:
- [x] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 6/23/2022 By Kristin Markwica
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (866) 697-4332 Name and Title **Kristin Markwica, Head of Disability Insurance Unit**

IMPORTANT: If Box 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier,this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

Certificate Number 693763

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in box "3" on this form is certifying that it is insuring the business referenced in box "1a" for disability and/or paid family leave benefits under the New York State Disability and Paid Family Leave Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Worker's Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Disability and/or Paid Family Leave Benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or paid family leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYS Disability and/or Paid Family Leave Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability and Paid Family Leave Benefits Law.

DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits, and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Pinnacle Telecom Group
Professional and Technical Services

Antenna Site FCC RF Compliance Assessment and Report for Municipal Submission

prepared for

T-Mobile Northeast LLC

Site WE03042D
66 Milton Road
Rye, NY

July 7, 2022

14 Ridgedale Avenue - Suite 260 • Cedar Knolls, NJ 07927 • 973-451-1630

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Appendix A. Proposed Site Mitigation

Appendix B. Background on the FCC MPE Limit

Introduction and Summary

At the request of T-Mobile Northeast LLC ("T-Mobile"), Pinnacle Telecom Group has performed an independent assessment of radiofrequency (RF) levels and related FCC compliance for proposed modifications to existing wireless base station antenna operations on the roof of a building located at 66 Milton Road in Rye, NY. T-Mobile refers to the site by the code "WE03042D", and the proposed modifications will facilitate a service upgrade and transmission in the 600 MHz, 700 MHz, 1900 MHz, 2100 MHz and 2500 MHz bands licensed to T-Mobile by the FCC.

The FCC requires wireless system operators to perform an assessment of potential human exposure to radiofrequency (RF) fields emanating from all the transmitting antennas at a site whenever antenna operations are added or modified, and to ensure compliance with the Maximum Permissible Exposure (MPE) limit in the FCC regulations. In this case, the compliance assessment needs to take into account the RF effects of other existing antenna operations at the site by AT&T, Sprint and Verizon Wireless. Note that FCC regulations require any future antenna collocators to assess and assure continuing compliance based on the cumulative effects of all then-proposed and then-existing antennas at the site.

This report describes mathematical analyses of potential RF exposure levels associated with the antennas. The analyses both at street level and on the subject roof employ standard FCC mathematical models for calculating the effects of the antennas in a very conservative manner, in order to overstate the RF levels and to ensure "safe-side" conclusions regarding compliance with the FCC limit for safe continuous exposure of the general public.

The results of a compliance assessment can be described in layman's terms by expressing the calculated RF levels as simple percentages of the FCC MPE limit. If the normalized reference for that limit is 100 percent, then calculated RF levels higher than 100 percent indicate the MPE limit is exceeded and there is a need to mitigate the potential exposure. On the other hand, calculated RF levels consistently below 100 percent serve as a clear and sufficient demonstration of

compliance with the MPE limit. We can (and will) also describe the overall worst-case result via the "plain-English" equivalent "times-below-the-limit" factor.

The result of the RF compliance assessment in this case is as follows:

- At street level around the site, the conservatively calculated maximum RF level from the combination of proposed and existing antenna operations is 11.2999 percent of the FCC general population MPE limit – well below the 100-percent reference for compliance. In other words, the worst-case calculated RF level – even intentionally and significantly overstated by the calculations – is still more than eight times below the FCC limit for safe, continuous exposure of the general public.
- A supplemental analysis of the RF levels on the main rooftop in the vicinity of the T-Mobile antennas yields a worst-case result of 9.38 percent of the FCC general population MPE limit – well below the 100-percent reference for compliance. Per T-Mobile guidelines, and consistent with FCC guidance on rooftop compliance, Notice, Guidelines and Emergency signs are to be installed at the rooftop access point(s).
- The results of the calculations provide a clear demonstration that the RF levels from the combination of proposed and existing antenna operations at street level around the site and on the subject roof are in compliance with the applicable FCC regulations and MPE limit. Moreover, because of the conservative methodology and operational assumptions incorporated in the calculations, RF levels actually caused by the antennas will be even less significant than these calculations indicate.

The remainder of this report provides the following:

- relevant technical data on the T-Mobile antenna operations at the site, as proposed to be modified, as well as on the existing antenna operations;
- a description of the applicable FCC mathematical model for calculating RF levels, and application of the relevant technical data to that model;
- analysis of the results of the calculations against the FCC MPE limit, and the compliance conclusion for the site.

In addition, two Appendices are included. Appendix A details the proposed mitigation to satisfy the FCC requirements and associated guidelines on RF compliance. Appendix B provides background on the FCC MPE limit.

Antenna and Transmission Data

The table that follows summarizes the relevant data for the T-Mobile antenna operations, as proposed to be modified.

General Data	
Frequency Bands	600 MHz, 700 MHz, 1900 MHz, 2100 MHz and 2500 MHz
Service Coverage Type	Sectorized
Antenna Type	Directional Panel
Antenna Centerline Height AGL	97 ft.
Antenna Line Loss	Conservatively ignored (assumed 0 dB)
600 MHz Antenna Data	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (12.9 dBi)
RF channels per Sector	Four 40-watt channels
700 MHz Antenna Data	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (13.4 dBi)
RF channels per Sector	One 40-watt channel
1900 MHz Antenna Data	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (17.1 dBi)
RF channels per Sector	Five 40-watt channels
2100 MHz Antenna Data	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (17.9 dBi)
RF channels per Sector	Five 40-watt channels
2500 MHz Antenna Data	
Antenna Model (Max. Gain)	Ericsson AIR6419 (24.2 dBi)
RF channels per Sector	One 80-watt channel and one 120-watt channel

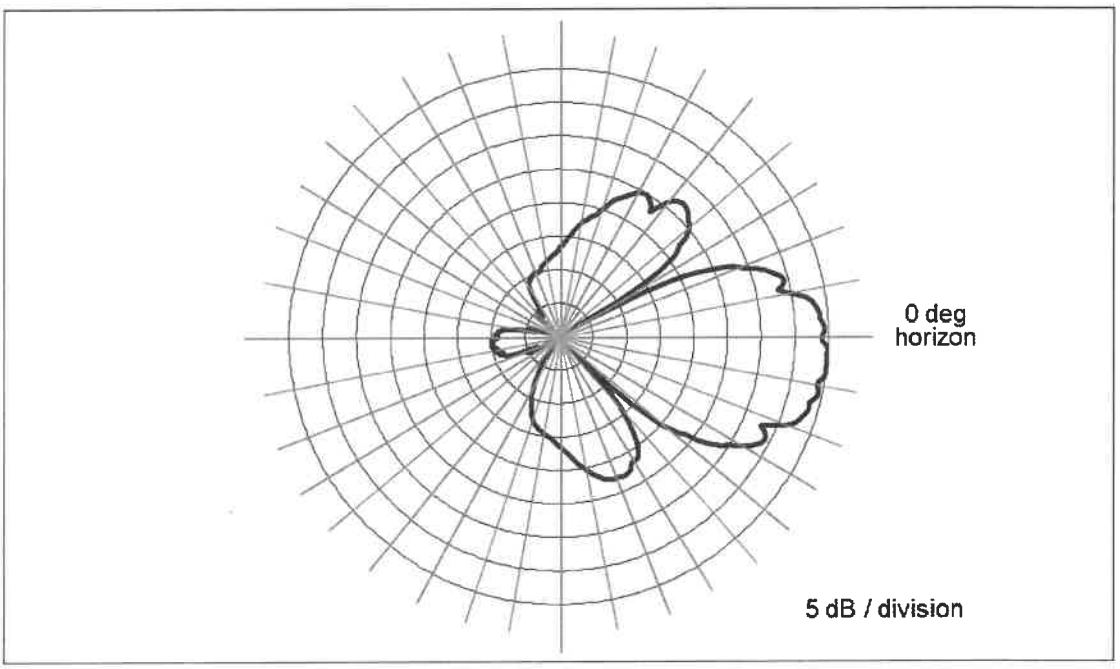
The area below the antennas, at street level, is of interest in terms of potential "uncontrolled" exposure of the general public, so the antenna's vertical-plane emission characteristic is used in the calculations, as it is a key determinant of the relative amount of RF emissions in the "downward" direction.

By way of illustration, Figure 1 that follows shows the vertical-plane radiation pattern of the proposed antenna model in the 2500 MHz frequency band. In this type of antenna radiation pattern diagram, the antenna is effectively pointed at the three o'clock position (the horizon) and the relative strength of the pattern at different angles is described using decibel units.

Note that the use of a decibel scale to describe the relative pattern at different angles actually serves to significantly understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB the relative RF energy emitted at the corresponding downward angle is 1/100th of the maximum that occurs in the main beam (at 0 degrees); at 30 dB, the energy is only 1/1000th of the maximum.

Finally, note that the automatic pattern-scaling feature of our internal software may skew side-by-side visual comparisons of different antenna models, or even different parties' depictions of the same antenna model.

Figure 1. Ericsson AIR6419 – 2500 MHz Vertical-plane Pattern



As noted at the outset, there are other existing wireless antenna operations to include in the compliance assessment. For each of the wireless carriers, we will

conservatively assume operation with maximum channel capacity and at maximum transmitter power in each of their respective FCC-licensed frequency bands.

AT&T is licensed to operate in the 700, 850, 1900, 2100 and 2300 MHz frequency bands. In the 700 MHz band, AT&T uses four 40-watt RF channels per sector. In the 850 MHz band, AT&T uses seven 20-watt channels per sector. In the 1900 MHz band, AT&T uses four 30-watt channels per sector. In the 2100 MHz band, AT&T uses four 45-watt channels per sector. Lastly, in the 2300 MHz band, AT&T uses four 25-watt channels per sector.

Sprint is licensed to operate in the 800 MHz, 1900 MHz and 2500 MHz frequency bands. In the 800 MHz band, Sprint uses two 50-watt channels per sector. In the 1900 MHz band, Sprint uses four 40-watt channels per sector. In the 2500 MHz band, Sprint uses three 40-watt channels per sector.

Verizon Wireless is licensed to operate in the 746, 869, 1900 and 2100 MHz frequency bands. In the 746 MHz band, Verizon uses four 40-watt channels per antenna sector. In the 869 MHz band, four 40-watt channels per sector. In the 1900 MHz band, Verizon uses four 40-watt channels per antenna sector. In the 2100 MHz band, Verizon uses four 40-watt channels per sector.

Compliance Analysis

FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") provides guidelines for mathematical models to calculate the RF levels at various points around transmitting antennas. Different models apply in different areas around antennas, with one model applying to street level around a site, and another applying to the rooftop near the antennas. We will address each area of interest in turn in the subsections that follow.

Street Level Analysis

At street level around an antenna site (in what is called the "far field" of the antennas), the RF levels are directly proportional to the total antenna input power

and the relative antenna gain in the downward direction of interest – and the levels are otherwise inversely proportional to the square of the straight-line distance to the antenna.

Conservative calculations also assume the potential RF exposure is enhanced by reflection of the RF energy from the intervening ground. Our calculations will assume a 100% "perfect", mirror-like reflection, which is the absolute worst-case scenario.

The formula for street-level MPE compliance calculations from any given wireless antenna operation is as follows:

$$MPE\% = (100 * TxPower * 10^{(Gmax-Vdisc)/10} * 4) / (MPE * 4\pi * R^2)$$

where

MPE%	=	RF level, expressed as a percentage of the FCC general population MPE limit
100	=	factor to convert the raw result to percentage form
TxPower	=	maximum net power into antenna sector, in milliwatts, a function of the number of channels per sector, the transmitter power per channel, and line loss
$10^{(Gmax-Vdisc)/10}$	=	numeric equivalent of the relative antenna gain in the downward direction of interest, referenced to any applied antenna mechanical downtilt
4	=	factor to account for a 100-percent-efficient energy reflection from the ground, and the squared relationship between RF field strength and power density ($2^2 = 4$)
MPE	=	FCC general population MPE limit
R	=	straight-line distance from the RF source to the point of interest, centimeters

The MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters, the FCC-recommended standing height) off the ground, as illustrated in Figure 2 on the next page.

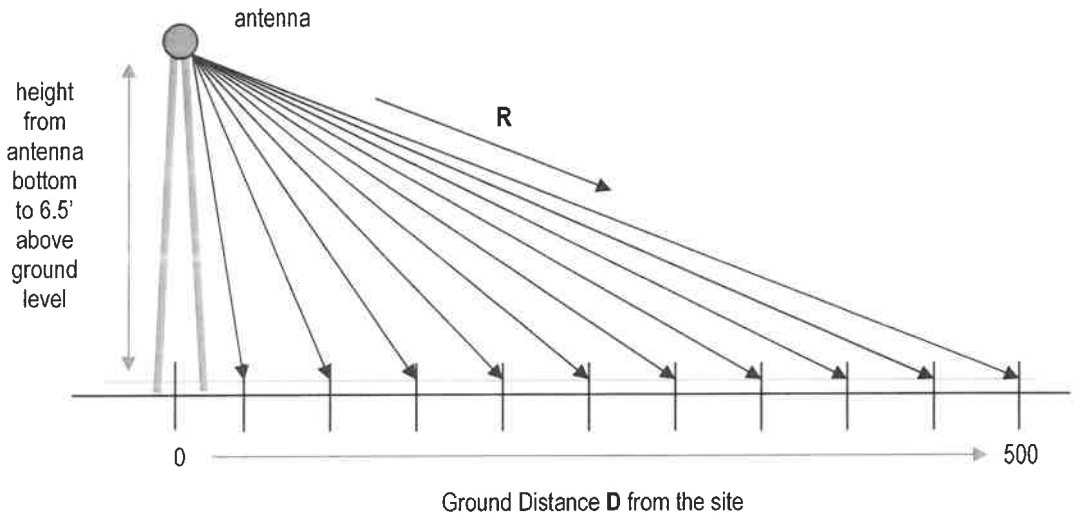


Figure 2. Street-level MPE% Calculation Geometry

It is popularly understood that the farther away one is from an antenna, the lower the RF level – which is generally but not universally correct. The results of MPE% calculations fairly close to the site will reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antenna.

Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site. As the distance approaches 500 feet and beyond, though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled and, as a result, the RF levels generally decrease with increasing distance. In any case, the RF levels more than 500 feet from a wireless antenna site are well understood to be sufficiently low to be comfortably in compliance.

According to the FCC, when directional antennas (such as panels) are used, compliance assessments are based on the RF effect of a single (facing) antenna sector, as the effects of directional antennas pointed away from the point(s) of interest are considered insignificant. If the different parameters apply in the different sectors, compliance is based on the worst-case parameters.

Street level FCC compliance for a collocated antenna site is assessed in the

following manner. At each distance point along the ground, an MPE% calculation is made for each antenna operation (including each frequency band), and the sum of the individual MPE% contributions at each point is compared to 100 percent, the normalized reference for compliance with the MPE limit. We refer to the sum of the individual MPE% contributions as "total MPE%", and any calculated total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represents non-compliance and a need to mitigate the potential exposure. If all results are consistently below 100 percent, on the other hand, that set of results serves as a clear and sufficient demonstration of compliance with the MPE limit.

Note that the following conservative methodology and assumptions are incorporated into the MPE% calculations on a general basis:

1. The antennas are assumed to be operating continuously at maximum power and maximum channel capacity.
2. The power-attenuation effects of shadowing or other obstructions to the line-of-sight path from the antenna to the point of interest are ignored.
3. The calculations intentionally minimize the distance factor (R) by assuming a 6'6" human and performing the calculations from the bottom (rather than the centerline) of each operator's lowest-mounted antenna, as applicable.
4. The calculations also conservatively take into account, when applicable, the different technical characteristics and related RF effects of the use of multiple antennas for transmission in the same frequency band.
5. The RF exposure at ground level is assumed to be 100-percent enhanced (increased) via a "perfect" field reflection from the intervening ground.

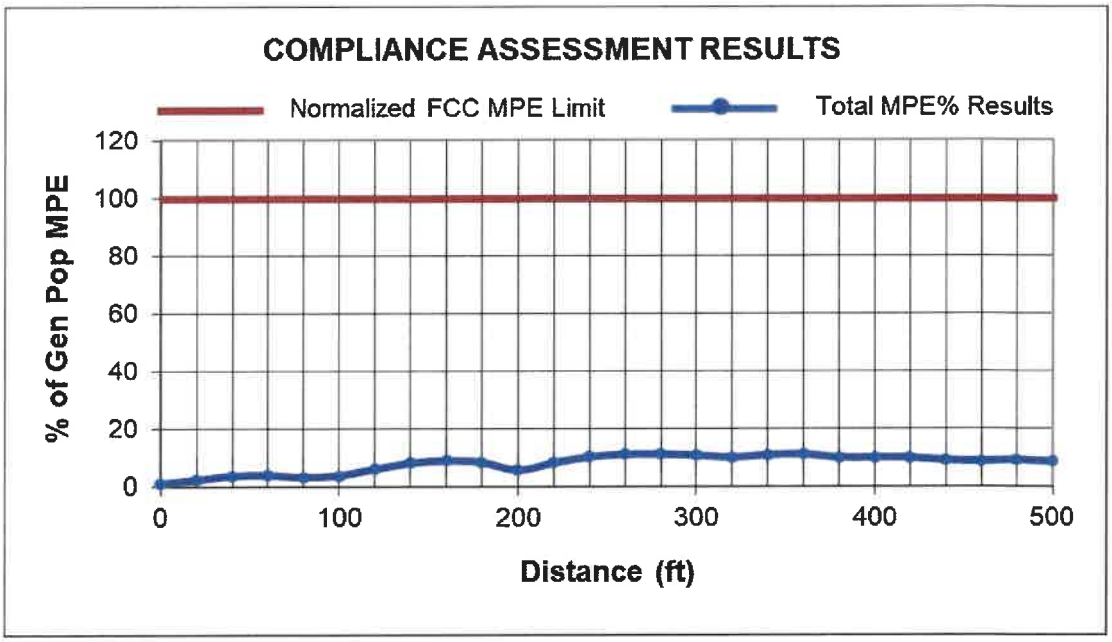
The net result of these assumptions is to intentionally and significantly overstate the calculated RF levels relative to the levels that will actually result from the antenna operations – and the purpose of this conservatism is to allow very "safe-side" conclusions about compliance.

The table that follows provides the results of the MPE% calculations for each antenna operation, with the overall worst-case calculated result highlighted in bold in the last column.

Ground Distance (ft)	T-Mobile 600 MHz MPE%	T-Mobile 700 MHz MPE%	T-Mobile 1900 MHz MPE%	T-Mobile 2100 MHz MPE%	T-Mobile 2500 MHz MPE%	AT&T MPE%	Sprint MPE%	Verizon Wireless MPE%	Total MPE%
0	0.0887	0.0092	0.0103	0.0211	0.5431	0.1677	0.0596	0.0509	0.9506
20	0.0639	0.0218	0.0101	0.1942	1.4866	0.3040	0.0249	0.0962	2.2017
40	0.3492	0.0501	0.0768	0.0599	2.0803	0.6364	0.0787	0.3353	3.6667
60	0.8158	0.0403	0.5219	0.0148	1.1366	0.9578	0.1220	0.3528	3.9620
80	1.3288	0.0702	0.1860	0.4430	0.0820	0.4704	0.1322	0.4145	3.1271
100	1.1522	0.1243	0.1263	0.2457	0.5755	0.7280	0.2007	0.6525	3.8052
120	0.6036	0.1311	0.0668	0.2083	2.4287	1.5426	0.3415	0.7234	6.0460
140	0.2185	0.0939	0.0172	0.2520	4.6813	1.6974	0.1307	1.0765	8.1675
160	0.0924	0.0317	0.0702	0.0874	6.5548	1.3205	0.1047	0.8585	9.1202
180	0.1497	0.0068	0.0902	0.0126	6.5103	1.0348	0.1415	0.5271	8.4730
200	0.4198	0.0077	0.0313	0.1148	3.9847	0.6923	0.1646	0.2318	5.6470
220	0.6757	0.0383	0.0105	0.0897	6.8557	0.2976	0.1852	0.0616	8.2143
240	0.7620	0.0573	0.0275	0.0392	8.9186	0.3305	0.1089	0.1211	10.3651
260	1.0499	0.1133	0.1525	0.0186	9.0689	0.5337	0.0493	0.2246	11.2108
280	1.1170	0.1362	0.2065	0.0667	8.5137	0.8110	0.0321	0.3664	11.2496
300	1.1728	0.1582	0.2261	0.1268	7.5606	1.0961	0.0599	0.5465	10.9470
320	1.2174	0.1784	0.2029	0.1646	6.2725	1.3461	0.1065	0.7506	10.2390
340	1.2454	0.1965	0.1456	0.1582	6.6035	1.5729	0.1404	0.9846	11.0471
360	1.2608	0.2121	0.0795	0.1142	6.4257	1.8279	0.1586	1.2211	**11.2999**
380	1.1382	0.1915	0.0718	0.1031	5.8014	1.6488	0.1431	1.1014	10.1993
400	1.1451	0.2036	0.0340	0.0619	5.2563	1.9831	0.1724	1.3344	10.1908
420	1.1386	0.2135	0.0519	0.0670	4.3968	2.4713	0.2456	1.5565	10.1412
440	1.0413	0.1952	0.0475	0.0613	4.0215	2.2590	0.2245	1.4228	9.2731
460	1.0290	0.2020	0.1411	0.1477	3.8121	2.0727	0.2060	1.3055	8.9161
480	0.9478	0.1861	0.1299	0.1360	3.5114	2.6386	0.2953	1.4817	9.3268
500	0.8758	0.1719	0.1200	0.1257	3.2446	2.4371	0.2727	1.3685	8.6163

As indicated, the maximum calculated overall RF level is 11.2999 percent of the FCC MPE limit – well below the 100-percent reference for compliance.

A graph of the overall calculation results, shown below, provides probably a clearer *visual* illustration of the relative insignificance of the calculated RF levels. The line representing the overall calculation results shows an obviously clear, consistent margin to the FCC MPE limit.

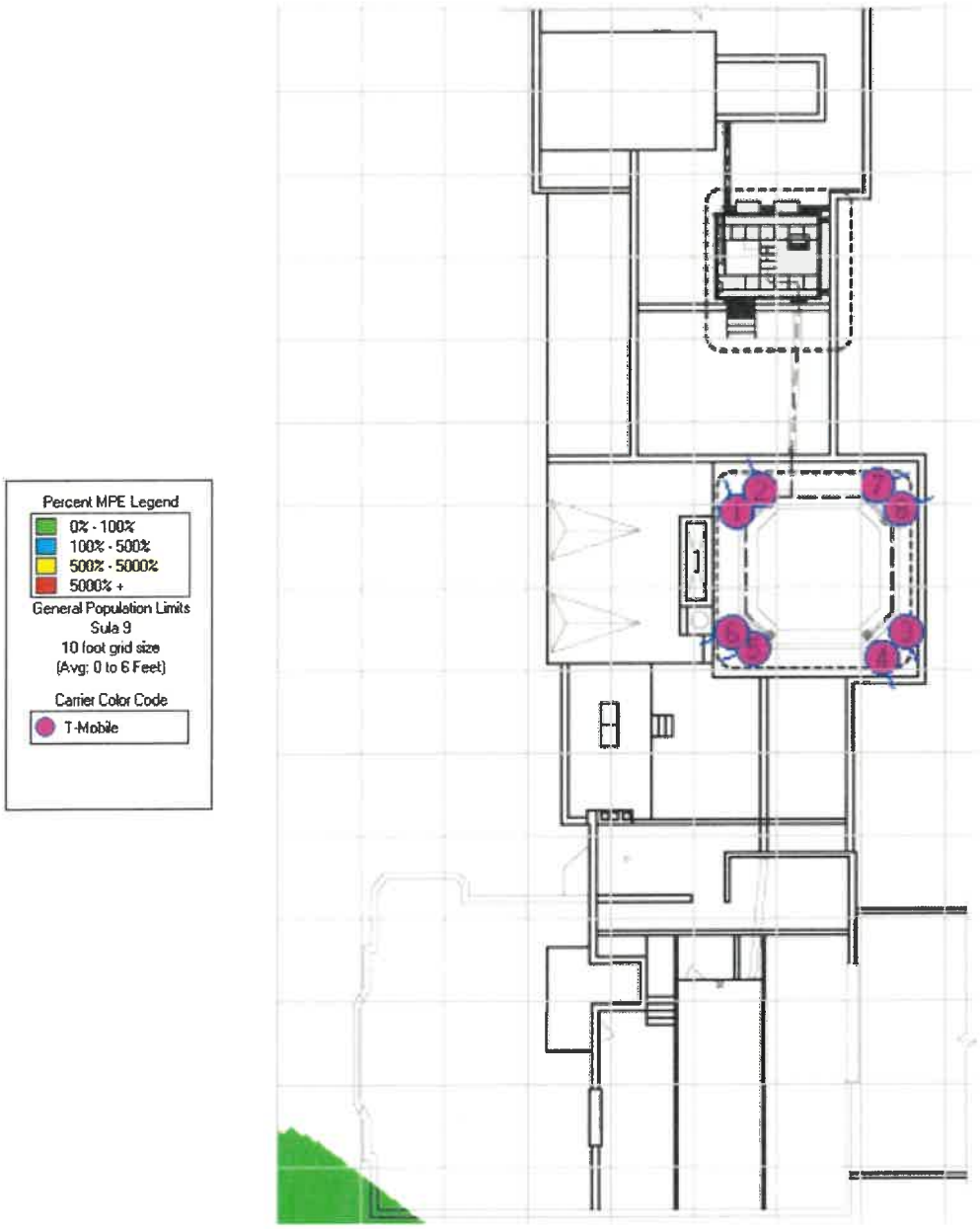


Rooftop Analysis

The compliance analysis for the rooftop is performed using the RoofMaster program by Waterford Consultants.

RF levels in the near field of an antenna depend on the power input to the antenna, the antenna's length and horizontal beamwidth, the mounting height of the antenna above nearby roof, and one's position and distance from the antenna. RF levels in front of a directional antenna are higher than they are to the sides or rear, and in any given horizontal direction are inversely proportional to the straight-line distance to the antenna.

The RoofMaster graphic output for the areas surrounding the T-Mobile antennas is reproduced below.



RoofMaster – Alpha / Beta / Gamma / Delta sectors

As indicated by the color coding of the subject roof, the calculated RF levels satisfy the FCC general population MPE limit.

Per T-Mobile guidelines, and consistent with FCC guidance on rooftop compliance, Notice, Guidelines and Emergency signs are to be installed at the rooftop access point(s).

Compliance Conclusion

According to the FCC, the MPE limit has been constructed in such a manner that continuous human exposure to RF emissions up to and including 100 percent of the MPE limit is acceptable and safe.

As described, the analysis in this case shows that the conservatively calculated RF levels in all areas of interest, i.e., at street level around the site and on the subject roof, satisfy the FCC general population MPE limit. Per T-Mobile guidelines, and consistent with FCC guidance on rooftop compliance, Notice, Guidelines and Emergency signs are to be installed at the rooftop access point(s).

Moreover, because of the conservative calculation methodology and operational assumptions we applied in the analysis, RF levels actually caused by the antennas will be even less significant than the calculation results here indicate.

Certification

The undersigned verify as follows:

1. We have read and are familiar with the FCC regulations concerning RF safety and the control of human exposure to RF fields (47 CFR 1.1301 *et seq*).
2. To the best of our knowledge, the statements and information disclosed in this report are true, complete and accurate.
3. The analysis of site RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.
4. The results of the assessment indicate that the subject antenna operations were in full compliance with the FCC regulations concerning the control of potential RF exposure on the date tested.

Daniel J Collins
Chief Technical Officer

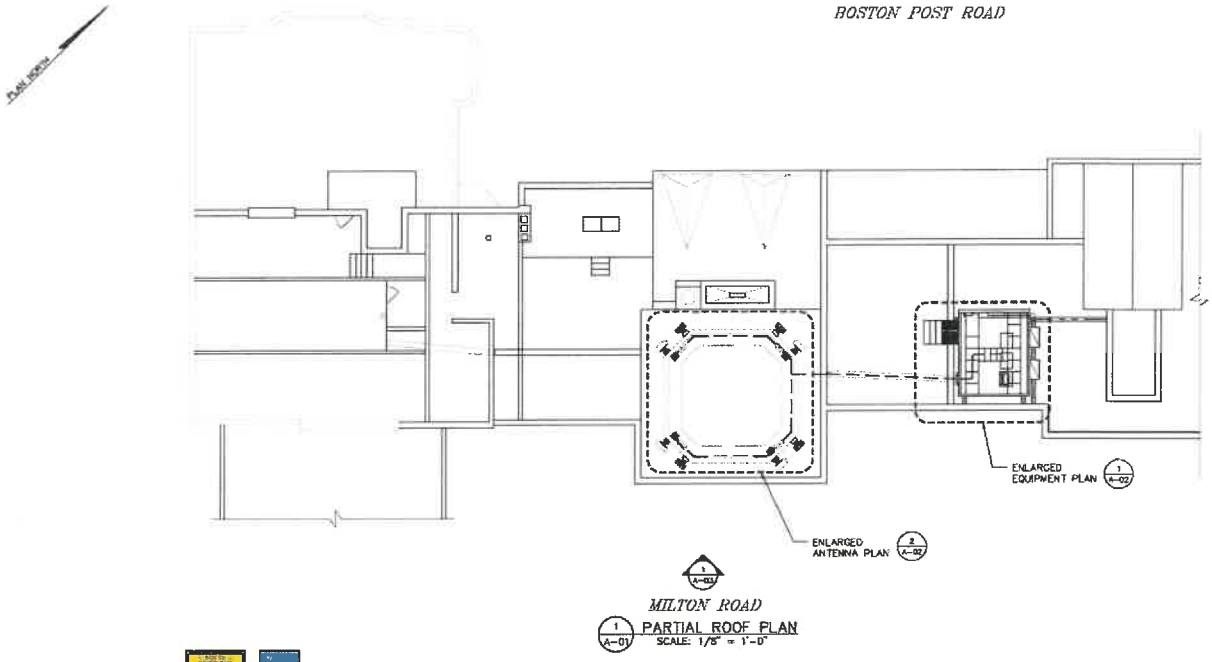
7/7/22
Date

Peter M. Longo, PE
Principal
PML Consulting Engineers, LLC
New York License No. 081318

7/7/22
Date

STATE OF NEW YORK
PETER M. LONGO
081318
LICENSED PROFESSIONAL ENGINEER

Appendix A. Proposed Site Mitigation



Install at roof access point(s)

Appendix B. Background on the FCC MPE Limit

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

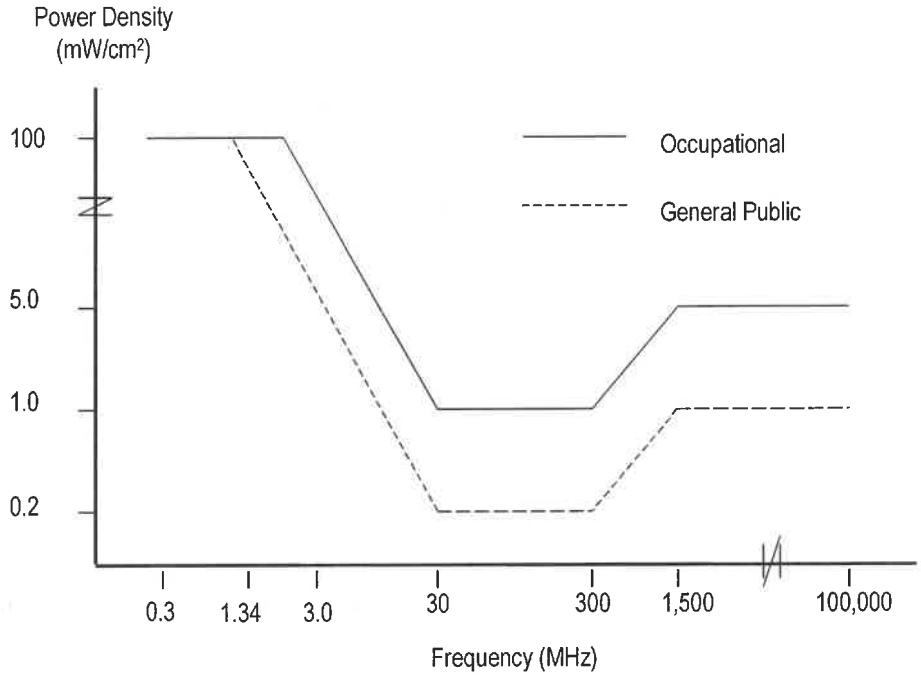
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for *two* tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm^2). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm^2 reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm^2)	General Public Exposure (mW/cm^2)
0.3 - 1.34	100	100
1.34 - 3.0	100	180 / F^2
3.0 - 30	900 / F^2	180 / F^2
30 - 300	1.0	0.2
300 - 1,500	F / 300	F / 1500
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's RF exposure limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.

The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

Note that the FCC "categorically excludes" all "non-building-mounted" wireless antenna operations whose mounting heights are more than 10 meters (32.8 feet) from the routine requirement to demonstrate compliance with the MPE limit, because such operations "are deemed, individually and cumulatively, to have no significant effect on the human environment". The categorical exclusion also applies to *all* point-to-point antenna operations, regardless of the type of structure they're mounted on. Note that the FCC considers any facility qualifying for the categorical exclusion to be automatically in compliance.

In addition, FCC Rules and Regulations Section 1.1307(b)(3) describes a provision known in the industry as "the 5% rule". It describes that when a specific location – like a spot on a rooftop – is subject to an overall exposure level exceeding the applicable MPE limit, operators with antennas whose MPE% contributions at the point of interest are less than 5% are exempted from the obligation otherwise shared by all operators to bring the site into compliance, and those antennas are automatically deemed by the FCC to satisfy the rooftop compliance requirement.

FCC References on RF Compliance

47 CFR, FCC Rules and Regulations, Part 1 (Practice and Procedure), Section 1.1310 (Radiofrequency radiation exposure limits).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192), Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62), and Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

FCC Report and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released August 1, 1996.

FCC Report and Order, Notice of Proposed Rulemaking, Memorandum Opinion and Order (FCC 19-126), *Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies,* released December 4, 2019.

FCC Office of Engineering and Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", Edition 97-01, August 1997.

FCC Office of Engineering and Technology (OET) Bulletin 56, "Questions and Answers About Biological Effects and Potential Hazards of RF Radiation", edition 4, August 1999.

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: October 27, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Midland Fair Committee to approve a parade to precede the Midland Elementary School Fair on Saturday, April 29, 2022 from 11:15 a.m. to 12:00 p.m.

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:
The Midland Fair committee is requesting the Council approve a parade to precede the Midland Elementary School Fair on Saturday, April 29, 2029 from 11:15 a.m. to 12:10 p.m.

See attached request.

CITY COUNCIL AGENDA

DEPT.: City Manager's Office DATE: October 27, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request from the Milton School PTO to have 2-3 food trucks for the Midland Fair on Saturday, April 30, 2022 from 12:00 p.m. to 5:00 p.m. The City Council will have to waive § 144-8D and G of the City Code.

FOR THE MEETING OF:
November 9, 2022

RECOMMENDATION: That the City Council approve the request for the food trucks.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:
Waive § 144-8D and G of the City Code.

BACKGROUND: The City Manager's Office received a request from the Midland School PTO to have 2-3 food trucks for the Midland Fair on April 30, 2022. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:
D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

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

See attached.

Ruttenberg, Noga P.

From: josephgrecoii@aol.com
Sent: Wednesday, October 26, 2022 11:16 AM
To: Ruttenberg, Noga P.
Cc: suzross79@gmail.com
Subject: Re: Request for Midland Fair 2023

Noga,
The parade will be between 11:15am-12:00pm with line up at 11:00am same route as prior. The food trucks would set up at 11 and begin services after parade at 12:00pm. The clean up will be at 4:45pm allowing them to stop prior, but with the children and crews still active in the driveway departure would be 5:00pm
Joe

-----Original Message-----
From: Ruttenberg, Noga P. <nruttenberg@ryeny.gov>
To: 'josephgrecoii@aol.com' <josephgrecoii@aol.com>
Sent: Wed, Oct 26, 2022 9:25 am
Subject: RE: Request for Midland Fair 2023

Hi Joe.

Can you please tell me the total number of food truck and the time window that they will be there?

Thanks,

Noga Ruttenberg
Assistant to the City Manager
Phone: 914-967-7404
Email: nruttenberg@ryeny.gov
City Hall
1051 Boston Post Road
Rye, NY 10580
www.ryeny.gov

From: josephgrecoii@aol.com <josephgrecoii@aol.com>
Sent: Wednesday, October 26, 2022 6:53 AM
To: Ruttenberg, Noga P. <nruttenberg@ryeny.gov>
Cc: suzross79@gmail.com
Subject: Request for Midland Fair 2023

Good morning Noga,

Can we please add an agenda item to a future meeting (preferably November 9th) to approve a request from Midland Elementary for permits for a parade and food trucks for their annual school fair on April 29, 2023?
Food permits currently are Jerry's Post Road and Longford's. The remaining trucks will be added and required to file for permit when awarded the post.

Thank you in advance,
Joe Greco Midland Far Co-Chair
Valerie Lapham Midland PTO Co-President, Midland Far Co-Chair