

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, May 24, 2023  
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 May 10, 2023.
4. War Memorial Committee Update.
5. Flooding Update.
6. Recognition of City staffers, Ryan Coyne, Ricky DiRago and Sophie Diamond as well as local business, Carpet Trends, for receiving awards from the State and County Recreation Associations.
7. Presentation of 2023 street resurfacing plan.
8. Update on potential Nursey Field project.
9. Continue the public hearing to amend Chapter 187 “Trees” of the Rye City Code.
  - a) Resolution to adopt a new local law Chapter 187, “Trees” of the Rye City Code and to adopt a SEQR Negative Declaration in connection with amendments to Chapter 187.
  - b) Resolution to adopt the new fees associated with Chapter 187 “Trees” of the Rye City Code.

10. Open a public hearing to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by repealing section 191-38.1. “Resident meter parking permit zone” within Article VII “Off-Street Metered Parking” to eliminate resident-only metered parking zones.
11. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
12. Resolution to declare Juneteenth a holiday in the City of Rye.  
Roll Call.
13. Set a public hearing for June 14, 2023, to adopt a new local law amending Chapter 1-12, “Definitions” under “General Provisions,” to add a definition for “holiday,” and create a uniform use of the word “holiday” throughout the City Code of the City of Rye by also amending “Telecommunications,” §185-4, and “Vehicles and Traffic” §191-38.1, §191-42, §191-46.
14. Old Business/New Business.
15. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, June 14, 2023, at 6:30 p.m.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under “RyeTV Live”.

***DRAFT UNAPPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on May 10, 2023, at 6:30 P.M.

PRESENT:

JOSH COHN, Mayor  
LORI FONTANES  
BILL HENDERSON (arrived at 6:42 P.M.)  
CAROLINA JOHNSON  
JOSHUA NATHAN  
JULIE SOUZA  
BENJAMIN STACKS  
Councilmembers

The Council convened at 6:30 P.M. in Rye City Hall. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. Pledge of Allegiance.

Mayor Cohn led the Council in the Pledge of Allegiance.

2. Role Call.

The City Clerk called the roll and there was a quorum.

3. Draft unapproved minutes of the Regular Meeting of the City Council held April 26, 2023, and the Joint City Council/School Board Meeting of April 22, 2023.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza, to adopt the minutes of the Regular Meeting of the City Council held April 26, 2023, and the Joint City Council/School Board Meeting of April 22, 2023. Councilman Nathan abstained from the approval of the April 26, 2023 minutes because he had not been able to review the changes.

4. Consideration of proposed policies for the City of Rye Fire Department:

- Policy # 205 – Training Policy
- Policy # 206 – Disclosure of Interest
- Policy # 208 – Solicitation of Funds
- Policy # 213 – Emergency Action Plan
- Policy # 304 – Traffic accidents involving Department vehicles
- Policy # 1040 – Line of Duty Death
- Policy # 1041 – Line of Duty Death Notification

Public Safety Commissioner Mike Kopy first explained proposed policies for the Police Department. (See Item 5.)

Mr. Kopy explained the proposed policies for the Rye Fire Department. Policy #205 established training objectives and how training will proceed. Policy #206 ensured that the Fire Department had a disclosure of interest officer, and that anyone requesting a facility inspection disclosed their interest ahead of time.

Councilwoman Johnson asked if the cost of fundraising (Policy #208) was borne by the Department. Mr. Kopy replied there will be no City money expended for fundraising for any reason. Mr. Kopy stated that firefighters participate in fraternal organizations outside the scope of their employment, and the Department ensured the activities did not conflict with City or State ethics laws. Policy #213 established emergency action and fire evacuation plans for the firefighters' quarters at headquarters and Milton Point. Policy #304 reinforced how to handle a traffic accident involving a Department vehicle.

Policy #1040 was the protocol for line-of-duty death or injury, and Policy #1041 established the process of notification of such an event, and included Critical Incident Stress Debriefing for the firefighters to mitigate the impact of traumatic work-related situations. Mr. Kopy said Rye firefighters planned to attend a conference for more critical incident training. Police department accreditation now required a similar program, and Mr. Kopy expected the same to be required of the fire department.

Councilwoman Johnson asked if police and firefighters were familiar with the new policies. Mr. Kopy described the process of policy modification which included employee review. After Mr. Kopy and the captain review Lexipol's policy recommendations for cities like Rye, the policies get distributed to the lieutenant in every squad. The squads discuss the policies, and each employee's review of the policies is tracked. Mr. Kopy and the captain review employee feedback, make appropriate changes, and share the policies with the union. After the union provides its recommendation, the final changes are made and brought to the City Council, and the policies become effective immediately upon approval.

5. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department:

- Policy # 100 – Law Enforcement Authority for Police Officers
- Policy # 201 – General Orders

Mr. Kopy explained that Policy #100 established under what section of NY State law the officers derive their power from. Policy #201 was a mechanism to allow the commissioner to make changes to orders as needed, then move the issue forward to the City Council. Mr. Kopy confirmed for Mayor Cohn that substantive changes would be brought to the Council, but if circumstances required immediate action, the Council would be made aware after the fact.

6. Boat Basin and Rye Golf Club 2022 preliminary financial results.

City Comptroller Joe Fazzino presented the 2022 auditor's report for the Boat Basin and Rye Golf Club. The Boat Basin fund earned just over \$1 million in operating revenues, and operating expenses were \$527,707. The FEMA aid total for Ida was just under \$95,000. Mayor

Cohn asked City Manager Mr. Usry if there was a claim pending for silting in the Basin and the Channel, and Mr. Usry confirmed the \$400,000 was yet to be approved by FEMA, which would be split between the Channel and the Basin, and those funds were separate from what was already approved and received.

Mr. Usry said that the total cost of the Basin dredge was nearly the current balance of the fund, perhaps \$75,000 higher, but that would not occur until the fall. City staff was working on a capital plan both for the dredge and to cover normal renewal and replacement expenses. Remaining funds at the end of the year would be applied to the fund balance for future dredges.

Mr. Fazzino confirmed for Councilman Henderson that the auditor’s findings were preliminary. There may be adjustments for capital leases and golf club equipment, but the Boat Basin numbers were not likely to change. The final report will be presented to the Council by the auditor in July. Councilwoman Fontanes asked if there a plan for dealing with silt going forward. Mr. Usry replied the City was in the middle of the learning the process now; there had not historically been a capital plan for dredging, dock replacement, and related items.

For the Golf Club, operating revenues for 2022 were \$5.22 million, and operating expenses were \$5.26 million. The Lessings’ contract brought in \$738,544, and FEMA aid for Ida damage was \$117,188. Net income for the Golf Club was \$814,532.

7. Resolution to amend the 2023 Adopted Fees and Charges for police overtime reimbursable rates.

Mr. Usry explained that the City of Rye provides police for traffic control measures for big utility transactions and projects, as seen on Purchase Street the last three months of the winter. Normally, the utility companies provided flag operations, but Rye routinely provides police for complicated projects, which was a common practice throughout Westchester. The utility company fully reimburses the City for those as overtime police hours.

The policies were reviewed and updated to reflect current police hourly costs, including insurance, pension, vehicles, and administration. Compared with surrounding communities, Rye’s police pay was neither the highest nor lowest. The matter will be reviewed every year or two years moving forward. Mr. Usry assured Councilman Henderson that the rates were reasonable and comfortable for the City. He confirmed that police assigned to utility projects would still respond to emergencies in Rye. He explained to Councilman Nathan that the structure for administrative fees was tailored to utility projects expenses.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the following changes to the 2023 Adopted Fees and Charges for police hourly overtime reimbursable rates:

Police Officers	\$150
Police Sergeants	\$180
Police Lieutenants	\$200

**ROLL CALL**

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

8. Continue the public hearing to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye. (Mead Place parking district)

Ms. Wilson explained the substantive changes to the new local law. Based on public hearing comments and emails, there would be two parking permits per household instead of one, with the disclaimer that parking spots were not guaranteed for every permit. The effective date was changed to June 15, 2023. Mr. Usry said the permits would be regulated through Passport, a license plate reader system utilized by the City. Residents will be required to provide proof of residency and car registration. Permits will cost \$25 per year, per car, to cover the cost of administration. The fee will not be incurred until January 2024 to reduce the administrative burden of issuing pro rata permits.

Mr. Usry reported that YMCA leaders requested the opportunity to discuss the impact of the parking district after a year of experience. Mayor Cohn acknowledged the parking district was an experiment that may be implemented elsewhere in Rye if deemed successful. Mr. Usry assured Councilman Nathan that the topic would be on the agenda at the June 2024 City Council meeting.

No members of the public wished to be heard in the public session.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to close the public hearing. The Council unanimously agreed.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to adopt a new law to amend Chapter 191 to permit resident on-street parking at the new Mead Place Parking District as follows:

**LOCAL LAW NO. 5 2023**

**A Local Law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye.**

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

**Section 1. Chapter 191, titled “Vehicles and Traffic,” is hereby amended to add Part 4 “Residential On-Street Parking Permit System,” Article IX “Residential On-Street Parking Permit Regulations” to the Rye City Code as follows:**

**§ 191-50 Purpose, intent and findings.**

- A. The City Council hereby finds that a residential parking permit system on Mead Place is necessary in order to preserve the character of the neighborhood, improving access to residences and parking for residents. Mead Place is a small horse-shoe shaped street that provides access to approximately 17 homes as well as small businesses and the Rye YMCA (the “YMCA”). The Mead Place neighborhood is within the Central Business District of Rye and is readily accessible to the downtown streets to shop and eat. Mead Place is also within walking distance to the Metro North Railroad station. The parking on Mead Place is free. Currently, with very limited exceptions, there is no overnight street parking in the City from November through March.
  
- B. The YMCA’s parking lot frequently overflows during peak a.m. and p.m. hours when programming and group exercise classes are running or during swim meets and gymnastic competitions. In order to address the overflow parking from the YMCA members as well as the public wishing to obtain free parking while commuting on Metro North or while shopping and dining downtown and to allow those residents on Mead Place the ability to park their vehicles on the street during the day without a time restriction, the City Council sought state legislation authorizing the creation of an on-street parking permit system for residents, which legislation was adopted and became effective on June 30, 2022, and codified in the New York State Vehicle and Traffic Law as section 1640-r.

**§ 191-51. Definitions.**

As used in this article, the following terms shall have the meaning indicated, unless the context clearly requires otherwise:

RESIDENT – an individual currently residing within the parking area based on the submission of adequate documentation in accordance with the provisions of this article.

RESIDENTIAL PARKING PERMIT AREA – Consisting of the following roadway on the following street(s) and sides of streets.

<b>1.</b>	<b>Name of Street</b>	<b>2.</b>	<b>Side</b>	<b>3.</b>	<b>Location</b>
4.	Mead Place	5.	Both	6.	Between Locust Av on each end

**§191-52. Designation of permit parking areas; permit required; hours.**

- A. A residential parking permit system is hereby established within the residential parking permit area, as define herein.
  
- B. Except as otherwise provided herein, no person shall park a vehicle, nor allow a vehicle to be parked at any time, Monday through Friday between the hours of 7:00 a.m. to 7:00 p.m.,

excluding holidays, along any street that has been designated a residential parking permit area pursuant to this article.

- C. The City shall register the car within the City’s parking permit system and such permits shall be enforced by the City of Rye Police Department.

**§ 191-53. Issuance of residential parking permits.**

- A. Upon application and payment of the applicable fee, any person who is a resident and who meets the applicable requirements of this article shall be permitted one permit. There shall be a maximum of two permits issued per household. The City Clerk shall establish guidelines to issue permits, including proof of residency.
- B. The permittee shall immediately notify the City Clerk of any change or amendment from the information contained in the original application.

**§ 191-54. Fees.**

- A. The fees for residential parking permits shall be set by resolution by the City Council of Rye.
- B. The fees collected pursuant to this article shall be credited to the general fund of the City of Rye.

**§ 191-55. Exemptions; Nonresident Parking Exception.**

- A. Motor vehicles registered pursuant to §404-a of the New York State Vehicle and Traffic Law shall be exempt from any permit requirement established pursuant to this chapter.
- B. No permit shall be required on those portions of streets within the residential parking permit area where the adjacent properties are zoned for commercial or retail use.
- C. Notwithstanding anything to the contrary herein, vehicles without a permit may be parked in the non-residential parking permit area for a period not in excess of 90 minutes.

**§ 191-56. Conflicts.**

To the extent that the provisions in this article conflict with any other provisions in Chapter 191, the provisions herein control.

**§ 191-57. Penalties for offenses.**

Any person violating any provisions in this article may, upon conviction, be punished by a fine set by resolution of the City Council.

**Section 2. Severability.**



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

**Section 3: Effective Date.**

This local law shall take effect June 15, 2023 after filing with the Secretary of State.

**ROLL CALL**

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

9. Open a public hearing to adopt a Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye.

Mr. Usry stated that the adoption of a new local law to amend Chapter 161 came about to address a City lateral along Manursing Way that will required a forced main during construction. To approve the private forced main, the County said Rye would need to amend local law to keep residents and/or developers in compliance with County forced main regulations.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza, to open the public hearing. The Council was unanimously in favor.

There being no one present to speak at the public hearing, Councilwoman Souza made a motion, seconded by Councilman Stacks, to close the public hearing. The Council was unanimously in favor.

Councilwoman Johnson made a motion, seconded by Councilman Stacks, to adopt a Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye:

**LOCAL LAW NO. 6 2023**

**A Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye.**

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

**Section 1.** Chapter 161, titled “Sewers,” Article III titled “Private Sanitary Sewer Laterals” is hereby amended in the Rye City Code as follows:

ARTICLE III  
**Private Sanitary Sewer Laterals**

**§ 161-15. Legislative intent.**

The purpose of this article is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Rye and exfiltration of sewage into groundwater and waterways by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Rye.

**§ 161-16. Definitions.**

As used in this article, the following terms are defined as follows:

**DISCHARGE COMPLIANCE CERTIFICATE**

A certificate issued by the Building Inspector based upon a plumber's certification stating that:

- A. All of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines comply with the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. There are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. The sanitary sewer laterals leading from the structures on the property do not directly or indirectly allow inflow or infiltration into the City's public sanitary sewer lines.

**EXFILTRATION**

Raw sewage that leaks out of laterals into soil, groundwater and waterways.

**INFILTRATION**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

**INFLOW**

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street washwaters and drainage. Inflow does not include, and is distinguished from, infiltration.

**PLUMBER'S CERTIFICATION**

A certification made to the City by a plumber licensed to do business within the County of Westchester that the plumber:

- A. Has inspected all of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Code, Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. Has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. Has inspected the sanitary sewer laterals leading from the structures on the property and determined that such laterals do not directly or indirectly allow inflow or infiltration therefrom into the City's public sanitary sewer lines, which inspection must include either a video record of a closed-circuit television (CCTV) inspection of the entire sanitary sewer lateral that has been provided to the City, or, in the case of a force or pump system, the results of a pressure test of the system; satisfactory, in either case, to the Building Inspector or his designee.

#### RENEWAL EVENT

Either a transfer of title to the real property, other than a transfer between family members in order to create a joint tenancy or tenancy in common, or an application for a building and/or plumbing permits for construction with a value that exceeds 50% of the assessed value of the property, including improvements. Renewal events shall occur provided no inspection has been conducted at the subject property in the five-year period prior.

#### SANITARY SEWER LATERAL or LATERAL

The sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

#### **§ 161-17. Standards for maintenance of sanitary sewer laterals.**

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code.
- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.
- D. Laterals shall not exhibit any sign of exfiltration or leakage.

- E. Lateral pipe joints shall be tight and all lateral pipes shall be free of any structure defects such as breaks, openings, and voids.

§ 161-17.1. Standards for connection to a common force main.

Connection to any common sanitary sewer force main shall be constructed strictly in accordance with plans, details, specifications, and standards approved by the City Engineer and the Westchester County Department of Health.

**§ 161-18. Correction or abatement.**

- A. If at any time any sanitary sewer lateral is found by the Building Inspector or City Engineer to not be in compliance with the requirements of § 161-17, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Unless the Building Inspector and City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Building Inspector and City Engineer or their designees within 60 days of the sooner of becoming aware of the noncompliance, or receiving notice from the City or otherwise, including an inspection by a plumber done in connection with providing a plumber's certification, that the lateral is not in compliance.
- B. If the owner fails to complete the repairs and bring the lateral into compliance within the time required, the City may enter upon the property and complete the required work, and the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as, City taxes.
- C. Upon completion of the repairs, the owner must provide to the Building Inspector and City Engineer a detailed invoice specifying the repairs made and reflecting payment for the repairs and a plumber's certification, and must obtain from the Building Inspector a discharge compliance certificate.
- D. An owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this article, and must be inspected by the Building Inspector, who will issue a discharge compliance certificate if the new lateral complies with the requirements of this article.

**§ 161-18.1. Inspection upon renewal event.**

- A. Each property owner must obtain a discharge compliance certificate prior to any renewal event as defined in § 161-16. Upon making an application for a discharge compliance certificate, the Building Inspector, City Engineer, or their designees shall have the right to inspect the property. If the plumber's inspection, the video required to be submitted, or the inspection by the Building Inspector or his designee indicates the lateral is not in compliance with the requirements set forth in § 161-16 above, the owner shall be required to correct the conditions not meeting the requirements and provide a plumber's certification and video

indicating all conditions have been corrected and that the lateral is now in compliance with this article. Upon the Building Inspector and City Engineer determination that the lateral is in compliance, the discharge compliance certificate will be issued.

- B. If at the time of a renewal event or a required inspection the owner can prove that a discharge compliance certificate has been issued within the preceding five years, and there has been no significant change in the condition of the property, the Building Inspector may waive the requirement for a new discharge compliance certificate for that particular renewal event.

**§ 161-18.2. Fees.**

The fee for the issuance of a discharge compliance certificate shall be as set forth in the fee schedule adopted by the City Council.

**§ 161-18.3. Penalties for offenses.**

Any person, firm, association, or corporation which violates any of the provisions of this article or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

**Section 2. Severability.**

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

**Section 3: Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State.

ROLL CALL

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

10. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.

No members of the public wished to be heard.

11. Set a public hearing for May 24, 2023, to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by repealing section 191-38.1. “Resident meter parking permit zone” within Article VII “Off-Street Metered Parking” to eliminate resident-only metered parking zones.

Mr. Usry stated the new local law to amend Chapter 191 “Vehicles and Traffic” was an attempt to create more parking spaces downtown. About ten unused spots on Theodore Fremd would be redesignated as metered, unrestricted parking. City Clerk Carolyn D’Andrea explained that many years ago, the City Council adopted a resident-only permit to save spaces for commuters who arrived after 9:30 a.m., and while that may have once been a popular option, no permits had been sold in nearly a decade. The spaces were not being used, and there has been a major need for parking among the residents, commuters, visitors of the downtown, and merchants. Removing this restriction would

Councilwoman Fontanes made a motion, seconded by Councilwoman Johnson, to set the public hearing for May 24, 2023, adopt a new local law to amend Chapter 191 “Vehicles and Traffic.” The Council was unanimously in favor.

12. Resolution to declare certain City equipment as surplus.

Mr. Usry shared the lengthy list of outdated technical items, many of which were removed from the Council chambers. Though the technology vendor indicated the items were worthless, the Council was required to declare the inventory as surplus for disposal. Any items that had value would be sold.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, 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 2023, 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 Fontanes, Henderson, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: None

13. Old Business/New Business.

There were no old or new business items before the Council.

14. Adjournment.

Councilwoman Souza made a motion, seconded by Councilman Nathan, to adjourn the City Council meeting at 7:12 P.M.. The Council was in favor and the meeting was adjourned.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 17, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

War Memorial Committee Update

**FOR THE MEETING OF:**

May 24, 2023

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 4, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Flooding Update.

**FOR THE MEETING OF:**

May 24, 2023

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 12, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Recognition of City staff: Ryan Coyne, Ricky DiRago and Sophie Diamond as well as local business, Carpet Trends, for receiving awards from the State and County Recreation Associations.

**FOR THE MEETING OF:**

May 24, 2023

**RECOMMENDATION:** That the Council give recognition.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

In April, several of our employees and a local business received **awards from the State and County Recreation Associations**. The Young Professional award and the Austin Welch Pierre award are particularly impressive and speak so highly of the contribution by our employees.

***New York State YOUNG PROFESSIONAL AWARD – Ricky DiRago***

The Young Professional Award is presented to a current parks and recreation professional who exhibits the attributes of an emerging leader, as displayed through their initiative, innovation, and contributions to the park and recreation field. Nominees should possess a record of career advancement, be engaged in professional and/or community organizations, and demonstrate outstanding service to their agency.

***The Austin Welch PIERRE Award – Ryan Coyne (Rec Park and Amphitheatre Project)***

The purpose and function of the PIERRE Award, as distinguished from the other categories, is to acclaim and recognize not only those in the recreation, parks, conservation, and allied professions but also those who interpret the public in general, excellence of effort in the recreation and park field. To receive the PIERRE Award, the individual or organization nominated should have completed in the year before the selection, a piece of outstanding creative work; or have demonstrated leadership of excellence having an impact on recreation and parks participation, not merely county or statewide, but even regionally, nationally and internationally. The recipient can be a layman, a professional, or organization in the recreation, parks, and conservation fields or an allied field, such as the arts, architecture, education and professional training, city

planning and management, literature and public news media, legislation and political science, research, public finance and philanthropy, and social work.

***Staff Associate Award- Sophie Diamond, 20+ year well-loved part time employee of Rye Recreation.***

To receive the Staff Associate Award the nominee shall be a part-time or seasonal employee of a local agency or recreation and parks department who has provided service above and beyond the expectations of his or her position for a period of three years since 2020.

***Irwin "Red" Klein Commercial Recreation Award- Carpet Trends, Supporting Rye Recreation Special Events and programs for over 20 years.***

To receive the Commercial Recreation Award, a commercial organization, business or agency should provide, to a group or municipality served by the Westchester Recreation and Park Society, a service over and above its own financial gains such as the contribution of time, equipment, products, studies, education, or other related services since 2020.



# CITY COUNCIL AGENDA

DEPT.: City Engineer

DATE: May 17, 2023

CONTACT: Ryan Coyne, City Engineer

**AGENDA ITEM:** Presentation of Street Resurfacing Plan for 2023.

**FOR THE MEETING OF:**  
May 24, 2023

**RECOMMENDATION:** That the Council hear the presentation.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See Attached.



**CITY OF RYE**  
**Department of Public Works**

**Interoffice Memorandum**

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To: Greg Usry, City Manager

From: Ryan Coyne, City Engineer *RXC*

Date: May 18, 2023

Subject: 2023 Annual Street Resurfacing Road List

The City's consultant, VHB, has completed their re-evaluation of the pavement condition for City maintained streets. Below is a list of worst to first roads that we recommend completing this year.

<b>Name</b>	<b>From</b>	<b>To</b>
GRACE CHURCH ST	MIDLAND AVE	FOREST AVE
REYMONT AVE	SONN DR	PARKWAY DR
PARKWAY DR	CRESCENT DR	CLAREMONT AVE
THE LANE (PARKING LOT)	MILTON RD	DEAD END
COTTAGE ST	MIDLAND AVE	CITY LINE
BARLOW LANE	NEIL PL	CUL-DE-SAC
BEVERLY DR	CLAREMONT AVE	PARKWAY DR
EVERGREEN AVE	HILLSIDE RD	ELIZABETH ST
FIELDSTONE RD	FOREST AVE	STONYCREST RD
ANN LANE	FOREST AVE	CUL-DE-SAC
FOREST AVE	BECK AVE	APAWAMIS AVE
MEADOW PL	HIGHLAND RD	DEAD END
GREENHAVEN RD	RYE RD	DEAD END
MENDOTA AVE	HIGHLAND RD	MOHAWK ST
HARBOR LANE	GREENHAVE RD	BARLOW LA

Please feel free to contact me should you need additional information.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 4, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Update on potential Nursery Field

**FOR THE MEETING OF:**

May 24, 2023

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Beginning in 2019, the City engaged Stantec Engineering to review Nursery Field and to provide various options and cost estimates for improving the facility. In addition to the field, the City commissioned a Hydrologic and Hydraulic (H&H) study to further understand the movement of water abutting the field and along that portion of the Blind Brook. In February of 2020, the City held two public meetings to provide information for the City Council and community regarding potential improvements.

The presentation is intended to provide updated cost estimates for the same possible options and to highlight any industry or technology changes that have occurred in recent years. To see all relevant documents related to this project, click [here](#).



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Continue the public hearing to amend Chapter 187  
“Trees” of the Rye City Code.

- a) Resolution to adopt a new local law Chapter 187, “Trees” of the Rye City Code and to adopt a SEQR Negative Declaration in connection with amendments to Chapter 187.

**FOR THE MEETING OF:**

May 24, 2023

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Please see attached draft law, resolution of adoption and Full EAF including the attachment detailing all substantive changes of the proposed law from the existing tree law.

**The changes shown in this version are from the previous draft presented at the April 26, 2023 Public Hearing.**

**D R A F T**

**LOCAL LAW  
CITY OF RYE NO. \_\_\_\_ -2023**

**A Local law to amend in its Entirety Chapter 187 “Trees”, of the Code of the City of Rye, New York**

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

**Section 1. Chapter 187, “Trees”, of the Code of the City of Rye is hereby repealed in its entirety and replaced with the following:**

**CHAPTER 187 TREES**

**ARTICLE I  
Findings, Purpose and Definitions**

**§ 187-1 Findings and ~~purpose~~Purpose.**

The preservation and maintenance of trees and wooded lands is necessary to protect the health, safety and general welfare of the City of Rye because trees and their canopy provide shade, impede soil erosion, aid water absorption, reduce storm water runoff, enhance air quality, mitigate global climate change, yield advantageous microclimate effects, offer a natural barrier to noise, provide a natural habitat for wildlife and add to the aesthetic quality of the community. The purpose of this chapter is to encourage the preservation and planting of healthy native trees, enhance the tree canopy throughout Rye and to encourage the proper planning for the maintenance ~~and~~, restoration and protection of City trees.

**§ 187-2 Definitions.**

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

ANSI A300 Standards – The standards with respect to the care and treatment of trees developed by the American National Standards Institute and designated as ANSI A300.

CALIPER – The trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizessized trunks.

CITY - City of Rye, New York.

CERTIFIED ARBORIST - A professional holding certification regulated and maintained with the International Society of Arboriculture (ISA).



CITY PROPERTY —~~Every parcel~~Parcels owned by the City of Rye, which includes rights-of-way (ROW), parks, open space and City facilities ~~as shown on the City's Official Tax Map.~~

DBH- - The diameter of a tree measured at a point of fifty-four (54) inches above ground level at the base of the tree on the uphill side.

~~INVASIVE SPECIES — A non-native tree species that adversely affects the habitats it invades economically, environmentally, or ecologically and is a tree listed as a prohibited or regulated invasive species pursuant to 6 CRR NY 575.3 or CRR NY 575.4, as amended from time to time.~~

PUBLIC PROPERTY - Shall be any property or right-of-way owned by any municipal corporation or public school district: that is not defined as City Property

PUBLIC RIGHT-OF-WAY – The surface and space above, on, and below any public highway, avenue, street, lane, alley, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, public easement, right-of-way or any other public ground or water within or in which the City now or hereafter holds any property interest.

TREE - A living deciduous or coniferous plant with an erect perennial trunk and a definitely formed crown of foliage.

TREE, PROTECTED - Any tree that has a DBH of eight (8) inches or greater.

TREE, SIGNIFICANT - Any tree that has a DBH of thirty (30) inches or greater.

TREE ~~FOREMAN~~FOREPERSON - The labor ~~foreman~~foreperson in charge of trees or such representative, such as an experienced certified arborist, designated by the City Engineer.

## ARTICLE II Trees on City and Public Property

### § 187-3 Planting of ~~trees~~Trees on City property.

No person shall plant any tree, shrub or other vegetation within the limits of any public street, right-of-way, park or other public place without first obtaining a permit from the Department of Public Works and complying with the following requirements. Such a permit shall be granted only upon the determination by the Tree ~~Foreman~~Foreperson, after consulting with the Police Department, that such a planting will not create a traffic hazard and will not interfere with the use of such street, right-of-way, park or other public place by the public and that such planting will enhance the beauty and appearance of the street, right-of-way, park or other public place and the surrounding area.

A. Trees planted within the limits of any City street, right-of-way, park or other public place shall be of a species and quality approved by the Tree ~~Foreman~~Foreperson and shall be planted at least 30 feet apart unless otherwise authorized by the Tree ~~Foreman~~Foreperson. Each

deciduous tree shall measure not less than 2.0 inches nursery caliper nor less than eight (8) to ten (10) feet in height, if a conifer.

- B. Should any tree, shrub or plant planted within the limits of any City street, right-of-way, park or other public place pursuant to any such permit, in the opinion of the Tree ~~Foreman~~Foreperson, at any time constitute a traffic hazard, interfere with the use of such street, right-of-way, park or other public place by the public or detract from the beauty and appearance of the street, right-of-way, park or other public place or the surrounding area, such tree, shrub or plant will be removed.

**§ 187-4 Protection to ~~public trees~~City Trees.**

- A. ~~No~~Unless approved by the Tree Foreperson, no person, including a person employed by or acting on behalf of a public utility or the City of Rye, may:

- (1) Remove a tree on City property ~~without the approval of the Tree Foreman~~;
- (2) Fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any City street, right-of-way, park or public place or allow any animal under his control to injure any such tree or shrub;
- (3) Injure or destroy any tree on City property; pruning shall be done pursuant to ANSI standards and topping will not be permitted.
- (4) Pass any public service utility wire through the branches of a tree on City property without sufficient insulation to prevent damage to the tree;
- (5) Attach a guy wire to a tree on City property in such a manner as to girdle or restrict the growth of the tree. Where it is necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunks or by eyebolts passing through the trunk; or
- ~~(6) Attach a guy wire or cable to a tree on public property except by means of a lag hook screwed into the trunk or an eyebolt passing through the trunk; or~~
- ~~(7)~~
- (6) Climb a tree on City property with the aid of spurs, unless the trees is being climbed for removal.

- B. No person, including any person or entity engaged by any person to treat any tree on public property, may treat a tree on public property without the permission of the Tree ~~Foreman~~Foreperson.

- C. Any person who removes a tree on City property or causes a tree on City property to be removed, must, within three (3-six) months or as soon as possible after doing so, remove

the stump and all debris from the disturbed area, backfill all holes and leave the area graded and covered in a manner acceptable to the Tree ~~Foreman~~Foreperson.

- D. No person shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated City trees without first receiving approval by the Tree ~~Foreman~~Foreperson. No City employee shall treat City trees without first consulting the Tree ~~Foreman~~Foreperson
- E. Trees on Public Property as defined herein are not subject to the requirements of this Chapter. Trees on City Property as defined herein shall not be subject to the requirements of Article III, Trees on Private Property, of this Chapter.
- F. When it is necessary to remove limbs to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain a permit from the ~~Department of Public Works~~Tree Foreperson before starting such work. It shall not be necessary to secure a permit for the usual periodical removal of small branches to allow the free passage of wires, but any such work will be subject to inspection by the Tree ~~Foreman~~Foreperson, and where such work is not up to ANSI A300, Part 1 standard, any expense incurred by the City in repairing the same will be charged to the public utility responsible.

**ARTICLE III  
Trees on Private Property**

**§ 187-5 Prohibited trees.**

Property owners and other persons are prohibited from planting the ~~any Invasive Species as defined in Section 187-2.~~following invasive tree species: Sycamore Maple (*Acer pseudoplatanus*), Amur Cork Tree (*Phellodendron amurense*), Gray Florist's Willow (*Salix atrocinerea*), Norway Maple (*Acer platanoides*), Black Locust (*Robinia pseudoacacia*).

**§ 187-6 Removal of trees as part of Subdivision.**

Any property owner applying for subdivision approval whose plans would require the removal of any trees is subject to the tree preservation regulations outlined in Chapter 170, *Subdivision of Land*, of the Code of the City of Rye. -

**§ 187-7 Permit required and approving authority**

- A. Permit Required. The removal of any Protected Tree or Significant Tree shall require the submission of a tree removal permit from the City Building Inspector. Permit and application requirements as set forth by the Building Inspector shall be submitted prior to the commencement of any tree removal. An application fee and inspection fee in amounts set forth in a fee schedule established from time to time by the City Council shall be submitted with the application. The Building Inspector may consult with a Certified

Arborist, Tree ~~Foreman~~Foreperson or other City Official as authorized by the City Manager to confirm tree health and condition prior to the issuance of a permit. Appeals of the Building Inspector’s determination or permit conditions can be appealed to the City Planning Commission. Permits shall be issued as follows:

- (1) Dead, Diseased or Dangerous Trees. The Building Inspector may approve the removal of any Protected or Significant Tree deemed dead, diseased or deemed an imminent risk pursuant to the standards and criteria of ANSI A300, Part 9. The Building Inspector may establish expedited permitting procedures for tree removal required due to imminent risk or other similar emergency.
- (2) Limited Tree Removal. If a tree is deemed neither dead nor deemed an imminent risk, the Building Inspector may approve within any 12-month period on a property the removal of any Protected or Significant Tree subject to the limitations in the table below. Any tree removal exceeding the maximum permitted tree removal limitations in the table below shall be subject to ~~subject to~~ the Planning Commission review and restoration requirements of §187-8.

**Tree Removal Allowed by the Building Inspector in a 12-Month Period**

<b>Private Property Lot Size</b>	<b>Permitted Tree Removal by Building Inspector</b>
Less than 10,000 square feet	Up to 3 Protected Trees, not more than 1 of which can be a Significant Tree
10,001 square feet to 20,000 square feet	Up to 4 Protected Trees, not more than 1 of which can be a Significant Tree
20,001 square feet to 2 acres	Up to 6 Protected Trees, not more than 2 of which can be a Significant Tree
Greater than 2 acres to 10 acres	Up to 13 Protected Trees, not more than 3 of which can be a Significant Tree
More than 10 acres	Up to 36 Protected Trees, not more than 6 of which can be a Significant Tree

B. Storm Damage Exemption. As a result of a severe weather event involving significant damage to trees, the City Manager may temporarily suspend the requirement of this Chapter.

**§ 187-8 Planning Commission review and appeals**

A. Application Requirements. Applications seeking to appeal a Building Inspector determination or an application for tree removal subject to Planning Commission review pursuant to §187-7 or §187-8, shall provide the application forms, information and plans as established by the Planning Commission and submitted pursuant to their meeting deadline requirements. An application fee and inspection fee in amounts set forth in a fee

schedule established from time to time by the City Council shall be submitted with the application.

B. Procedure. The Planning Commission shall review tree removal permit applications or Building Inspector appeals at their regularly scheduled meetings. Such meetings shall adhere to notice, minute and decision-making requirements as provided for by law. No tree removal shall commence until a written permit has been issued by the Planning Commission.

C. Tree Removal Involving Land Development. Applications involving tree removal pursuant to § 187-7 that is associated with land development or land disturbing activities must be reviewed and approved by the Planning Commission. All development activities including but not limited to all proposed structures such as buildings, pools, walls, impervious areas, grading, utility connections and stormwater drainage measures shall be shown on a plan and its relationship and potential impact to existing regulated trees. The size, type, health and condition of all regulated trees as determined by Certified Arborist shall be shown on the plan as well as all tree preservation and tree protection measures.

D. Permit Condition and Decision Criteria. As part of any tree permit the Planning Commission is authorized to implement conditions or require measures to protect trees from development or construction activities. In considering tree removal applications or Building Inspector appeals, the Planning Commission shall authorize tree removal consistent with the ~~following decision criteria:~~decision criteria listed below. If such criteria has not be satisfied the application may be denied by the Planning Commission.

(1) The tree to be removed is dead, diseased, dangerous or invasive.

(2) The tree to be removed substantially interferes with the permitted use of the property and that such construction or use of the property cannot be reasonably modified or altered to accommodate the preservation of the tree.

(3) The tree removal will promote the growth or health of existing or proposed vegetation, remedy a public safety concern or is otherwise necessary because of extenuating circumstances.

(4) The number of trees to be removed is the minimum necessary to meet the reasonable needs of the applicant.

E. The Planning Commission in its review of any application may seek the assistance of an experienced Certified Arborist and the advisory opinion of the Conservation Commission/ Advisory Council. The Commission may also require the applicant to place in escrow with the City a fee sufficient to reimburse the City for the cost of professional consultation fees and other expenditures attributable to the proposal. The Planning Commission may establish an escrow account funded by the applicant prior to the Commission authorizing the performance of consulting services regarding the proposal.

§ 187-9 Restoration

A. Tree Replacement Schedule. All permits involving the removal of trees as part of a Planning Commission permit shall be required to replant trees on the property based on the following schedule:

DBH of Tree Removed (inches)	Number of Trees To Be Replanted
8 to 12	1 for every two trees removed
13 to 24	1 for every tree removed
25 to 39	2 for every tree removed
40 to 49	3 for every tree removed
50 to 59	4 for every tree removed
60 or greater	5 for every tree removed

B. Tree Replanting Guidelines. As part of a restoration plan the Planning Commission shall adhere to the following tree replanting guidelines, which it may modify at its discretion based on specific site condition or other circumstances.

- (1) Replanted trees shall have a minimum caliper of 2.0 inches or greater or 8-10 feet tall if a conifer tree. The number and size of replanted trees can be varied by the Planning Commission due specific site conditions or potential circumstances such as minimizing potential erosion impacts.
- (2) Native hardwood deciduous trees shall be preferred over non-native or ornamental trees or shrubs.
- (3) A diversity of tree species, both deciduous and coniferous, in a tree replanting program shall be encouraged to the maximum extent possible.
- (4) Where possible, tree replanting should be located in front yards, particularly where large mature trees have been removed in a front yard.
- (5) On-site tree replacement is preferred over off-site such as an adjacent right-of-way. Any tree planting on City Property requires approval of the Tree ~~Foreman~~Foreperson prior to planting regardless of whether it is part of a Planning Commission’s approved restoration plan.

C. Tree Replanting Conditions. The Planning Commission is authorized to establish reasonable conditions related to replanting requirements including, but not limited to required City inspections, time frames to complete required replanting and other provisions to ~~insure~~ensure the preservation and survivability of required replanted trees. Following The Planning Commission shall follow ANSI standards adjusted for local conditions.

- D. In the event that conditions on a lot make the planting of required replacement trees not feasible, the Planning Commission may order the applicant to pay a sum of money to the City's Tree Fund in an amount established by the City Council in its annual fees and charges schedule.

**§ 187-10 Removal of branches overhanging highways.**

Where privately owned trees encroach upon any street, right-of-way, park or other public place, the Tree ~~Foreman~~Foreperson is authorized to remove branches overhanging any public street, right-of-way, park or other public place, or if, in his or her judgment, such trees are dangerous to the public, he or she is authorized to remove them.

**§ 187-11 Removal of dead trees.**

Where any dead tree or trees located on private property adjacent to a public street, right-of-way, park or other public place constitute a danger or are potentially dangerous to the traveling public, the Tree ~~Foreman~~Foreperson may serve personally or by mail upon the owner of said property a written notice to remove the dead tree or trees, and upon failure to do so within 20 days after the service of said notice, the City, through its contractors, agents or employees, may remove the same and assess the cost thereof against the property affected by said assessment, to be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied, collected and enforced.

**ARTICLE IV  
Penalties for Offenses**

**§ 187-12 Penalties for offenses.**

- A. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction, may be subject to fines, including:
- (1) Violations affecting a Protected Tree: up to \$1,000 per violation;
  - (2) Violations affecting a Significant Tree: up to \$1,000 per violation;
  - (3) Other violations of this chapter: up to \$1,000 per violation;
  - (4) Fines are cumulative;
  - (5) Each tree removed in violation of this Chapter shall be deemed a separate violation;
  - (6) Both the property owner and the tree removal contractor may be held in violation and fined separately.
- B. A restoration agreement may be required in addition to any fines associated with the violation.

- (1) The restoration agreement may mandate planting one or more replacement trees on the property that are of like quality and size to those removed in violation of this Chapter. If like-sized replacement is not practical, replacement with a specific quantity of smaller-sized trees may be required.
  - (2) Restoration planting shall be completed within six months of the execution of the restoration agreement. If seasonal planting requirements prevent the timely completion of restoration, the time line may be extended by the Building Inspector.
  - (3) No certificate of occupancy shall be issued by the Building Inspector until the restoration work is completed to the reasonable satisfaction of the Building Inspector. If circumstances prevent the restoration plan from being completed, the Building Inspector may permit the owner to post a bond or cash equivalent sufficient to cover the cost of the restoration planting. The bond or cash equivalent will be returned to applicant upon the satisfactory completion of work inspection to the satisfaction of the Building Inspector.
- C. In addition to the foregoing, any person, firm or corporation engaged in the business of tree removal or care who or which shall aid, assist or abet in the violation of this Chapter may be denied a permit under 187-7 for up to two years to ensure future compliance.
- D. The City shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this Chapter and to compel the replacement of any or all trees removed illegally, and the restoration of the land affected to its condition prior to the provisions of this chapter.
- E. The City shall not issue a building permit, Certificate of Occupancy for any property for which a violation of this chapter has been served, or for which an administrative or judicial proceeding has been commenced under this section, for 18 months after said violation or proceeding is dismissed or resolved.

## **ARTICLE V Enforcement**

### **§ 187-13 Enforcement.**

The City Engineer or the Building Inspector or their designee shall enforce this chapter.

#### **Section 2. Severability**

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

#### **Section 3. Effective Date**

This local law shall take effect ~~immediately~~30 days upon filing with the Secretary of State.



x:\trees\ll 2023-xx chapter 187 ~~reesv008~~reesv011.docx

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

**Instructions for Completing Part 1**

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

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

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

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

Name of Action or Project: A Local Law to Amend Chapter 187 "Trees" of the Code of the City of Rye		
Project Location (describe, and attach a general location map): City of Rye, New York		
Brief Description of Proposed Action (include purpose or need):  The proposed action involves the adoption of a local law to amend the City's current regulation tree removal and protection. The proposed action is not a specific project or applicable to a particular site. See attachment to this EAF.		
Name of Applicant/Sponsor: Rye City Council		Telephone: 914-967-7404
		E-Mail: gusry@ryeny.gov
Address: 1051 Boston Post Road		
City/PO: Rye	State: NY	Zip Code: 10580
Project Contact (if not same as sponsor; give name and title/role): Greg Usry, City Manager		Telephone: 914-967-7404
		E-Mail: gusry@ryeny.gov
Address: 1051 Boston Post Road		
City/PO: Rye	State: NY	Zip Code: 10580
Property Owner (if not same as sponsor): N/A		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

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

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

**C. Planning and Zoning**

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

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

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

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

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

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

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

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No

If Yes, what is the zoning classification(s) including any applicable overlay district?  
The proposed action involves the adoption of a local law and is not a specific project or located on a particular site.  
\_\_\_\_\_

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

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

If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_ The proposed action involves the adoption of a local law and is not a specific project or located

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

a. In what school district is the project site located? Rye City and Rye Neck School Districts.

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

c. Which fire protection and emergency medical services serve the project site?  
The proposed action involves the adoption of a local law and is not a specific project or located on a particular site.

d. What parks serve the project site?  
The proposed action involves the adoption of a local law and is not a specific project or located on a particular site.  
\_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

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

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

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_  
ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

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

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

i. Total number of structures \_\_\_\_\_

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

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

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

i. Purpose of the impoundment: \_\_\_\_\_

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

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

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

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

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

**D.2. Project Operations**

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

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

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

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

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

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

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

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

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

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If Yes, describe: \_\_\_\_\_

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

If Yes:

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

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

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

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

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

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

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

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iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

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

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

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

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

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

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

If Yes:

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

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

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

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

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

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

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

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t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

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

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

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

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

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

a. Existing land uses.

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

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

ii. If mix of uses, generally describe:

\_\_\_\_\_

\_\_\_\_\_

b. Land uses and coverytypes on the project site.

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

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

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

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

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

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

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

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

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

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**E.2. Natural Resources On or Near Project Site**

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

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

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

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

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

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

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

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

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

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

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

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

**F. Additional Information**

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

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

**G. Verification**

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

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

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

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

Agency Use Only [If applicable]

Project :   
 Date :

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

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

**Tips for completing Part 2:**

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

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

**2. Impact on Geological Features**

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

NO

YES

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

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

**3. Impacts on Surface Water**

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

NO

YES

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

**13. Impact on Transportation**

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

 NO YES

(See Part 1. D.2.j)

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

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

**14. Impact on Energy**

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

 NO YES

(See Part 1. D.2.k)

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

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

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

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

 NO YES

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

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

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

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

### 16. Impact on Human Health

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

NO

YES

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

**17. Consistency with Community Plans**

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

NO

YES

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

**18. Consistency with Community Character**

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

NO

YES

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



**ATTACHMENT  
FULL ENVIRONMENTAL ASSESSMENT FORM**

**Proposed Local Law to Amend Chapter 187, *Trees*,  
of the Code of the City of Rye, New York**

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The proposed action involves the adoption of a local law to amend Chapter 187, *Trees*, of the Code of the City of Rye. The purpose of the law is to provide greater regulation over the removal of trees in the City. The proposed action would not have a significant adverse environmental impact and seeks to provide greater protection of the environment than existing City law.

The following provides a description of the proposed changes listed by section of the existing tree law:

**Article I. Findings and Purpose**

- *Findings and purpose (§187-1)*. This section was revised to enhance and expand the benefits of trees and the need for regulation of trees in the City.

**Article II. Definitions**

- *Definitions (§187-2)*. The definition of “shrub” was removed from the existing law since it is not regulated. The definition of “City Naturalist” was removed since this position no longer exists in the City and will no longer have enforcement or administrative responsibilities under the amended tree law. The definition of “tree” and “public right-of-way” were amended for clarity. New definitions required by the amended law include “ANSI A300 standards,” “caliper,” “City,” “certified arborist,” “City Property,” “DBH,” “public property,” “tree, protected,” “tree, significant.”

**Article III. Trees on Public Property**

- *Planting of Trees (§187-3)*. This section remains substantially unchanged except that the minimum size of required tree planting was reduced from 2.5-caliper to 2.0-caliper and to provide a planting size for conifers, which not cited in the current tree law. Smaller tree sizes promote longer term survivability since they require few years of care and maintenance to become established.
- *Protection to City Trees (§187-4)*. This section was amended to consolidate former section §187-5 (*fastening of animals or attaching of signs to trees or shrubs*), §187-6 (*permit required for treating public trees*), §187-7 (*deposit to guarantee proper work*), §187-8 (*use of spurs, insulated wires or guy wires*) and §187-9 (*removal of limbs*). Most of these regulations remain unchanged from the existing law. All activities relating to City trees require the approval of the City Tree Foreperson. The amended law requires adherence to ANSI standards for pruning trees on City property. Proposed §187-4.E states that trees on

“Public Property” (i.e. State, County, Town, School Districts) are not subject to the City’s tree law. Trees on “City Property” (i.e. City property and City rights-of-ways) are not subject to the requirements and procedures applicable to private trees as provided for in Article III.

#### **Article IV, Trees on Private Property**

- *Prohibited Trees (§187-10)*. This section was amended in proposed §187-5 to change the list of prohibited trees to be consistent with the list of invasive tree species prohibited by the New York State Department of Environmental Conservation.
- *Removal of Trees (§187-11) and Granting of Permit; stop orders (§187-12)*. These sections were substantially amended to change a how tree removal is regulated in the City, including the following:
  - *Permit Required*. Proposed §187-7 requires that the removal of all trees over 8-inch caliper (i.e. “Protected Trees”) on a property require a permit or review from the City. Trees over 30-inch caliper (i.e. “Significant Trees”) also have additional limits regarding the number of permitted removals on a property. Under existing law 8-inch caliper trees require a tree removal permit where such trees are located within the required zoning yard setback abutting public property or road right-of-way.
  - *Approval Authority*. Under existing law the tree removal permits are required to be submitted to the Department of Public Works (DPW) and approved by the City Naturalist. The City Naturalist position no longer exists in the City so these permits have been issued by DPW. Under proposed §187-7 the Building Inspector or Planning Commission have the approval authority regarding tree removal depending on the quantity of trees removed.

Under the proposed law the removal of dead, diseased or dangerous trees are approved by the Building Inspector. The law also provides that such proposed removal can be reviewed by a certified arborist retained by the City. There is no limit on the number of dead, diseased or dangerous trees that can be removed on a property.

Under the proposed law a limited number of protected and significant trees are permitted to be removed in a 12-month period if such trees are not dead, diseased or dangerous. The number of permitted removals varies by lot size. Property owners seeking this permitted removal are required to file for a permit so the number trees can be logged in by the Building Department.

If the number of trees exceeds the thresholds cited above, the removal of such trees would require review and approval by the City Planning Commission.

The proposed law includes a provision for suspending tree permitting requirement in the event of a severe weather event.

- *Appeals.* Existing §187-12 provides that the Board of Architectural Review hears appeals of denials of a tree removal permit by staff. Proposed §187-8 changes the appellate board to the City Planning Commission.
- *Decision Criteria.* The proposed law (§187-8.D) amends and broadens the decision making criteria for tree removal from the current standards in the existing law under §187-12. Both the current and proposed law retain provisions that tree removal shall be allowed if it substantially interferes with the permitted use of a property.
- *Restoration.* Unlike the existing tree law proposed §187-9 sets forth tree replacement requirements for the number of trees removed. Tree replacement is only required for tree removal subject to Planning Commission review. The proposed law includes guidelines for the Planning Commission for tree replanting including the provision for a contribution to a tree fund where required tree replanting cannot be accommodated on a property.
- *Removal of branches overhanging highways (§ 187-13).* The provisions of this section were retained in the proposed law in §187-10.
- *Removal of Dead Trees (§ 187-14).* The provisions of this section were retained in the proposed law in §187-11.

#### **Article V. Protected Trees**

- *Protected Trees (§ 187-16).* This section was removed. The new law establishes new guidelines for protected trees and the City Board of Architectural Review no longer has authority under the proposed law.

#### **Article VI. Penalties for Offenses and Article VII. Enforcement**

- *Penalties for Offences (§187-17).* The law was revised to increase the fine for unpermitted removal and the types penalties that can be assessed such as the prohibition on the issuance of any new permit from the City for up to two years.
- *Enforcement (§187-18).* This section was amended to change the enforcement authority from the City Naturalist, Tree Foreman or Building Inspector to the City Engineer or Building Inspector.

## RESOLUTION

### **Adopting a Local Law to Amend Chapter 187 “Trees”, of the Code of the City of Rye and to adopt a SEQR Negative Declaration in connection with amendments to Chapter 187.**

WHEREAS, on March 15, 2023, the City Council presented an initial working draft of an amendment in its entirety of Chapter 187 “Trees” of the Rye City Code; and

WHEREAS, the City Council subsequently set a public hearing for April 26, 2023, to adopt a local law to amend Chapter 187 “Trees” to the Code of the City of Rye; 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 draft local law on April 26, 2023, in which it gave all those wishing to be heard the opportunity to be heard; and

WHEREAS, the City Council continued the public hearing on an amended draft local law on May 24, 2023, in which it gave all those wishing to be heard the opportunity to be heard; and

WHEREAS, a draft local law and Environmental Assessment Form with attachment 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 issues a Negative Declaration; and

BE IT FURTHER RESOLVED, that the City Council adopts Local Law #\_ -2023 to amend in its entirety Chapter 187 “Trees” to the Code of the City of Rye.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Continue the public hearing to amend Chapter 187  
"Trees" of the Rye City Code.

- b) Resolution to adopt the new fees associated with Chapter 187  
"Trees" of the Rye City Code.

**FOR THE MEETING OF:**

May 24, 2023

**RECOMMENDATION:** That the Council adopt the resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Please see attached.

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




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**CITY OF RYE**  
**Office of the City Manager**

**Inter-Office Memorandum**

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**To:** Mayor Cohn and Rye City Council  
**From:** Greg Usry   
**Date:** Tree Law Costs and Fee Recommendations  
**Re:** May 19, 2023

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In consideration of the proposed tree law and expected costs, I am recommending the budget appropriation and permit fees outlined below. We are basing these fees on the estimated costs related to the engagement of a consulting arborist, overall staff time in administrating the new law, inspecting applicant property, preparing materials for the various land use boards and commissions, enforcing the law and providing follow up inspections. Please be aware that for the remainder of 2023 we will be collecting more accurate data on the number and type of applications, actual costs incurred and the requisite consultant and staff time to administer the law. Based upon these facts, we may be recommending modifications to the fees with the Proposed 2024 Budget. For 2023, I am requesting authorization to engage a consulting arborist and the transfer of \$25k from the City's Contingency Fund to provide for those services.

**Recommended Tree Permit Fee - \$50** This fee will cover the required filing of any tree removal permit for a Protected Tree or Significant Tree. This filing fee will not cover our anticipated costs but is in line with similar laws in surrounding communities.

**Planning Commission Tree Review Fee - \$500** This fee will cover any tree removal application which goes before the Planning Commission (independent of other fees related to site plan, wetland permits etc.). The fee will offset the costs of the consulting arborist to review the proposed tree(s) removal, any required site visits, reviewing restoration plans, administrating the Tree Fund etc.

**Fee in Lieu of Restoration - \$300/tree** For situations where replanting is not feasible (187-9(D)), there is a required contribution to the City's Tree Fund. \$300 per tree will approximately cover the cost to the City of acquiring a 2-inch caliper tree. The cost does not include installation and maintenance. That cost would be absorbed by the City (DPW).

## RESOLUTION

### **Adopting fee schedule in connection with amendments to Chapter 187**

WHEREAS, on May 24, 2023, the City Council adopted amendments to Chapter 187 “Trees” of the Rye City Code; and

WHEREAS, the new permitting process for certain tree removal activity will require additional administrative time to review and process, in addition to staff and other professional consultant costs; and

WHEREAS, because there are new and/or additional types of applications to be processed, the City Council finds it reasonable to adopt a revised fee schedule to correlate to the new types of permits.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council hereby adopts the following fee schedule for the remaining months of 2023:

- A) Tree Permit Fee - \$50** This fee will cover the required filing of any tree removal permit for a Protected Tree or Significant Tree.
- B) Planning Commission Tree Review Fee - \$500** This fee will cover any tree removal application which goes before the Planning Commission (independent of other fees related to site plan, wetland permits etc.).
- C) Fee in Lieu of Restoration - \$300/tree** For situations where replanting is not feasible, there is a required contribution to the City’s Tree Fund.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 4, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Open a public hearing to amend Chapter 191 "Vehicles and Traffic" by repealing section 191-38.1. "Resident meter parking permit zone" within Article VII "Off-Street Metered Parking" to eliminate resident-only metered parking zones.

**FOR THE MEETING OF:**

May 24, 2023

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Please see the memorandum and draft local law attached.



Carolyn D'Andrea  
City Clerk  
1051 Boston Post Road  
Rye, New York 10580



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# Office of the City Clerk

## Memorandum

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To: Greg Usry, City Manager  
From: Carolyn D'Andrea, City Clerk  
Date: 5/3/2023  
Re: Repeal of Chapter 191-38.1, "Resident Meter Parking Zone."

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The green meters along the brook on Theodore Fremd (near Car Park 2) were once used for resident-only permits, as authorized by City Code Chapter 191-38.1. When enacted, this provision of the City Code enabled residents to purchase a permit (\$100 annually) from the Clerk's Office, and then pay the meters to park there on a daily basis, after 9:30 A.M. The intent was to accommodate "late comers" that were commuting from the train station. There are about ten meters or so in that location.

Our office has been studying this area and the need for parking within the City as a whole. The office has not sold a permit for this area since 2016 (at that time, the office sold one permit for the year). With the signs still posted indicating that a permit is required, city staff has observed that those spots are almost always empty. Considering the needs of the public, merchants, and commuters alike, we feel it necessary to remove the requirement to obtain a permit to park in this area, but still maintain the ability for the public to park for the day in these spots. This would allow this unused space to be utilized by an array of users who need a place to park, and hopefully alleviate some of the parking issues we have in the downtown.

[Type here]

A LOCAL LAW TO AMEND CHAPTER 191 (VEHICLES AND TRAFFIC) BY REPEALING SECTION 191-38.1. "RESIDENT METER PARKING PERMIT ZONE" WITHIN ARTICLE VII (OFF-STREET METERED PARKING) TO ELIMINATE RESIDENT-ONLY METERED PARKING ZONES.

Section 1. Section 191-38, Parking in metered zones, Article VII, *Off-Street Metered Parking*, of the Code of the City of Rye is hereby amended as follows:

§ 191-38. Parking in metered zones.

When any vehicle shall be parked in a space regulated by a parking meter, the operator thereof shall, upon entering such space, park such vehicle within the lines marked on the street, curb or parking area and, if the time is between the hours of 7:00 a.m. and 7:00 p.m. or between the hours of 9:00 a.m. or 9:00 p.m. in the off-street parking areas maintained by the City of Rye on City-owned lands known as Car Park No. 1, Car Park No. 2, Car Park No. 3, Car Park No. 4 and Car Park No. 5 on any day except Sunday, immediately deposit the parking meter fee in the parking meter regulating such space and actuate the mechanism of such meter as required by the directions thereon.

~~§ 191-38.1. Resident meter parking permit zone.~~

- ~~A.— No person shall be permitted to park an automobile or other vehicle or shall permit an automobile or other vehicle to remain in or upon the public parking places on land owned and controlled by the City of Rye and shown and designated on the Tax Map of the City of Rye as Sheet 146.07, Block 1, Lot 64, between the hours of 9:30 a.m. and 7:00 p.m. each day, except Sundays and legal holidays, unless the owner of such vehicle shall have a tag or license for resident meter parking and shall, upon entering such space, park such vehicle within the lines marked and immediately deposit the parking meter fee in the parking meter regulating such space and activate the mechanism of such meter as required by the directions therein.~~
- ~~B.— No parking shall be permitted from 3:00 a.m. to 9:30 a.m. in this resident meter parking permit zone.~~
- ~~C.— Any resident of the City of Rye desiring a resident meter parking permit shall, upon application to the City Clerk and payment of an annual fee to be set annually by the City Council before adoption of the budget for the following~~

~~year, receive a tag or license entitling that person to park an automobile or other vehicle in the location and places specifically designated for resident meter parking.~~

**Section 2. Severability.**

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

**Section 3. Effective Date.**

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

# Theodore Fremd Resident Permit Parking Spaces

*City of Rye, New York*





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 20, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Resolution to declare Juneteenth a holiday in the City of Rye.

**FOR THE MEETING OF:**

May 24, 2023

**RECOMMENDATION:** That the Council adopt the attached resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Please see attached memo and resolution.



## CITY OF RYE

### Inter-Office Memorandum

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**To:** Greg Usry, City Manager

**From:** Noga Ruttenberg, Assistant to City Manager  
Carolyn D'Andrea, City Clerk

**Date:** May 19, 2023

**Re:** Juneteenth

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Juneteenth is a holiday commemorating the end of slavery in the United States.

In June of 2021, Juneteenth was recognized as a federal holiday. Juneteenth National Independence Day (June 19) is the first holiday to be added to the list of federal holidays since the recognition of Rev. Dr. Martin Luther King, Jr's birthday in 1983. The State of New York designated Juneteenth a state public holiday in 2021.

Following the State designation, the following local municipalities have adopted Juneteenth as a local holiday:

- City of Mount Vernon
- City of New Rochelle
- City of Peekskill
- City of Yonkers
- Village of Bedford
- Village of Mount Kisco
- Village of Port Chester
- Village of Scarsdale
- Village of Tuckahoe
- Village of Yorktown
- Town of Cortlandt
- Town of Lewisboro
- Town of Mamaroneck
- Town of Ossining
- Town of Pound Ridge
- Town of Rye

## RESOLUTION

**Designating June 19, 2023, as “Juneteenth Independence Day” in recognition of June 19, 1865, the date on which news of the end of slavery reached the slaves in the Southwestern States.**

WHEREAS news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than 2½ years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863; and

WHEREAS, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and the enslaved were free; and

WHEREAS African Americans who had been slaves in the Southwest celebrated June 19, commonly known as “Juneteenth Independence Day”, as inspiration and encouragement for future generations; and

WHEREAS African Americans from the Southwest have continued the tradition of observing Juneteenth Independence Day for more than 150 years; and

WHEREAS Juneteenth Independence Day began as a holiday in the State of Texas and is now celebrated in all 50 States and the District of Columbia as a special day of observance in recognition of the emancipation of all slaves in the United States; and

WHEREAS Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

WHEREAS the faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race; and

WHEREAS slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

WHEREAS, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world; and

NOW THEREFORE BE IT RESOLVED, the City of Rye designates June 19, 2023, as “Juneteenth Independence Day”; and

BE IT FURTHER RESOLVED the City of Rye recognizes the historical significance of Juneteenth Independence Day to the United States; and

BE IT FURTHER RESOLVED the City of Rye supports the continued nationwide celebration of Juneteenth Independence Day to provide an opportunity for the people of the

United States to learn more about the past and to better understand the experiences that have shaped the United States; and

BE IT FURTHER RESOLVED the City of Rye recognizes that the observance of the end of slavery is part of the history and heritage of the United States; and

BE IT FURTHER RESOLVED the of Rye will continue to recognize Juneteenth Independence Day annually.





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 4, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Set a public hearing for June 14, 2023, to adopt a new local law amending Chapter 1-12, "Definitions" under "General Provisions," to add a definition for "holiday," and create a uniform use of the word "holiday" throughout the City Code of the City of Rye by also amending "Telecommunications," §185-4, and "Vehicles and Traffic" §191-38.1, §191-42, §191-46.

**FOR THE MEETING OF:**

June 14, 2023

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached memo and draft law.

Carolyn D'Andrea  
City Clerk  
1051 Boston Post Road  
Rye, New York 10580



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# Office of the City Clerk

## Memorandum

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To: Greg Usry, City Manager  
From: Carolyn D'Andrea, City Clerk  
Date: 5/19/2023  
Re: City Code Update: Holiday Definition

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Holidays are mentioned throughout the code with respect to a variety of issues, such as parking, construction, leaf blowers, and other important areas of note. However, staff has discovered that the definition for “holidays” is unclear and has inconsistent word placement, which may cause confusion and a lack of continuity in the way that the city enforces its own laws without a proper definition.

To address these inconsistencies, staff recommends that the definition for “holidays” should be added to the definition section of the code (Chapter 1 – General Provisions), followed by a consistent use of the term (i.e., eliminating the use of “federal holiday,” “legal holiday,” or any other iterations of the word “holiday.” The proposed definition is:

### **HOLIDAYS**

The days of the year that fall on New Year’s Day, Martin Luther King Jr. Day, President’s Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans’ Day, Thanksgiving Day, and Christmas Day.

Please note that the definition for holidays is proposed to be a basic list of universally-recognized holidays within the U.S. This definition does not take away from the provisions of the code that add *more* holidays to their limitations, such as the issues surrounding blasting, rock chipping, leaf blowing, or construction. Those extra holidays will still be specifically included in each of those chapters. Please see the table below to understand the breakdown of the proposed definition, as well as the extra delineated holidays that are specifically mentioned in the code:

<b>Code Areas</b>	<b>Holidays Included Currently within City Code</b>
Code-Wide Holidays (as proposed in definition chapter)	New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans' Day, Thanksgiving Day, and Christmas Day.
Rock Chipping/ Blasting	Holidays + Rosh Hashanah Yom Kippur Day after Thanksgiving through Thanksgiving weekend Day after Christmas through New Year's Eve
Leaf Blowers	Holidays + Easter Rosh Hashanah Yom Kippur
Construction	Holidays + Rosh Hashanah Yom Kippur

LOCAL LAW 2023

A local law to amend Chapter 1-12, "Definitions" under "General Provisions," to add a definition for "holiday," and create a uniform use of the word "holiday" throughout the City Code of the City of Rye by also amending "Explosives, Blasting and Mechanical Rock Excavation," §88-10, §88-16, "Leaf Blowers," §122-5 and 122-7, "Noise," §133-8, "Telecommunications," §185-4, and "Vehicles and Traffic" §191-42, §191-46.

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

Section 1. §1-12, "Definitions," is hereby amended to add the following definition:

**HOLIDAYS**

**For purposes of the City Code, the term 'Holidays' shall refer to the following days of the year: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans' Day, Thanksgiving Day, and Christmas Day. This definition shall not, and is not intended to, govern the use of the term 'Holidays' with respect to the City's labor contracts or for any other purpose.**

Section 2. Chapter 88, "Explosives, Blasting and Mechanical Rock Excavation," is hereby amended under §88-10 and §88-16, as follows:

**§ 88-10 Hours blasting is allowed; permit conditions.**

A. No person shall engage in blasting operations within the City of Rye after the hour of 3:30 p.m. or before 9:00 a.m. on weekdays or at any time on Saturday and Sunday; or on any **holidays, or on Rosh Hashanah, Yom Kippur, or the day after Thanksgiving through Thanksgiving weekend, or December 26-31** of the following holidays and time periods: ~~New Year's Day, Presidents' Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Yom Kippur, Thanksgiving Day through Thanksgiving weekend and Christmas Day through New Year's Day~~ except under authority of a special permit issued by the City Manager. In addition, blasting will be prohibited within 750 feet of a school on testing days.

**§ 88-16 Mechanical rock excavation permit.**

D. No person shall engage in mechanical rock excavation, as defined in § 88-15, within the City of Rye before the hour of 9:00 a.m. or after 3:30 p.m. on weekdays or at any time on Saturday and Sunday; or on any of the following holidays and time periods: ~~New Year's Day, Presidents' Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day,~~ or on Rosh Hashanah, Yom Kippur, **the day after Thanksgiving Day through Thanksgiving weekend, or December 26-31 and Christmas Day through New Year's Day** except under authority of a special permit issued by the City Manager. In addition, mechanical rock removal, including mechanical rock

excavation, will be prohibited within 750 feet of a school on testing days.

**Section 3.** Chapter 122, “Leaf Blowers,” is hereby amended under §122-5 and §122-7, as follows:

**§ 122-5 Days and hours of operation of motorized landscaping equipment.**

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

**§ 122-7 Penalties for offenses.**

B. Conducting motorized landscaping work outside of permitted hours or on ~~restricted~~ holidays. The following parties shall have committed a violation of this chapter 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 operated the motorized landscaping equipment at the time of violation; and
- (3) The party who owns, rents or otherwise controls the property where the violation occurs.

**Section 4.** Chapter 133, “Noise,” is hereby amended under §133-8, as follows:

**§ 133-8 Construction work prohibited at certain hours and on certain days.**

[Added 6-18-2003 by L.L. No. 2-2003; amended 4-11-2007 by L.L. No. 2-2007; 5-7-2008 by L.L. No. 4-2008; 7-8-2015 by L.L. No. 6-2015; 5-27-2020 by L.L. No. 6-2020; 12-21-2022 by L.L. No. 10-2022]

A. No person shall engage in construction work earlier than 8:00 a.m. or later than 6:00 p.m. on weekdays; earlier than 10:00 a.m. or later than 5:00 p.m., prevailing time, on Saturdays; or at any hour on Sundays or any ~~of the following~~ holidays: ~~New Year's Day, Presidents' Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, **Rosh Hashanah or** Yom Kippur, Thanksgiving Day, Christmas Day and New Year's Day.~~

**Section 5.** Chapter 185, “Telecommunications,” is hereby amended under § 185-4, “Definitions,” to amend the current definition of “HOLIDAYS” as follows:

**HOLIDAY**

A day in which a substantial portion of the area's workers are exempt from work even though paid, including but not limited to all holidays recognized by either the state or federal government.

**HOLIDAYS**

**The days of the year that fall on New Year’s Day, Martin Luther King’s Birthday, President’s Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans’ Day, Thanksgiving Day, and Christmas Day.**

**Section 6.** Chapter 191, “Vehicles and Traffic,” is hereby amended under §191-42, and §191-46 as follows:

§ 191-42 Use of off-street area for parking storage.

No person shall use any off-street public parking area maintained by the City of Rye for the regular storage of an automobile or other vehicle at night, ~~legal~~ holidays or on Sundays.

§191-46. Commuter Parking areas established.

No person shall be permitted to park an automobile or other vehicle or shall permit an automobile or other vehicle to remain in or upon the public parking places or areas described as follows between the hours of 7:00 a.m. and 7:00 p.m. each day except Sundays and ~~legal~~ holidays, unless the owner of such vehicle shall have a tag or license hereinafter described. Said public parking places consist of those four parcels of land located:

A. On property owned and controlled by the Metropolitan Transit Authority, located on the southeasterly side of Purchase Street in the City of Rye, County of Westchester and State of New York, substantially as shown on the plan or map entitled "Map of Property to be Leased by the City of Rye, Westchester County, New York, surveyed as in possession, June 16, 1952, Russell Munson, Surveyor, 11 William Street, White Plains, New York, last revised March 31, 1953," and thereon designated as "Parcels A and B," a copy of said map or survey having heretofore been filed in the office of the Clerk of the City of Rye.

B. Including also three parcels of land owned and controlled by the City of Rye and shown and designated on the Tax Maps of the City of Rye as "Sheet 146.07, Block 1, Lot 23"; "Sheet 146.07, Block 1, Lot 14"; and "Sheet 139.19, Block 3, Lot 80."

**Section 7.** This local law shall take effect July 1, 2023 after filing with the Secretary of State.

(Underline and bold means addition)  
(Strikethrough means deletion)