

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, December 6, 2023
6:30 p.m.**

[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 November 29, 2023.
4. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
5. Open the public hearing on the 2024 Budget.
6. Council discussion of the City's potential project to replace an existing grass athletic field with a synthetic turf field on a City-owned property located at 421 Milton Road in the City of Rye, New York and the related EAF and CAF, and potential Council action.
7. Resolution to authorize the City Manager to sign a Memorandum of Understanding (MOU) with the Office of the Westchester County Clerk that will allow City staff remote access to the County Clerk's Westchester Records Online (WRO) through December 31, 2024.
8. Resolution to authorize Corporation Counsel to sign a stipulation settlement in *Henry E. Gaillard v. City of Rye City Council and Miriam Osborn Memorial Home Association* (Index No. 65743/2022).
9. Approve three appointments to the Rye Golf Club Commission.
10. Appointments to Boards and Commissions by the Mayor with Council approval.
11. Old Business/New Business.
12. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, December 20, 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 under “RyeTV Live”.

UNAPPROVED MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City Hall on
November 29, 2023, at 6:30 P.M.

PRESENT:

JOSH COHN, Mayor
LORI FONTANES
BILL HENDERSON
CAROLINA JOHNSON
JOSHUA NATHAN
Councilmembers

ABSENT:

JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ALSO ATTENDING:

GREG USRY, CITY MANAGER
KRISTEN WILSON, CORPORATION COUNSEL
BRIAN SHEA, ASSISTANT CITY MANAGER
JOSEPH FAZZINO, CITY COMPTROLLER
RYAN COYNE, CITY ENGINEER
CHRISTIAN MILLER, CITY PLANNER
ERIN MANTZ, SUPERINTENDENT OF RECREATION
RICK MCCABE, RECREATION COMMISSION MEMBER

The Council convened at 5:30 PM. And entered into Executive Session at 5:31 P.M. to discuss pending litigation, personnel matters, and pending contracts. The Council reconvened in a public meeting at 6:35 P.M. The meeting was streamed live at www.ryeny.gov for public viewing

1. [Pledge of Allegiance.](#)

Mayor Cohn led the Pledge of Allegiance.

2. [Roll Call.](#)

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

3. [Draft unapproved minutes of the Regular Meeting of the City Council held November 8, 2023, and the Special Meeting of the City Council held on November 15, 2023.](#)

On motion by Councilwoman Johnson, seconded by Councilwoman Fontanes, it was

UNAPPROVED MINUTES – Regular Meeting - City Council
November 29, 2023

RESOLVED to approve the draft unapproved minutes of the Regular Meeting of the City Council held November 8, 2023, and the Special Meeting of the City Council held on November 15, 2023.

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan
Mayor Cohn

NAYS: None

ABSENT: Councilpersons Souza, Stacks

4. [Recognition of Robin Jovanovich, former publisher of The Rye Record.](#)

Mayor Cohn thanked Robin Jovanovich for her work in the City of Rye and the Council presented her with a Certificate of Appreciation.

5. [2024 Proposed Budget Discussion.](#)

City Manager Usry gave a timeline regarding the proposed 2024 budget. Mayor Cohn thanked the City Manager and Comptroller, Joseph Fazzino, for their work on this proposed Budget. There were no other questions or comments.

6. [Public comment on the City's potential project to replace an existing grass athletic field with a synthetic turf field on a City-owned property located at 421 Milton Road in the City of Rye, New York and Council discussion of the related EAF and CAF.](#)

The following Rye Residents spoke on the potential synthetic turf field project:

- Douglas Carey, 860 Forest Avenue
- Irwin Lefkowitz, 38 Oakwood Avenue
- Caitlin Colvin, 67 Dearborn Avenue
- Suzanne Clarey, 14 Dogwood Lane
- Gavin Molinelli, 27 Island Drive
- Mark Hayes, 68 Elmwood Avenue
- Scott Alberi, 702 Forest Avenue
- Emilia Alberi, 702 Forest Avenue
- James Wardn, 50 Reymont Avenue
- Chris Watson, 1 Beary Court
- Alison Relyea, 12 Halstead Place
- Dan Adler, 62 Elmwood Avenue
- Laura Laura, 110 Theodore Fremd Avenue
- Andrew Layng, 4 Fieldstone Road
- Paula Fung, 84 Elmwood Avenue
- Susan A. Morison, 66 Milton Road
- Suki van Dijk, 62 Garden Drive

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- Matt Pymm, 93 Overlook Place
- Claire Colvin and Ellie Pymm, 67 Dearborn Avenue/93 Overlook Place
- Chris Cohan, 315 Oakland Beach Avenue
- Briar Keighery, 30 Newberry Place
- Camilla Keighery, 30 Newberry Place
- Rammy Harwood, 9 Overlook Place
- Brett Ehrlich, 91 Hillside Road
- Meg Cameron, 5 Martin Butler Court
- Robert and Jeanine Sestito, 11 Beechwood Lane
- Gretchen Crowley, 20 Island Drive

Kevin Williams, Principal planner for GZA Geoenvironmental, Adrienne Dunk, Project Manager and Wetlands Scientist at GZA Geoenvironmental, Piotr Domaszczynski of Ramboll, David Nordone of Vision Sports Design, Rick McCabe, member of the Recreation Commission, Erin Mantz, Superintendent of Recreation, Ryan Coyne, City Engineer, Kristen Wilson, Corporation Counsel, and Greg Usry, City Manager, all spoke on and answered questions regarding the project.

7. [Members of the public may be heard on matters for Council consideration that do not appear on the agenda.](#)

No members of the public spoke.

8. [Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street on December 6 through December 9 for Hanukah and December 20 through December 23 plus December 26 for Christmas and Kwanzaa for 2023.](#)

On motion by Councilman Nathan, seconded by Councilwoman Johnson,

WHEREAS, the City Council seeks to support the Central Business District local businesses during the 2023 Holiday Season, and;

WHEREAS, the City Council encourages residents to shop and dine downtown during the holiday season as buying locally helps all of us while strengthening our local economy;

NOW THEREFORE BE IT RESOLVED, the City Council will provide free metered parking for the periods December 6 - December 9, December 20 - December 23 and December 26 by waiving parking fees in all downtown lots (Car Parks 1-5) at the City's expense.

Adopted by the following vote:

ROLL CALL:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan
Mayor Cohn

NAYS: None

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ABSENT: Councilpersons Souza, Stacks

9. [Resolution designating the days and time of regular meetings of the City Council for 2024 setting January 10, 2024, as the first regular meeting.](#)

On motion by Councilman Henderson, seconded by Councilman Nathan, it was

RESOLVED to designate the days and time of regular meetings of the City Council for 2024 setting January 10, 2024, as the first regular meeting.

Adopted by the following vote:

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

10. [CONSENT AGENDA](#)

- a) Consideration of a request by the Midland Fair Committee to approve a parade to precede the Midland Elementary School Fair on Saturday, April 27, 2024, from 11:30 a.m. to 12:10 p.m.
- b) Consideration of a request from the Milton School PTO to have 2-3 food trucks for the Midland Fair on Saturday, April 27, 2024, from 12:00 p.m. to 5:00 p.m. The City Council will have to waive Â§ 144-8D and G of the City Code.
- c) Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the Little League Season on Saturday, April 13, 2024, beginning at 11:00 a.m.

On motion by Councilwoman Johnson, seconded by Councilman Nathan, it was

RESOLVED to approve all Consent Agenda items.

Adopted by the following vote:

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

11. [Old Business/New Business](#)

Nothing for Old Business/New Business.

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12. [Adjournment](#)

Councilwoman Johnson made a motion, seconded by Councilwoman Fontanes, to adjourn the meeting at 10:32 P.M., the Council was in favor and the meeting was adjourned.

Respectfully submitted,

Kayla Garritano
Interim City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Open a public hearing on the 2024 Budget.

FOR THE MEETING OF:

December 6, 2023

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: This is an annual hearing.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Council discussion of the City's potential project to replace an existing grass athletic field with a synthetic turf field on a City-owned property located at 421 Milton Road in the City of Rye, New York and the related EAF and CAF, and potential Council action.

FOR THE MEETING OF:

December 6, 2023

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Attached for the City Council's consideration is a resolution adopting a draft SEQR Negative Declaration and Coastal Consistency determination.

**RESOLUTION OF THE RYE CITY COUNCIL TO ADOPT A NEGATIVE DECLARATION
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND ADOPT A
COASTAL CONSISTENCY DETERMINATION IN CONNECTION WITH THE
CONSTRUCTION OF A SYNTEHTIC TURF FIELD AT NURSERY FIELD**

WHEREAS, in 2019 a group of residents inquired whether the City would be willing to consider modifications to improve the playability of Nursery Field located at 421 Milton Road if the group donating the money; and

WHEREAS, the Rye City Council asked the Recreation Commission to consider the field choices and which field was best suited for a synthetic turf field and ultimately engaged consulting engineers to study potential improvements to Nursery Field; and

WHEREAS, between the fall of 2019 through February 2020, the City Council received a variety of reports and information from its consultants and staff regarding the viability and feasibility of various improvement options and turf choices to improve the playability of Nursery Field; and

WHEREAS, the information presented to the City included statistics showing that Nursery Field currently experiences a 40% cancellation rate due to rain events; and

WHEREAS, all reports and information were made available to the public on the City website; and

WHEREAS, the historical information regarding the City's prior review and consideration of Nursery Field when the property was originally modified to construct a field was also considered; and

WHEREAS, in 2002, the City Council adopted a negative declaration for the original improvements to the property to create a grass athletic field; and

WHEREAS, there was extensive comment both for and against various field improvement options presented at City Council meetings and in numerous written submissions from area neighbors, field user groups, the City's Recreation Commission, City Board and Commission members, community groups and organizations and the general public; and

WHEREAS, there were two public work sessions held in February 2020 in which the City Council heard consultant presentations and public comment regarding a variety of improvement options and playing surfaces; and

WHEREAS, the City Council suspended consideration of Nursery Field improvements as a result of the Covid-19 pandemic;

WHEREAS, the City Council held additional public meetings on May 24, 2023, and June 14, 2023, and heard consultant presentations and members of the public regarding the possible installation of turf at Nursery Field; and

WHEREAS, on June 14, 2023, the Ry City Council adopted a resolution directing staff to engage consultants to prepare drawings and relevant studies for the environmental and regulatory review for the proposed construction of a synthetic turf field to replace the existing grass athletic field at Rye Nursery located at 421 Milton Road (the “June 14 Resolution”); and

WHEREAS, the installation of turf at Nursery Field is subject to review under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, in the June 14, 2023 Resolution, the City Council declared its intent to be Lead Agency for the environmental review of an identified proposed action defined as the construction of a synthetic turf field with a playing surface elevated above the 100-year FEMA flood elevation, including a robust sub-surface drainage system and an appropriate field base and infill material that is sensitive to the health and safety of field users and that does not significantly adversely impact the environmental functions of adjacent wetlands (the “Proposed Action”); and

WHEREAS, the City Council’s June 14, 2023, Resolution also directed City staff and its consultants to prepare an Environmental Assessment Form (EAF), Coastal Assessment Form (CAF) and relevant studies and information as required by SEQRA; and

WHEREAS, the Proposed Action by the Lead Agency was initially classified as a Type I action pursuant to §617.4(b)(9) due to the location of the project adjacent to the Knapp House (which is identified on the National Register of Historic Places) and the preliminary estimate that the Proposed Action may disturb more than 2.5-acres of property; and

WHEREAS, based on the development of more detailed plans and refinements in the project, total site disturbance associated with the construction of the field and related improvements is anticipated to be 2.3-acres, which is below the threshold for Type I action to §617.4(b)(9); and

WHEREAS, the Proposed Action as revised does not meet any of the thresholds for a Type I under SEQRA and is appropriately classified as an Unlisted Action; and

WHEREAS, the Proposed Action does not involve any discretionary approvals from any other state or local agency including the New York State Department of Environmental Conservation (NYSDEC), who’s authorization for this project will be under ministerial SPEDES general permit GP-0-20-001 for stormwater discharges for construction activities; and

WHEREAS, since the Rye City Council is the only involved agency for the proposed Unlisted Action a coordinated review was not conducted; and

WHEREAS, the City Council's June 14, 2023, Resolution referred the completed documents to the City Planning Commission for its advisory coastal consistency opinion as required by §73-5.C, *Coastal Zone Management*, of the Rye City Code and for its advisory comments with respect to wetland impact considerations; and

WHEREAS, consistent with past practice and the City Council's resolution in June 2002 in which it explicitly exempted the modifications to Nursery Field from any formal review and approval process by the City's boards and commissions, the application is not subject to the requirements of the Rye City Zoning Code or Chapter 195 Wetlands and Watercourses as confirmed by the Rye City Building Inspector based on the legal analysis of the City's Corporation Counsel; and

WHEREAS, in September 2023, the Rye City Planning Commission and Rye City Council received from the City's consultants a draft Coastal Assessment Forms, draft EAF with supporting narrative and related studies and plans to assist in the review of the Proposed Action; and

WHEREAS, copies of all documents and information were made available to the public on the City's website and at the Rye Free Reading Room; and

WHEREAS, the Planning Commission conducted four public meetings between October and November 2023 in which it reviewed and discussed substantial written public comment, consultant presentations, plans, supporting studies and the entire record; and

WHEREAS, during the course its review the Planning Commission reviewed the consistency of the Proposed Action with each of the 44 policies of the City's LWRP and prepared a November 21, 2023 memorandum to the City Council of its advisory opinion that the Proposed Action is consistent with City's LWRP and Chapter 73, *Coastal Zone Management*, of the Rye City Code; and

WHEREAS, on November 8, 2023, the City Council scheduled a public comment period to be held on November 29, 2023, and reminded the public that anyone wishing to submit public comments in writing could do so; and

WHEREAS, on November 29, 2023, the City Council allowed several hours of public comment providing everyone wishing to be heard an opportunity to speak, had its professional consultants at the meeting to address the City Council's questions as well as the public's questions, and started reviewing the EAF and CAF; and

WHEREAS, on December ___, 2023, the City Council continued and completed its review of the EAF and CAF, discussed issues relating to flooding, wetlands, other environmental and health factors, historic and community character, among other concerns; and

WHEREAS, the material components of the synthetic turf field to be constructed have been tested for purposes of California's Proposition 65 standards and were found to require no warning labels; and

WHEREAS, SEQRA requires the Lead Agency to consider the relative impacts based on the proposed changes as compared to the existing use and impact of the property; and

WHEREAS, the City Council has had before it and available to the public a library of information, including, but not limited to:

- February 27, 2020, and February 29, 2020, Nursery Field Work Sessions;
- Cover letter and EAF parts 1 & 2, and EAF Narrative, Figures and Maps;
- LWRP Application;
- Floodplain Management Forms;
- Nursery Field plans (as revised between meetings);
- Hydrologic Analysis;
- SHPO Determination (both March 2020 and October 2023);
- Soil boring memo;
- Consultant and Staff Presentations for the October 10, 2023, and October 24, 2023 Planning Commission meetings (Ramboll, Vision Sports and GZA);
- City Planning Commission memo to City Council;
- City consultant letter re PFAS;
- The County of Westchester Comments dated November 28, 2023;
- All additional documentation posted on the City's website accessible at: <https://www.ryeny.gov/services/projects-and-information/nursery-field-project-information>;
- Hours of public comment and discussion at the City Council with its professional consultants and staff; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as is fully set forth and adopted herein.
2. The City Council hereby finds and determines that:
 - a) It has had all the records set forth above before it regarding the Proposed Action, reviewed the environmental assessment form (criteria set forth in 6 NYCRR Section 617.7(c)), thoroughly analyzed the relevant areas of potential environmental concerns, considered reasonable alternatives to the proposed action and has duly considered all the potential environmental impacts and their magnitude in connection with the Proposed Action; and

- b) The proposed construction of a synthetic turf field to replace the existing grass athletic field at Rye Nursery located at 421 Milton Road will not result in any large and important environmental impacts, and therefore, will not have a significant adverse impact on the environment.
3. It has had before it the City Planning Commission's advisory opinion on LWRP consistency and finds that the Proposed Action is consistent with the LWRP policies.
4. The reasons supporting both determinations are set forth on the attached in the State Environmental Quality Review Negative Declaration and Coastal Zone Management Waterfront Consistency Review – Coastal Consistency Determination, which were reviewed and considered by the Lead Agency.

This Resolution shall take effect immediately.

Motion made by:

Seconded by:

Vote:

Dated: Rye, New York

December __, 2023

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project No. _____

Date: December , 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Rye City Council, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared. This determination is also consistent with the City Council's prior determination in 2002 when the initial field construction was undertaken.

NAME OF ACTION: Nursery Field Improvement Project

SEQR STATUS: Unlisted (In its June 14, 2023, resolution, the City Council declared Lead Agency and determined that the proposed action was Type I pursuant to §617.4(b)(9) due to the proposed action's location adjacent to a the Knapp House (which is identified on the National Register of Historic Places) and the preliminary assessment that the proposed action would disturb more than 2.5-acres of property. Based on the development of more detailed plans and refinements in the project, total site disturbance associated with the construction of the field is estimated to be less than 2.5 acres. The proposed action is now considered to be an Unlisted action since it does not meet or exceed any threshold identified in §617.4, *Type I actions*, of SEQR.

CONDITIONED NEGATIVE DECLARATION: No

DESCRIPTION OF ACTION: The proposed action involves improvements to the grass athletic field at Nursery Field located at 421 Milton Road. The approximately 82,000-sf athletic field would involve 100,366-sf (2.3 acre) of site disturbance to construct and is located within an approximately 100,366-sf (2.3 acre) athletic field is located within an approximately 6.75-acre City-owned property, which also includes an off-street parking area and comfort station. The athletic field is zoned in an R-5 district with land use as a Public Park. The proposed action would replace the existing grass field with a synthetic turf system, elevate the field at or above the 100-year flood elevation and provide improved subsurface drainage systems. All proposed field improvements would be substantially within the footprint of the existing athletic field area and would not encroach into the approximately 1.2-acre on-site wetland. The proposed turf field would also be located within the 3.123-acre "recreation area" that was omitted from Environmental Facilities Corporation (EFC) long-term financing and related restrictions. Additional improvements include a 4'-0" chain link fence and 20'-0" athletic ball netting system are proposed for the northern and southern extent of the playing surface, a concrete turf

anchor/retaining wall running along the northern extent of the field, removal of three trees and the implementation of an enhancement plan including the planting of 20 native trees.

LOCATION: The affected area is located at 421 Milton Road, located on the south side of Milton Road between Playland Parkway to the east and Rye Beach Avenue to the west. The affected area is an approximately 2.3-acre portion of a 6.75-acre City Park, identified as Section 146-19, Block 5, Lot 7.

REASONS SUPPORTING THIS DETERMINATION

As discussed in the Environmental Assessment Form and supporting documentation prepared for the proposed action, the Nursery Field Improvement Project would not result in significant adverse environmental impacts.

In summary, the findings of these documents indicate the Proposed Nursery Field Improvement Project would not result in a significant adverse environmental impact. It would be consistent with LWRP and CAF Policies, would be positively supportive of some of the policies, and would not result in significant impact to any of the Policies. With reference to the on-site wetland assessment, our associated reconnaissance and reevaluation of past wetlands delineation indicates the proposed field would not increase encroachment on the wetlands adjacent area or result in encroachment into the existing wetland. Finally, regarding the Floodplain Management Permit, the proposed project would raise the playing surface above the floodplain and provide enhanced stormwater runoff capabilities, while maintaining existing flows of stormwater into the wetland in accordance with best practices.

In reference to the stated need and purpose of the proposed action, the improvements to Nursery Field would; 1) provide a playing surface and related drainage systems to make the field more resilient to wet weather conditions, 2) correct the inadequate pitch of the existing field so that it is level consistent with accepted field pitch standards, and 3) provide a sufficiently sized rectangular field that accommodates the growing demand for boys' and girls' youth sports opportunities through their high school years. The proposed action, when considered in light of this need and purpose is the preferred action when compared to alternatives reviewed and evaluated in the EAF narrative; no-action or change to existing field, provision of enhanced grass surface with associated maintenance, or placement of a recreational field at another location.

1. Impact on Land

While the proposed action would result in a replacement of the existing grass recreational playing surface with a synthetic turf system, (a) the proposed action is proposed on land where depth to water table is greater than 3-feet, (b) is not proposed on slopes of 15% or greater, (c) is not on land where bedrock is exposed or within 5-feet of existing ground surface, (d) would not involve the excavation or removal of more than 1,000 tons of natural material, (e) would have a construction period well under 1 year. (f) The proposed action would not increase erosion. The existing grass field was constructed with fill material that may limit permeability of the top field surface, while the composition of the proposed synthetic turf field allows for greater permeability and infiltration into

groundwater while the proposed underdrain system will direct excess stormwater runoff toward the existing wetland consistent with the existing drainage patterns. The improved permeability will reduce the time when the field is not usable following significant rainfall or flooding events.

Additional improvements to the site will result in reduced potential for erosion due to design characteristics of the synthetic turf system which is a pervious system that allows for uniform infiltration of stormwater through the synthetic media and substrate and provides perimeter drains to collect excess water for discharge to the wetland areas to the north. This system's uniform on-field infiltration provides for enhanced overflow storm water event processing through a system of under-turf and substrate perforated pipes that connect to a perimeter collection system that discharges toward the wetland area. The current grass field experiences uneven sheet flows, surface water collection and ponding, and surface sheet flow discharge that may contributed to erosion in the area adjacent to the wetland. Further, the proposed project will place a turf anchor system along the northern and northeastern and northwestern extent of the field that in combination with the underdrain system will reduce the potential for erosion relating to significant stormwater events. (g) Finally, the proposed action is not located within a coastal erosion hazard area. Therefore, a determination of no or small impact is noted for subsections a-g of Section 1 Impact on Land.

2. Impact on Geological Features

The proposed action would not result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

3. Impact on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds, or lakes).

The proposed action would (a) not create a new water body. (b) The proposed action would not result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any waterbody. (c) The proposed action would not involve dredging of material from a wetland or water body, (d) The proposed project would involve construction adjacent to a freshwater wetland; however, it would not increase encroachment on the wetland area, and it would not increase the use of wetland adjacent area already improved with the existing grass field. The proposed action, the replacement of the existing grass field, would also not result in soil disturbance or tree removal within or immediately adjacent to the wetland. Project work will occur within the existing footprint of past development and will not increase impervious cover or significantly expand developed areas onsite. A portion of the work contemplated (an area of approximately 18,300-sf) would replace the existing grass field with synthetic turf in the wetland adjacent area. No new work would occur outside of areas previously disturbed for the construction of the recreational playing surface that currently exists. In

addition, a 4'-0" chain link fence and 20'-0" athletic ball netting system are proposed for the northern extent of the playing surface to prevent balls from going into the sloped areas that lead to wetlands north of the playing surface. The fence and netting would be secured through concrete footings, which collectively with the synthetic turf systems, would be secured by a concrete turf anchor running along the northern extent of the field. These project components would be constructed within areas previously disturbed and would not increase encroachment on the wetland area or be constructed within the wetland area. (e) The proposed action would not create turbidity in a waterbody. (f) The proposed action would not include construction of an intake for withdrawal of water from surface water(s). (g) The proposed action would not include construction of an outfall for discharge of wastewater to surface waters. (h) The proposed action would not result in soil erosion as noted above in answer to 1(f).

Further, the synthetic turf system features sediment and silt control systems along swales and rip-rap apron areas at storm outlet discharge points. Further, Since the project will require a land-disturbing activity greater than 1 ac, compliance with New York State Department of Environmental Conservation regulations associated with construction activities is necessary. The State Pollutant Discharge Elimination System (SPEDES) General Permit for Stormwater Discharges (GP-0-20-001) is required due to a point source (pipe outlet) discharge to surface, or groundwater is anticipated. The permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) that provides details of stormwater management during and post-construction. A SWPP is to be developed and included with the detailed design. The improvements will not introduce any new impervious area and are not expected to affect water quality. The construction of the field will include increased infiltration and filtering, which is expected to minimize erosion and sediment transport typically associated with grass fields. (i) The proposed action will not affect the water quality of any water bodies within or downstream of the site of the proposed action. The composition of the synthetic turf system will feature no carcinogenic elements, and natural infill material typologies are to be used. (j) The proposed action will result in significantly reduced use of pesticides compared to the existing grass field and no use of fertilizers, which are regularly applied to the existing grass field. The reduced use of pesticides for synthetic field maintenance would be limited to those commonly used and approved by EPA and NYS Department of Health and would not pose a risk to drinking water, waterbodies or human health. (k) The proposed action would not require construction or expansion of wastewater treatment facilities.

Wetlands

Wetland delineation identified one (1) palustrine forested wetland in the northern portion of the Site that is approximately 1.2 acres. The wetland is bounded by the existing field to the south and Playland Parkway to the north. The proposed Project, the replacement of the existing grass field with a synthetic turf field, will not extend into the wetland, and no soil disturbance or tree removal is anticipated within or immediately adjacent to the wetland. Project work will occur within the existing footprint of past

development and will not increase impervious cover or significantly expand developed areas onsite.

The Project will raise the playing field area above its current elevation and will regrade the field to create proper drainage and shedding of water away from the field interior. The field will include underdrainage. Discharges from the underdrain system will be constructed to maintain the existing Site hydrology and will continue to provide hydrologic inputs to the wetland utilizing both existing flow paths such as the drainage swale along the eastern edge of the playing field as well as by strategically locating drainage outlets. No discharge directly into the wetland is proposed.

The Project will require authorization under the NYSDEC Stormwater Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. This permit will require the installation and maintenance of erosion control barriers and stormwater management practices during construction. By properly implementing the plan, construction-related impacts to the wetland, such as sedimentation or erosion, should be avoided.

The Project is not anticipated to adversely affect the existing wetland onsite. Following replacement of the existing grassed field with a turf field, the wetland will continue to receive existing amounts of hydrologic flow and will not be subject to adverse impacts. The habitat connectivity with surrounding wetlands and naturalized areas will not change as a result of the Project.

Enhancement Area – Mitigation

Although no wetland impacts would occur due to the proposed Project, and therefore no wetland mitigation is required, a wetland enhancement plan is proposed is to include 18,300 sf of mitigation at a 1:1 ratio for the field area within the buffer zone and an additional 450 +/- sf of mitigation at a >2:1 ratio for the turf anchor (208-feet), and 1200 +/- foot area of mitigation at a >2.1 ratio for area of the level spreader (600-sf). The total enhancement plan area is proposed at 20,300 sf. In total, the City is proposing to manage approximately .3 acres of invasive species, primarily mugwort, through a mowing program. Twenty native trees will also be planted in this enhancement area to provide native vegetation, wildlife habitat, and enhance the existing visual block between the playing field and adjacent residential area. Ten sugar maple and 10 pignut hickory (*Carya glabra*) trees are proposed in the area. Final placement will be determined to avoid root growth near the existing underground water conveyance structure. The additional forested area may benefit the wetland by maintaining cooler summer temperatures and shading of the wetland during the summer.

4. Impact on Groundwater

The proposed action would not result in new or additional use of ground water or have the potential to introduce contaminants to ground water or an aquifer. Improvements will not introduce any new impervious area and are not expected to affect water quality.

The construction of the field will include increased infiltration and filtering, which is expected to minimize erosion and sediment transport typically associated with grass fields.

5. Impact on Flooding

The proposed action would result in development within the 100- and 500-year floodplain. The proposed field improvements include leveling and crowning of the field, top surface replacement and installation of an underdrain system. The proposed field modification will include improvements to existing slope of the field and will bring the field to the elevation at or above the effective FEMA 100-year flood levels (13 feet (NAVD)). The new turf field is proposed to be raised above the flood plain (top elevation of 13.6 ft), while the current grass field is partially below the flood plain elevation. A detailed hydrologic evaluation has been conducted to evaluate the potential impacts of the proposed improvements on the flood plain. The results of the analysis indicate that the marginal changes in the field elevation will have no effect on the flood plain elevation associated with the 1% annual exceedance. Raising the field consistently will not only improve the leveling of the field but will also minimize the time when the surface will be inundated with flood waters.

The existing grass field was constructed with fill material that may limit permeability of the top field surface, while the composition of the proposed synthetic turf field allows for greater permeability and infiltration into groundwater while the proposed underdrain system will direct excess stormwater runoff toward the existing wetland consistent with the existing drainage patterns. The improved permeability will reduce the time when the field is not usable following significant rainfall or flooding events.

The proposed improvements will replace the existing top surface with a synthetic turf that has considerably greater infiltration capabilities (characterized as Hydrologic Soil Group A – well drained with low runoff potential). The turf system will also include a layer of crushed stone and an underdrain system as shown in the associated 60% design drawings. Together, the system will be able to absorb greater stormwater input while minimizing ponding of water on the field. The purpose of the underdrain system is to collect and convey stormwater towards the wetland via two 12” perforated perimeter pipes. The peak discharge from the field is reduced for a 10-year storm to 0.2 cfs. A portion of the direct runoff is expected to infiltrate into the substrate, while the balance of runoff will continue to provide water supply towards the wetland area, and as such the overall balance of water draining towards the wetland is not expected to significantly change.

6. Impacts on Air

The proposed action would not involve a state-regulated air emissions source.

7. Impacts on Plants and Animals

The proposed action would not result in a loss of flora or fauna. As noted above, the enhancement plan is to include 18,300 sf of mitigation at a 1:1 ratio for the field area

within the buffer zone and an additional 450 +/- sf of mitigation at a >2:1 ratio for the turf anchor (208-feet), and 1200 +/- foot area of mitigation at a >2.1 ratio for area of the level spreader1 (600-sf). The total enhancement plan area is proposed at 20,300 sf.

Detailed Habitat Assessment

The Environmental Assessment Form (EAF) Mapper identified that the Site is located within an area that provides habitat for the New York State threatened common tern³ (*Sterna hirundo*). The common tern is not federally listed. Based on habitat information available from the NYSDEC Bureau of Wildlife and the Cornell Lab All About Birds⁴, the common tern generally nests near the high-tide line on rocky islands, barrier beaches, and saltmarshes in large, mixed-species colonies. Preferred nesting habitat usually includes areas with loose sand, gravel, shell, or pebbles and some scattered low-growing vegetation. Common tern are piscivorous and typically eat small fish, crustaceans, squid, and insects that they catch over open water or by diving.

Though the City of Rye contains suitable habitat for this species, the Site is mapped by NYSDEC as existing along the outer edge of potentially suitable habitat. The Site does not contain beach, sand, or saltmarsh habitats, nor does it support an open water resource required by the species. During the wetland delineation, evidence of raccoons (*Procyon lotor*) was observed in the wetland and other anthropogenically-associated predators such as red fox (*Vulpes vulpes*) are also anticipated to frequent the Site. These predators further limit nesting habitat by poaching eggs from the birds' ground nests. Based on these observations and understanding of the common tern's habitat needs, the Site does not provide adequate nesting or foraging habitat.

The Project will not impact the common tern as the Site does not provide adequate habitat. No mitigation is required as there are no anticipated adverse impacts on the common tern.

8. Impacts on Agricultural Resources

The site of the proposed action does not contain agricultural resources.

9. Impacts on Aesthetic Resources

The proposed action would not result in development that is obviously different from existing conditions or is in sharp contrast to current land use patterns, and would not affect the relationship between the project site and any scenic or aesthetic resource.

10. Impact on Historic and Archaeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. The area of the proposed action is substantially contiguous to the Knapp House and Milton Cemetery, National Register of Historic Places (1982) listed. There are no known historic or archaeological resources on the project site. The proposed replacement of a grass playing field with a turf surface would not affect or alter the context of nearby historic

resources, Knapp House and Milton Cemetery. NYS SHPO previously issued a determination letter of no-significance in 2020 associated with planning for the synthetic turf conversion that found no potential impact. New York's State Historic Preservation Office (SHPO) on March 27, 2020 and again on October 20, 2023, determined the proposed installation of a synthetic turf field at the location of the existing grass field would have No Adverse Effect on any surrounding historic and/or cultural resources. The site has not been designated as sensitive for archaeological resources.

Prior to the City's acquisition of the Nursery Field property in 2001, there was decades of site disturbance of the property in connection with its use as an active commercial nursery. In 2002, the greenhouses, buildings, parking areas, interior roadways and other nursery-related structures were demolished and the site was heavily disturbed for the construction of the existing field. The construction involved the installation of a sub-surface drainage system and placement of fill to elevate the field. In addition, the project included other improvements that remain on the property today including paved and gravel parking areas, parking lot lighting, sewer and drainage infrastructure, fencing and comfort station. The prior use of this property as a commercial nursery and the construction disturbances in 2002 contribute to the site's low potential for yielding archaeological resources. The proposed turf field would be within the footprint of previously disturbed areas.

The historical context of the Knapp House and Milton Cemetery would also not be compromised by the proposed field construction because the view from these historic resources of the existing and proposed field is highly obscured by vegetation and existing structures. The sight lines from Milton Cemetery are obscured by the existing homes on Milton Road and trees and vegetation that block view of the field from Milton Road.

Similarly, views of the Nursery Field of from Knapp House are significantly obscured by mature evergreen and deciduous trees that were planted in 2002 in connection with the construction of the existing field. As noted in the Planning Commission's November 14, 2023 memorandum to the City Council, the existing parking area located closest to Knapp House would remain and not change the historical context. It is noted that prior to the City's construction in 2002 most of the nursery buildings, paved surfaces, greenhouses and other related structures were clustered in the southwestern portion of the property located in close proximity to Knapp House and there was little to no vegetative screening.

11. Impact on Open Space and Recreation

The proposed action would not result in a loss of recreational opportunities or reduction of an open space resource as designated in any adopted municipal open space plan. The proposed action would not result in an impairment of natural function, or "ecosystem services", provided by an undeveloped area. The proposed action is in a previously disturbed and active recreational field. (b) The proposed action would not result in a loss of current or future recreational resources, it would result in the enhancement and playability of the athletic field. (c) The proposed action would not eliminate open space

or recreational resources in an area with few such resources, it would enhance and playability of the athletic field. (d) The proposed action would not result in the loss of an area now used informally by the community as an open space resource, as the current project area is an active and formal recreational area that would be maintained under the proposed action.

12. Impact on Critical Environmental Areas

The site is located within the Long Island Sound CEA. The project site is approximately 0.5 miles from any coastal areas of the Long Island Sound CEA. The proposed action would not result in a reduction in the quantity or quality of the elements that contribute to an area's designation as a Critical Environmental Area. The improvements at the site will have no impact on the nature of the Long Island Sound CEA or the goals of the protection of the CEA. Therefore, no impacts to this Critical Environmental Area would occur.

13. Impact on Transportation

The proposed action would not result in a change to existing transportation systems. The conversion of Nursey Field from a grass field to a synthetic turf athletic field will not result in an increase in peak traffic resulting from sports activities and attendees.

14. Impact on Energy

The proposed action would not cause an increase in the use of any form of energy, as the proposed action proposes no lighting or other energy-consuming components.

15. Impact on Noise, Odor, and Light

The proposed action would not result in an increase in noise, odors, or outdoor lighting. Deployment of the turf field has no qualities that would increase the propagation of noise to adjacent residential receptors. Hours of operation will not be altered, and the capacity and nature of the use of the field will not change, nor would the use and attendance at recreational events result in increased noise levels compared to the noise levels that have been experienced over the last 20 years with the grass field. The noise levels of games and standard use of the field by community members will remain the same on a synthetic turf field as they currently are with the existing field.

While construction noise is likely to exceed ambient levels, this work will be of limited duration, comparatively modest in noise generation, and conform with appropriate hours for construction activity. Any increases in noise levels are expected to be short-term and typical of construction-related noise.

16. Impact on Human Health

The proposed action would not have an impact on human health from exposure to new or existing sources of contaminants. The proposed action would not result in the unearthing of solid or hazardous waste. A Phase II Environmental Site Assessment was completed by Malcom Pirnie Associates in June of 2001, associated with the acquisition of the property for park use by the City of Rye. The findings of the Phase II report indicate that while contamination was found at the Site, that fill materials identified through test

pits would likely not be subject to specific remediation requirements by DEC. It was also recommended that, based on investigations of groundwater, that groundwater on site not be used for potable water. Further, fill material was placed on site in 2003 in the area of the recreational field and historic fill material was removed to support the placement of the recreational play surface. Given the duration of time, over 20 years since remedial investigation was completed, it is unlikely that a risk to human health related to hazardous materials from exposure based on past historical use of the site exists under the proposed action.

With reference to concerns regarding potential carcinogenic components of synthetic turf, it should be noted that such fields are commonly used indoor and outdoor throughout New York and the United States and that no NYS Department of Health, Federal EPA concerns, guidance, or limitations regarding its use exist. However, with deference to these concerns, the proposed turf field would include non-carcinogenic alternatives to those components of some synthetic turf such as crumb rubber infill (recycled car and truck tires) that is the primary source of concerns related to the potential presence of per- and polyfluoroalkyl substances (PFAS), polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and heavy metals such as lead. Alternatives to this crumb rubber infill that are being considered are 'engineered pine wood particle' and sand. This infill is a natural product from southern pine trees combined with free draining sand. The grass blades and shock pad for the synthetic turf are to be sourced from vendors that do not manufacture their products using PFAS. As suggested and agreed upon by the Commission, rigorous testing protocols and other verification procedures through the entire supply chain are proposed to ensure that the turf system does not include PFAS prior to installation. Therefore, the proposed project would not impact users of the field or impact water resources as no hazardous materials or pollutants would be introduced.

17. Consistency with Community Plans

The proposed action is consistent with adopted land use plans and the proposed action would not result in an impact to this section. As far back as 1985, the City of Rye Development Plan identified 421 Milton Rd for use as a recreational resource. In 2000, the City of Rye Recreation Master Plan, based on community input of 900 respondent households, reinforced the need for conversion of 421 Milton Rd (Rye Nursery) to a recreational field.

18. Consistency with Community Character

The proposed action is consistent with existing community character. The proposed action would continue use of Nursery Field as a recreational resource for youth and community sports. The proposed improvements would provide for enhanced playability and utilization of the park and support its intended use in keeping with two decades of use based on community planning and community involvement.

FOR FURTHER INFORMATION:

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Coastal Zone Management Waterfront Consistency Review

COASTAL CONSISTENCY DETERMINATION

Project No. _____

Date: November 26, 2023

This notice is issued pursuant to Chapter 73 of the Rye City Code, Coastal Zone Management Waterfront Consistency Review and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).

The Rye City Council has determined that the proposed action described below is consistent with the policies and intent of the Local Waterfront Revitalization Program (LWRP).

NAME OF ACTION: Nursery Field Improvement Project

DESCRIPTION OF ACTION: The proposed action involves improvements to the grass athletic field at Nursery Field located at 421 Milton Road. The approximately 82,000-sf athletic field would involve 100,366-sf (2.3 acres) of site disturbance and is located within an approximately 6.75-acre City-owned property, which also includes an off-street parking area and comfort station. The athletic field is zoned in an R-5 district with land use as a Public Park. The proposed action would replace the existing grass field with a synthetic turf system, elevate the field at or above the 100-year flood elevation and provide improved subsurface drainage systems. All proposed field improvements would be substantially within the footprint of the existing athletic field area and would not encroach into the approximately 1.2-acre on-site wetland. The proposed turf field would also be located within the 3.123-acre "recreation area" that was omitted from Environmental Facilities Corporation (EFC) long-term financing and related restrictions. Additional improvements include a 4'-0" chain link fence and 20'-0" athletic ball netting system are proposed for the northern extent of the playing surface, a concrete turf anchor/retaining wall running along the northern extent of the field, removal of three trees and the implementation of an enhancement plan including the planting of 20 native trees.

LOCATION: The affected area is located at 421 Milton Road, located on the south side of Milton Road between Playland Parkway to the east and Rye Beach Avenue to the west. The affected area is an approximately 2.3-acre portion of a 6.75-acre City Park, identified as Block 5, Lot 7.

REASONS SUPPORTING THIS DETERMINATION

As discussed in the LWRP Application prepared for the proposed action, the Nursery Field Improvement Project would either be consistent with, or would not affect, all policies of the LWRP. This determination was also guided by the advisory comments of coastal consistency of the Rye City Planning Commission in their November 21, 2023 memorandum to the Rye City Council.

1. Revitalize deteriorated and underutilized waterfront areas (Policy 1)

As noted in Section III of the Waterfront Revitalization Program Policies, "The State Coastal Policy regarding the redevelopment of deteriorated waterfront areas is not applicable to the City of Rye". Regardless, it should be noted that the proposed Rye Field Turf Project is not applicable to Policy 1, as the Site is not contiguous or proximate to coastal waters (at over 2,000-feet away from Rye Beach. The proposed project would not preempt the reasonably foreseeable development of water dependent uses and therefore Policy 1 is not applicable.

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

The proposed project does not adversely impact LWRP Policy 2. Policy 2 as defined in Section III of the Waterfront Revitalization Program Policies regards the facilitation of siting of water dependent uses and facilities on or adjacent to coastal waters. The project is not on coastal waters and is land locked within a residential neighborhood, well upland of any possible waterfront access and therefore is not specifically suitable for any of the uses identified in the list of water dependent uses expressed in the Section II guidance.

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

The proposed project does not adversely impact LWRP Policy 4. Policy 4 as defined in Section III of the Waterfront Revitalization Program Policies regards strengthening the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities. The Site is not on the waterfront and is land locked within a residential neighborhood, well upland of any possible waterfront access and therefore is not specifically suitable to strengthen the economic base of smaller harbor areas.

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

The proposed project does not adversely impact LWRP Policy 5. Policy 5 as defined in Section III of the Waterfront Revitalization Program Policies regards encouraging the location of development in areas where public services and facilities essential to such development are adequate. The Site is currently used as an athletic field in an area that is served by public streets, water and sewer infrastructure, and utilities. The proposed project would improve stormwater runoff as the proposed synthetic turf field would allow for greater permeability and infiltration into groundwater while the proposed under-drain system will direct excess storm-water runoff toward the existing wetland in line with the existing drainage patterns. The improved permeability will reduce the time when the field is not accessible following significant rainfall or flooding events..

5. Streamline development permit procedures (Policy 6)

The proposed project does not adversely impact LWRP Policy 6. Policy 6 as defined in Section III of the Waterfront Revitalization Program Policies regards expediting permit procedures in order to facilitate the siting of development activities at suitable locations. The City of Rye is actively coordinating with all involved State agencies and local governments to

synchronize existing permit procedures and regulatory programs for the replacement of the existing grass field with the proposed turf field. Therefore, the permit procedures necessary for the proposed project would be expedited so that the replacement of the grass field with a turf field can be facilitated at this suitable location.

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

The proposed project does not adversely impact LWRP Policies 7, 7A, 7B, and 8. The Site is not on the waterfront and is land locked within a residential neighborhood and therefore, the proposed project would not impact coastal fish habitats. While the Site is located within an area that could potentially provide habitat for the New York State threatened common tern (*Sterna hirundo*), the Site has been previously developed with a parking area, grassed playing field, and contains an approximately 1.2-acre wetland and no open water. The Site does not contain beach, sand, or saltmarsh habitats, nor does it support an open water resource required by the species. The Project will not impact the common tern as the Site does not provide the necessary adequate habitat. Policy 7A states that Marshlands Conservancy Habitat shall be protected, preserved, and where practical, restored so as to maintain its viability. The Marshlands Conservancy Habitat is approximately 1 mile from the Site and therefore, the proposed project would not impact this habitat resource. Policy 7B states that Playland Lake and Mansuring Island Flats shall be protected, preserved and, where practical, restored so as to maintain its viability as a habitat. The Site is located approximately 3,400 feet and 1.3 miles from Playland Lake and Mansuring Island Flats, respectively. Therefore, the proposed project would not impact these fish and wildlife habitats. Policy 8 supports the protection of fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants. The proposed project would not result in the generation of hazardous materials as no changes in use would occur. A Phase II environmental report was prepared in June 2001 associated with the acquisition of the property for park use by the City of Rye. The findings of the Phase II report indicated that further investigation or remediation is not warranted.

The proposed turf field would include non-carcinogenic alternatives to those components of some synthetic turf such as crumb rubber (recycled car and truck tires) infill that is the primary source of concerns related to the potential presence of per- and polyfluoroalkyl substances (PFAS), polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and heavy metals such as lead. Alternatives to this crumb rubber infill that are being considered are 'engineered pine wood particle' and sand. This infill is a natural product from southern pine trees combined with free draining sand. The grass blades and shock pad for the synthetic turf are to be sourced from vendors that do not manufacture their products using PFAS. As suggested and agreed upon by the Commission, rigorous testing protocols and other verification procedures through the entire supply chain are proposed to ensure that the turf system does not include PFAS prior to installation. Therefore, the proposed project would not impact fish or wildlife resources as no hazardous materials or pollutants would be introduced.

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

As the proposed project is the replacement of a grass athletic field with a turf athletic field approximately 2,000 feet from the waterfront, the expansion of recreational uses of coastal fish and wildlife including fishing and hunting would not be possible. Therefore, the proposed project would not impact Policy 9 and Policy 10 of the LWRP.

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

Policies 11-14, 16, 17 regard buildings and other structures to be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion. The Site is located within a flood hazard zone and was previously approved for a variance in 2001 for the placement of the athletic field. The FEMA-designated 1% annual exceedance probability (100-year flood) water surface elevation is identified at 13 feet (NAVD88). The new turf field is proposed to be raised above the flood plain (top elevation of 13.6 ft), while the current grass field is partially below the flood plain elevation. Placing fill in the flood plain is permitted under the current flood law adopting new FEMA flood maps of 2007. A detailed hydrological evaluation in accordance with the NYS DEC guidelines has been conducted to evaluate the potential impacts of the proposed improvements on the flood plain. The results of the analysis indicate that the marginal changes in the field elevation will have no effect on the flood plain elevation associated with the 1% annual exceedance events. Raising the field consistently will not only improve the leveling of the field but will also minimize the time when the surface will be inundated with flood waters. The composition of the proposed synthetic turf field would allow for greater permeability and infiltration into groundwater while the proposed underdrain system will direct excess stormwater runoff toward the existing wetland consistent with the existing drainage patterns. The improved permeability will reduce the time when the field is not accessible following significant rainfall or flooding events. Additional improvements to the site will result in reduced potential for erosion due to the improved design and characteristics of the synthetic turf field, whereas the current grass field experiences uneven sheet flows which may contribute to erosion on the embankment adjacent to the wetland. Specifically, the proposed project will place a retaining wall between the field and the wetland that will reduce the potential for erosion relating to significant stormwater events. Further, a significant advantage of synthetic turf is its resilience to weather elements, particularly flooding. Unlike a grass surface, which becomes muddy and is prone to damage after heavy rainfall, synthetic turf, with its built-in drainage systems, effectively mitigates water accumulation. Further, the site would be subject to a flood plain management permit consistent with the flood law. As the proposed project would incorporate significant measures to reduce flooding and erosion, it would not impact Policies 11-14, 16, 17. As noted in Section III of the Waterfront Revitalization Program Policies under Policy 28, "The State Coastal Policy regarding ice management practices is not applicable to the City of Rye". Regardless, it should be noted

that the proposed project is not applicable to Policy 28, as the Site is not contiguous or proximate to coastal waters (at over 2,000-feet away from Rye Beach).

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

Policy 18 regards safeguarding the vital economic, social, and environmental interests of the state and of its citizens. Proposed major actions in the coastal area must consider those interests, and the safeguards which the state has established to protect valuable coastal resource areas. The proposed replacement of the existing grass athletic field with a turf athletic field would not constitute a major action along the waterfront and would therefore not significantly impair valuable coastal waters and resources. As such, the proposed project would not impact Policy 18 of the LWRP.

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

Policies 2, 19, 19A, 19B, 20, 21, and 22 regard maintaining and improving access to shoreline and to water-related recreational facilities while protecting the environment. The proposed project is not along the shoreline (approximately 2,000 feet from Rye Beach) and would not include water-related recreational facilities. Therefore, the proposed project would not impact Policies 2, 19, 19A, 19B, 20, 21, and 22 of the LWRP.

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

Policy 23 regards the protection, enhancement and restoration of structures, districts, or sites that are of significance related to history, architecture, archeology, or culture. The new turf field would be constructed at the same location as the existing field, in an area that has been previously disturbed. There are no historic or archaeological resources on the project site. The proposed replacement of a grass playing field with a turf surface would not affect or alter the context of nearby historic resources, Knapp House and Milton Cemetery. NYS SHPO previously issued a determination letter of no-significance on March 27, 2020 and again on October 20, 2023, associated with planning for the synthetic turf conversion that found no potential impact. Therefore, the proposed project does not adversely impact LWRP Policy 23.

12. Protect and upgrade scenic resources (Policy 25)

The proposed project does not adversely impact LWRP Policy 25. Policy 25 as defined in Section III of the Waterfront Revitalization Program Policies requires that activities or developments in the Coastal Area be undertaken so as to protect, restore, or enhance natural and man-made resources which contribute to the overall scenic quality of the coastal area. The conversion of a grass playing field to a turf surface would not alter views of any scenic resources. Further, the project may assist in enhancement of scenic views of the Site from upland residential areas. The area proposed for enhancement is northwest of the athletic field quadrant of Nursery Field - an area of approximately .3 acres that are currently overrun with invasive species. The project would remove invasive herbaceous

species and provide healthy plantings of pignut hickory and sugar maple and the area will be regularly mowed to manage herbaceous invasive species.

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

The proposed project does not relate to siting or construction of energy facilities. Therefore Policies 27, 29, and 40 are not applicable.

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

As noted in Section III of the Waterfront Revitalization Program Policies, Policy 28, regarding the State Coastal Policy for ice management is not applicable to the City of Rye.

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

Policies 30 & 31 are associated with water quality and potential contaminated discharge into coastal waters. The proposed installation of a synthetic turf field using non-carcinogenic materials, and which will reduce use of pesticides and fertilizers as are currently used to maintain the grass field at the Site, supports these policies. No PFAS will be used in the manufacture of the field's turf layers and no crumb rubber infill would be used. No chemicals would be necessary to clean the turf. Policy 32 is determined in Section 3 of Waterfront Revitalization Program Policies not to be applicable to the City of Rye. Policy 34 is inapplicable to the proposed project as it relates to discharge of waste from vessels into coastal waters. Policy 35 is related to dredging in coastal waters and is inapplicable to the proposed project. Policy 36 is related to shipment of petroleum and hazardous materials and is inapplicable to the proposed project. Policy 37 regards using Best Management Practices to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters. The proposed project reduces use of pesticides or fertilizers as used to maintain the existing grass field and the project would improve surface drainage and provide an under-drain system that maintains current stormwater flows to the wetland area adjacent to the field, while the placement of a synthetic turf system with retaining wall along the proposed project's northern extent would reduce soil erosion associated with major storm events. A storm water pollution prevention plan will be prepared for the project requiring NYS DEC best practices be deployed. Policy 38 regards the maintenance of the quality and quantity of surface water and groundwater supplies to be conserved and protected, particularly where such waters constitute the primary or sole source of water supply. The proposed project would not materially change conditions at the Site, and the Site is not a primary or sole source of water supply. Given the above considerations, the proposed project does not adversely impact LWRP Policies 30, 31, 32, 33, 34, 35, 37 or 38.

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

Policy 15 is related to actions that will involve mining, excavation or dredging in coastal waters that may interfere with natural coastal processes which supply beach materials to land adjacent to such waters. The proposed project does not involve any of these activities and therefore would not adversely impact LWRP Policy 15. Policy 35 is related to dredging and dredge spoil disposal in coastal waters. As the proposed project does not involve such actions, it will not adversely impact LWRP Policy 35.

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

Policy 39 is related to the transport, storage, treatment, and disposal of solid wastes within coastal areas. The proposed project does not involve transport, storage, treatment or disposal of solid waste and therefore would not adversely impact LWRP Policy 39.

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

Policy 41 is related to land uses or developments in coastal area that may cause Federal or State Air Quality Standards to be violated. The proposed project has no potential to violate such standards as the use would not generate air emissions subject to such standards and therefore would not adversely impact LWRP Policy 41. Policy 42 concerns whether the proposed land use action would change prevention of significant deterioration of land classifications in coastal or adjacent regions. The current use of the field as a recreational resource for the community would not change and the replacement of grass surface with synthetic athletic field would not deteriorate or alter the land classification and therefore a deterioration regulation associated with the Federal Clean Air Act and therefore would not adversely impact LWRP Policy 42. Policy 43 is related to land use or development in the coastal area and its potential for generating significant amounts of acid rain precursors, nitrates and sulfates. The project would not generate significant amounts of nitrates and sulfates and would in fact reduce such generation compared to current use as synthetic turf reduces use of pesticides and fertilizer compared to the current grass field requirements for routine maintenance and therefore would not adversely impact LWRP Policy 43.

19. Protect tidal and freshwater wetlands (Policy 44)

The proposed project does not adversely impact LWRP Policy 44. The proposed project area does not encompass tidal wetlands and therefore does not impact these resources. The project site contains one isolated inland wetland resource protected by the Rye City Code. Due to the isolated nature of this inland wetland, it is not regulated by the New York State Department of Conservation (NYSDEC). The project, as proposed, does not encroach into the wetland area, and will only occur within the 100-foot buffer zone to the wetland, or other unregulated uplands. The project protects the benefits provided by the wetland pertaining to erosion, flood and storm control, natural pollution treatment, and groundwater protection by maintaining existing hydrologic connection from the surrounding area to the wetland. The available recreational, educational, and scientific

opportunities are unchanged by the project as the wetland is currently accessible by all who visit the public park. The wetland currently provides limited wildlife habitat due to its isolated nature, relatively small size, discontinuous abutting natural area, and prevalence of invasive species. The wildlife anticipated and observed to use the wetland includes raccoon, white-tail deer, and other anthropogenically-associated species. These same species are anticipated to continue using the wetland following the implementation of the project. The project entails a buffer zone enhancement area which will manage invasive species and plant native tree species. These enhancement efforts may improve wildlife habitat near the wetland. Overall, the project has been designed and will be implemented to avoid direct alteration to the wetland, and will preserve the existing benefits derived from the resource.

Overall, the proposed project would not affect many of the LWRP policy standards, and would advance LWRP policy standards 6, 8, 12, and 19: Policy 6 through the reduction of the use of herbicides and fertilizer associated with maintenance of the current grass field. Policy 12 through the provision of an enhancement area to the northwest of the recreational field to remove invasive species and plant native tree species. Policy 8 & 19 through reduction for potential for erosion from the existing field into wetland at its northern extent by replacement with a more resilient surface that reduces irregular surface level stormwater run-off, and providing an enhanced drainage system that will support existing hydrologic connection from the surrounding area to the wetland while enhancing the Site's ability to process major stormwater events and enhance the wetland adjacent areas through the removal of invasive herbaceous species and installation of native plantings.

FOR FURTHER INFORMATION:

Contact Person: Christian K. Miller, City Planner

Address: City Hall, 1051 Boston Post Road, Rye NY 10580

Telephone: 914-967-7167



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to authorize the City Manager to sign a Memorandum of Understanding (MOU) with the Office of the Westchester County Clerk that will allow City staff remote access to the County Clerk's Westchester Records Online (WRO) through December 31, 2024.

FOR THE MEETING OF:

December 6, 2023

RECOMMENDATION: That the Council authorize the City Manager to sign the MOU with the Westchester County Clerk.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached.



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

November 21, 2023

Greg G. Usry, City Manager
City of Rye
City Hall
1051 Boston Post Road
Rye, NY 10580

Dear Manager Usry,

The Office of the Westchester County Clerk is very pleased to be able to continue to provide your municipality with access to Westchester Records Online (wro.WestchesterClerk.com) which allows your staff to access millions of records on file free of charge, including foreclosure reports. In addition, municipalities are given exclusive access to essential abstracts of real estate transactions to assist tax assessors.

Enclosed is the Memorandum of Understanding (MOU) that will allow your staff remote access to the County Clerk's Westchester Records Online (WRO) through December 31, 2024, provided that our office receives the signed document and attachments.

Please return the signed MOU and the updated subscriber fact sheet before December 10, 2023 to the attention of Ms. Larena Robertson, Office of the Westchester County Clerk, 110 Dr. Martin Luther King Jr. Blvd., White Plains, New York 10601. If you have any questions or concerns about the enclosed, please contact Ms. Robertson at (914) 995-3085 or via email at LMJI@westchestercountyny.gov.

We look forward to serving your municipality.

Sincerely,

Timothy C. Idoni
Westchester County Clerk

MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF WESTCHESTER
AND

LICENSE AGREEMENT made this ____ day of _____, 20____, by and between:

THE COUNTY OF WESTCHESTER (hereinafter referred to as the “County”), a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 and

(hereinafter referred to as the “Licensee”), located at

WHEREAS, the County desires to provide a license for remote access to the County Clerk’s land records and legal files; and

WHEREAS, the Licensee desires a license for the privilege of utilizing such remote access to the County Clerk’s record; and

NOW, THEREFORE, the parties hereto agree upon the premises, terms and conditions as follows:

1. Licensed Access: The County hereby grants to the Licensee a License at no cost for the use of (____) assigned user IDs from the Westchester County Clerk’s system that would permit Licensee to connect computer terminal(s) for remote web access to the County Clerk’s land records and legal files. Licensee accepts the land records and legal file information on an “as is” basis and the County provides no warranty as to the accuracy of the information. To the extent permitted by law, the County disclaims all liability for the information contained in the files and records.

2. **Confidentiality:** The Licensee agrees that, except in accordance with proper judicial order or as otherwise provided by law, the Licensee and any person employed, or otherwise engaged, by such Licensee who by virtue of such employment or engagement is given access to the County Clerk's Office land and legal records pursuant to this License, shall not divulge or make known in any manner any confidential information, such as social security numbers, contained in such records.

3. **Conduct of Operations:** The Licensee assumes all risk of operation and shall provide, at its sole cost and expense, all equipment and hardware, as determined by the County, necessary to gain access to the County Clerk's records. The County shall not be responsible as a bailee or otherwise for any equipment or hardware or other personal property of the Licensee, or its employees, used to gain remote access. The Licensee hereby waives any claim for loss or damages sustained to any personal property, including, without limitation, theft or other casualty.

The Licensee further agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the sole negligence of the County, the Licensee shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees, or loss arising directly or indirectly out of the acts or omissions hereunder by the Licensee and third parties under the direction or control of the Licensee; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this License and to bear all other costs and expenses related thereto.

(c) that in the event the Licensee does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Licensee shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the License.

4. **Term and Termination:** The term of this License shall be for a period of one year commencing on January 1, 2024 and terminating on December 31, 2024, with the County Clerk's option to extend the License for four additional one-year periods on the same terms and conditions. This License shall be extended for an additional one-year period automatically upon Licensee's receipt of a letter notice from the County Clerk advising Licensee of the County Clerk's decision to exercise its option and extend this License for an additional one year period.

In addition, this License may be terminated by the County upon thirty (30) days written notice to the Licensee when, in its sole discretion, the County deems it in its best interest to do so. Licensee shall have the right to terminate this License upon thirty (30) days written notice to the County when, it is sole discretion, Licensee deems it in its best interest to do so.

5. **No Lease**: It is expressly understood and agreed that no equipment or space is leased to the Licensee. No exclusive rights for remote access (other than the licensed user IDs granted herein) are granted by this License.

6. **Notices**: All notices of any nature referred to in this License shall be in writing and either sent by regular mail or overnight courier, or sent by facsimile (with acknowledgement received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt, or in the case of notices sent by regular mail, notice shall be effective three business days after the date of mailing.

To the County:

Hon. Timothy C. Idoni
Westchester County Clerk
110 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601

And a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Licensee:

With a copy to:

Such addresses shall be subject to change from time to time as may be specified in writing.

7. **Assignment**: It is understood and agreed that this License and the privileges granted hereunder are exclusively personal in nature and the Licensee may not assign, convey, sell, transfer (including, but not limited to, an attempt to transfer this License pursuant to a sale or transfer of all or part of this Licensee's assets), or otherwise dispose of this License. Any attempted or purported assignment, subletting, or transfer of this License or any rights granted hereunder without the express written consent of the County is void.

8. Entire Agreement: This License and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

Signed this _____ day of _____, 20__

THE COUNTY OF WESTCHESTER

By: _____
Timothy C. Idoni, County Clerk

LICENSEE

By: _____

Print Name: _____

Title: _____

Date: _____

Approved as to form and manner of execution

Assistant County Attorney
The County of Westchester

MUNICIPALITY'S ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____ 20___, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she is the _____ of _____, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she executed the same in his/her capacity, and that by his/her signature(s) on the instrument, the municipal corporation executed the instrument.

Notary Public

**CERTIFICATE OF AUTHORITY
(Municipality)**

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the
(Title)

(Name of Municipality)

(the "Municipality"), a corporation duly organized and in good standing under the

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement; that _____,
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution
_____ of the Municipality, and that said
(Title of such person),

agreement was duly signed for and on behalf of said Municipality by authority of its
_____, thereunto duly authorized and
(Town Board, Village Board, City Council)

that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____ 20__, before me, the undersigned, personally appeared
_____, personally known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to the above certificate and
acknowledged to me that he/she executed the above certificate in his/her capacity
as _____ of _____,

(Title)

(Municipality)

the municipal corporation described in and which executed the within instrument.

Notary Public



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to authorize Corporation Counsel to sign a stipulation settlement in *Henry E. Gaillard v. City of Rye City Council and Miriam Osborn Memorial Home Association* (Index No. 65743/2022).

FOR THE MEETING OF:

December 6, 2023

RECOMMENDATION: That the Council authorize Corporation Counsel to sign the stipulation of settlement.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Council

CONTACT: Mayor Josh Cohn

ACTION: Approve appointments to the Rye Golf Club Commission for the term as outlined below.

FOR THE MEETING OF:
December 6, 2023

RECOMMENDATION: That the Council approve the new appointments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

<u>Commission Members</u>	<u>Expiration Date</u>
Eliot Chait	12-31-26
James Mulcahy	12-31-26
Art Tiedmann	12-31-26



CITY OF RYE
Golf Club

Interoffice Memorandum

To: The Rye City Council

From: Rye Golf Club Commission

Date: November 30, 2023

Subject: **Request to Appoint New Golf Club Commissioner Terms**

Recently the golf club hosted an election amongst club members to select candidates for three 3-year terms to serve as a Rye Golf Club Commissioner beginning January 1, 2024. The election results are attached. The Rye Golf Club Commission requests that Eliot Chait (City Of Rye Resident) and James Mulcahy (City of Rye Resident) & Art Tiedmann are appointed to 3 year terms effective January 1, 2024.

Nov 15, 2023

Rye Golf Club
330 Boston Post Road
Rye, NY
10580 United States

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,



Brian Lack
President
Simply Voting Inc.

Results - 2024 Rye Golf Club Commission Election

Start: 2023-11-01 09:00:00 America/New_York

End: 2023-11-15 09:00:00 America/New_York

Turnout: 364 (18.4%) of 1976 electors voted in this ballot.

Rye Golf Club Commission

Option	Votes
ELIOT CHAIT (incumbent)	261 (29.0%)
JAMES MULCAHY (Incumbent)	255 (28.4%)
ART TIEDEMANN	213 (23.7%)
KELLY O'NEILL	170 (18.9%)

VOTER SUMMARY

Total	364
Abstain	1 (0.3%)

