CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, September 10, 2014, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss personnel and litigation.*

AMENDED AGENDA

1. Pledge of Allegiance.

2. Moment of Silence in remembrance of 9/11.

3. Roll Call.

4. Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have reached milestones in their service to the City of Rye.

4A. Recognition of the Rye Little League 10 and 11 year old Baseball Team as winners of the 2014 New York District 20 Little League Baseball Championship.

4B. Approval of the election of one new member to the Rye Fire Department.

5. General Announcements.

6. Draft unapproved minutes of the regular meeting of the City Council held August 4, 2014.

7. Issues Update/Old Business.

8. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing.

9. Continuation of Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

10. Continuation of Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.

11. Continuation of Public Hearing to amend local law Chapter 76, "Dogs", Section §76-5, "Running at large prohibited" and Section §76-6, "When leash required" to establish regulations for the leashing of dogs at Rye Town Park.

12. Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and

Article 12 “Department of Police”, Section § C12-1, “Head of Department; subordinates” of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner.

13. Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (B) “Two-hour limit” to prohibit parking for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street, and Section §191-21, “Parking, standing or stopping” to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

14. Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (E) “Fifteen-minute limit” to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.

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

16. Consideration to set a Public Hearing to amend local law Chapter 165 , “Signs”, of the Rye City Code by adding Section §165-10, “Regulation of banners”, to establish regulations for banners on City owned ball field fences and utility poles on City property.

17. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2017 and the designation of one member to the Boat Basin Nominating Committee.

18. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2014.

19. Resolution to accept asset forfeiture funds in the amount of Three Thousand Four Hundred ($3,400.00) Dollars to be deposited into the Police Department asset forfeiture account.

20. Appeal of denial of FOIL requests by Timothy Chittenden.

21. Miscellaneous communications and reports.

22. New Business.

23. Adjournment.

* *

The next regular meeting of the City Council will be held on Wednesday, October 8, 2014 at 7:30 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”.

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager’s Office at (914) 967-7404.

CITY COUNCIL AGENDA

NO. 4 DEPT.: City Council DATE: September 10, 2014

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have reached milestones in their service to the City of Rye.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Awards will be presented to the following City of Rye employees who have reached milestones in their service to the City of Rye.

EMPLOYEE	DEPARTMENT	YEARS OF SERVICE
Todd Barnum	Fire	25.5
Sgt. Charles Hunter	Police	25
Lt. Jeffrey Reichert	Police	36
Lt. Joseph Verille	Police	36
Sgt. Robert Vogel	Police	31
Craig Casterella	Public Works	31
Edward Iannarelli	Public Works	26
Michael Pearce	Public Works	41
Robert Slater	Public Works	26

CITY COUNCIL AGENDA

NO. 4A DEPT.: City Manager DATE: September 10, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Recognition of the Rye Little League 10 and 11 year old Baseball Team as winners of the 2014 New York District 20 Little League Baseball Championship.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council recognize the achievement of the Rye Little League 10 and 11 year old Baseball Team as the winners of the 2014 New York District 20 Little League Championship.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The Rye Little League 10 and 11 year old Baseball team emerged victorious after defeating the six teams in their division to become the 2014 New York District 20 Little League Champions. Rye defeated Eastchester for the title in the final game played on July 3, 2014 at Lyon Park. It is quite an accomplishment as Rye has only been District 20 Champions four times: in 1981, 1999, 2008, and 2014.

The City Council congratulates the Rye Little League Players on their success.

2014 New York District 20 Little League Championship

Aidan Ahearn
Jack Bartlett
Justin Cheigh
Tommy Junior
Liam Lavelle
Blake Norton
Dominic Sculti
Aidan Sullivan
Mark Surhoff
Matthew Tepedino
Sean Thompson
Kotaro Tsunematsu

Coaches: Leon Sculti & Mark Surhoff
Manager: Myles Lavelle

CITY COUNCIL AGENDA

NO. 4B DEPT.: Fire Department DATE: September 10, 2014

CONTACT: Chief Peter Cotter

AGENDA ITEM: Approval of the election of one new member to the Rye Fire Department.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the election of Daniel Ponignamo into the Poningoe Engine and Hose Company.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Board of Fire Wardens has advised that Daniel Ponignamo was elected into membership to the Poningoe Engine and Hose Company of the Rye Fire Department and was approved by the Fire Wardens at their August 4, 2014 meeting.

See attached.

Dear City of Rye Council Members,

On August 04, 2014 Daniel Ponignamo was voted into the Poningoe Engine and Hose Company of the Rye Fire Department. His application, physical, arson report, and background check were all completed and have been approved by the Board of Wardens. The City of Rye Fire Department believes he would be a great addition to the membership. If there are any questions please feel free to contact me. I am not sure if he will be at the Council meeting. Thank You.

Very respectfully,
Captain Dan Bochicchio
Department Secretary Rye Fire Department

CITY COUNCIL AGENDA

NO. 6 DEPT.: City Clerk DATE: September 10, 2014

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held August 4, 2014, as attached.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Approve the minutes of the regular meeting of the City Council held August 4, 2014, as attached.

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 4, 2014 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
RICHARD SLACK
Councilmembers

ABSENT: None

The Council convened at 7:00 p.m. Councilwoman Killian made a motion, seconded by Councilman Slack and unanimously carried to immediately adjourn into executive session to discuss collective bargaining. Councilwoman Bucci made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 7:25 p.m. The regular meeting convened at 7:30 p.m.

1. Pledge of Allegiance

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

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

3. General Announcements by the Council

Mayor Sack noted the passing of Peter Collins and Pat Iorillo; offered condolences to their families, and requested a moment of silence. The Mayor congratulated the Police, Fire and Public Works Departments for their actions in rescuing two men who were trapped in a trench collapse on Bradford Avenue and acknowledged the assistance of the Westchester County Department of Emergency Services, and the White Plains and New Rochelle Fire Departments. He also announced that coyotes have been seen in Rye again and asked residents to report when and where they are seen to the Police Department and the Department of Environmental Conservation (DEC). Announcements were also made regarding various meetings, events and activities they may be of interest to the residents of Rye.

4. Presentation of the 2015-2019 Capital Improvements Program

City Planner Christian Miller presented the City's 2015-2019 Capital Improvement Plan (CIP) for the City, as required by Charter. The purpose of the CIP is to identify major projects and acquisitions; identify the cost, and, time when the project might be implemented over a five-year period. The 2015-2019 CIP is for $23 Million and consists of 53 projects. The projects are broken down as: $14.7 Million for Transportation projects; $5.5 for Vehicles and Equipment; $2.9 Million for Recreation projects; $2.9 Million for Building projects; $1.2 Million for Sewer projects; and $1 Million for Drainage projects. Funding is allocated at approximately $12 Million from Grants and Aid; $6.2 Million from General Revenues; and less than $5 Million from debt. The City has traditionally used Fund Balance to fund capital projects. The General Fund has been restored to $5.9 Million and the Building and Vehicle Fund now has a surplus of $3.5 Million. Mr. Miller provided a brief overview of some of the projects. He said it is important to identify projects in order to coordinate opportunities with other projects. He concluded by saying that the challenge for the Council is to determine what projects will be funded during budget discussions in the Fall.

5. Draft unapproved informal minutes of the regular meetings of the City Council held June 11, 2014 and July 8, 2014

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held on June 11, 2014.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to approve the minutes of the regular meeting of the City Council held on July 8, 2014, as amended.

6. Issues Update/Old Business

Boat Basin: Mayor Sack announced that the New York State Auditor's Report that was issued in January has been posted on the City website.

Joint Meeting with School Board: Mayor Sack said that a Saturday date for a second joint meeting with the School Board has been difficult to arrange and said dates for a possible Monday meeting would be circulated.

7. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing.

Mayor Sack said that a subcommittee of the Council that includes Councilwoman Bucci and Councilmen McCartney and Slack has been working with the City's Environmental

Consultant, Matthew Carroll of Tenen Environmental (Tenen), who will present their report at this meeting. Councilman Slack said that Tenen was asked to look at everything with regard to the site and give the Council an unvarnished view of the environmental issues. Mr. Carroll said there were many petroleum spills stemming from two gas stations in the area. Currently all spills have been closed by the DEC, which means the State has considered the remediation done at the site and determined that, although residual contamination may remain, the impacts don't impact the use of the site and it is ready for development. Groundwater samplings indicate that concentrations are above drinking water standards but the State has determined that the source of the contamination has been removed and over time the standards will be met. Tenen has reviewed many documents provided by the State, Westchester County, and residents of Rye. Soil samplings indicate that some metals have been detected that are slightly above the restricted residential levels set by the State. The Westchester County Department of Health (DOH) has looked at the remediation results in connection with the proposal for the site and suggested remedial elements that would be appropriate to incorporate into the design of the building, including open parking on the first floor; a venting or waterproofing system for the enclosed spaces for the elevator; and bringing in three feet of fill material to act as a cap on the soil. Tenen's investigation contemplated the potential impacts to future occupants from inhalation of vapors and dermal impacts and recommend that two measures be implemented in the zoning change: (1) the design and implementation of a soil vapor intrusion mitigation system; and (2) the design and installation of a remedial cap. Tenen also commented on the Environmental Assessment Form provided by the applicant and opined that additional information was needed for the Council to make an informed decision. Mr. Carroll also spoke about possible remediation required by the DEC at the manufactured gas plant nearby (Con Edison property) and said the applicant should provide additional information regarding that site. The size of the 150 North Street property will trigger the need for a Stormwater Pollution Prevention Plan and the project will be required to meet OSHA requirements for workers. Mr. Carroll was asked to visit the site and provide more current readings from the two wells where the highest previous readings came from.

Members of the public who commented included *John Shoemaker and Walter Surack.* Questions were asked regarding previous samples taken from the area and the need to take additional samples; the status of the Con Edison site; and how the work plan will impact area residents. *Clark Neuringer*, architect for the applicant, said that the applicant needed time to review the memoranda prepared by Tenen.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to continue the public hearing to the September 10th meeting.

8. <u>Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council</u>.

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

Mayor Sack summarized the issues that have led up to this public hearing stemming from a decision to ban banks from Purchase Street several years ago in order to protect retail. The current idea is to create a situation whereby a retail store can be saved by adding a bank on Purchase Street. Councilwoman Brett spoke about the Planning Commission's discussion of the proposed local law, and a suggestion that if a special use permit is created it should provide for both historic preservation and diverse retail. She said she reviewed the City's Central Business District (CBD) Plan, which includes Historic Preservation and promoting retail use as priorities. Ms. Brett expressed concern about the format of the proposed special use permit and the process and said she would prefer that the existing Landmark law be utilized, which would require the owner to accept the designation of the property as an historic site or structure and provide for a convenience retail use on the site.

Members of the public who commented on the proposed local law included Planning Commission members *Martha Monserrate and Nicholas Everett.* Ms. Monserrate noted that the proposed law does not control the use of the space and cannot control the tenant at the location. She suggested that combining a specific land use with historic preservation may not be good public policy. Mr. Everett said the Council needs to think about the ramifications of the proposed legislation and that the role of the free market should be looked at. *Neil DeLuca*, representing the owner of the property, said the owner had offered a compromise to keep the Smoke Shop in the City but was not sure if the developer would want to proceed if historic preservation of the property were required. *Lindsey Russell* spoke in favor of preserving the facade and character of the property.

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried to continue the public hearing until the September 10, 2014 meeting.

9. <u>Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee</u>.

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

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee (TPS) reported that TPS has revised the Pilot Study to include Van Wagenen Avenue, and portions of Forest Avenue, Oakland Beach Avenue and Milton Road ("the loop"). He said speed measures studies should be done by the end of the summer before school opens in the additional areas. Mr. Dempsey says that TPS believes that adding removal of rocks in the right-of-ways and Belgian block would add too many issues to the Pilot study. There was a discussion among the Counsel regarding how best to deal with the issue of removing the rocks and whether they should be included in the Pilot or dealt with as a separate, simultaneous program. City Manager Culross was asked to provide a recommendation from City staff on the best way to enforce removal of the rocks. There was also a request to put a "sunset" clause in the proposed local law.

The only member of the public who spoke was *Jennifer Neron*. She said she was concerned about expanding the scope of the study to include "the loop" because the data and execution would be cleaner on one set street. She also expressed concern about comingling speed and rock removal in the same Pilot.

10. Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to adjourn the public hearing to the September 10, 2014 City Council meeting.

11. Consideration to reschedule the Public Hearing to September 10, 2014 to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (B) "Two-hour limit" to prohibit parking for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street, and Section §191-21, "Parking, standing or stopping" to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to reschedule the public hearing to the September 10, 2014 meeting.

12. Discussion regarding Hen Island

Mayor Sack introduced the discussion by saying that issues regarding Hen Island (Kuder Island Colony) have been discussed for many years but have never been sufficiently framed or definitively addressed. He added that the goal is to position the City to come to a reasonable conclusion and resolution of the issues.

Ray Tartaglione made a PowerPoint presentation that dealt with three issues in connection with Hen Island: sewage, potable water and mosquitoes. The presentation included background and history related to the issues and suggestions for how to deal with them. Mr. Tartaglione was asked to submit his written presentation and to resubmit his PowerPoint presentation to the City Manager's Office with notations on each picture as to whether it was a current or historic picture. Mayor Sack asked Mr. Tartaglione to site the authority that he believes the City has to compel the residents of Hen Island to take the actions that were mentioned in the presentation. Mr. Tartaglione cited sections of the City Code.

Several members of the public spoke regarding the issues raised in Mr. Tartaglione's presentation. *Ron Schoenfeld, Carolyn Barotz, Barbara and Claudio Iodice, Francis*

Santangelo, Francis Archibald, Jordan Glass, and Deidre Curran spoke in support of Mr. Tartaglione's presentation. *David and Brian Hutto, Gary and Mark Ederer, Helen Cunningham and David Reinhold* offered a different point of view of conditions on Hen Island from Mr. Tartaglione's presentation. Both Mr. Tartaglione and Mr. Ederer offered to take the members of the Council on a tour of the island. Mayor Sack offered the Board of Kuder Island Colony the opportunity to make their own presentation at a future Council meeting.

13. Consideration to set a Public Hearing to amend local law Chapter 165 , "Signs", of the Rye City Code by adding Section §165-10, "Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property

This agenda item was tabled until the September 10, 2014 Council meeting.

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

There were no residents who wished to speak under this agenda item.

15. Resolution to approve a Memorandum of Agreement between the City of Rye and the Rye CSEA Local 1000 Department of Public Works Unit.
Roll Call.

Councilwoman Brett made a motion, seconded by Councilman McCartney, to adopt the following Resolution:

WHEREAS, the City of Rye and the Rye CSEA Local 1000 Department of Public Works Unit have negotiated a new Memorandum of Understanding which will replace the agreement which expired on December 31, 2011; and

WHEREAS, the CSEA DPW Unit ratified the proposed terms of the MOA; now, therefore, be it

RESOLVED, that the City Council approve the four-year contract MOA between the Rye CSEA Local 1000 Department of Public Works Unit for the contract period of 01/01/2012 to 01/01/2015.

ROLL CALL:

AYES:	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack
NAYS:	None
ABSENT:	None

The Resolution was adopted by a 7-0 vote.

16. Adoption of the 2014/2015 tax levy and tax rate for the Rye Neck Union Free School District
Roll Call.

Councilwoman Brett made a motion, seconded by Councilman Mecca, to adopt the following Resolution:

> **WHEREAS**, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of $11,704,783 to be raised on property within the District located in the City of Rye, with established tax rates of $847.987786 per $1,000 of taxable assessed value on homestead property and $1,096.677945 per $1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2014 and ending June 30, 2015; now, therefore, be it
>
> **RESOLVED**, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL:

AYES:	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack
NAYS:	None
ABSENT:	None

The Resolution was adopted by a 7-0 vote.

17. Bid Award for the Peterbilt Truck Modification Bidding Specifications (Bid #2-14)
Roll Call.

Councilwoman Brett made a motion, seconded by Councilman Mecca, to adopt the following Resolution:

> **RESOLVED,** that the City Council of the City of Rye hereby awards Bid #2-14 (Peterbilt Truck Modification Bidding Specifications) to Truck Builders of Connecticut, the low bidder complying with all the City's specifications, in the amount of seventy-five thousand, seven hundred eighty Dollars ($75,780.00).

ROLL CALL:

AYES:	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack
NAYS:	None
ABSENT:	None

The Resolution was adopted by a 7-0 vote.

18. Consideration of request for permission to close a section of Purchase Street for the 62nd annual celebration of the Halloween Window Painting Contest

Councilwoman Killian made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution:

> **RESOLVED,** the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street from the Square House to Purdy Avenue for the 62nd Annual Halloween Window Painting Contest on Sunday October 19, 2014 (rain date October 26) from 8:00 A.M. to 3:00 P.M.

19. Miscellaneous Communications and Reports

There was nothing reported under this agenda item.

20. New Business

There was nothing reported under this agenda item.

21. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 12:35 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

CITY COUNCIL AGENDA

NO. 7 DEPT.: City Council DATE: September 10, 2014

CONTACT: Mayor Joseph Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

CITY COUNCIL AGENDA

NO. 8	DEPT.:	Planning	DATE: September 10, 2014
	CONTACT:	Christian K. Miller, AICP, City Planner	

AGENDA ITEM: Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North street to the RA-5 District to provide for the construction of affordable senior housing.

FOR THE MEETING OF:
September 10, 2014
RYE CITY CODE,
CHAPTER 197
SECTION 3

RECOMMENDATION: That the City Council continue the Public Hearing to amend the zoning designation of the County-owned property on Theodore Fremd Avenue.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The petitioner, Lazz Development/Pawling Holdings, seeks an amendment to the City Zoning Map to change the zoning district designation of an approximately 2.0-acre property located on Theodore Fremd Avenue and North Street. The request would change the zoning of the Westchester County-owned property from the B-6, *General Business*, District and the B-1, *Neighborhood Business*, District to the RA-5, *Senior Citizen's Apartment*, District. The petitioner is seeking to construct fifty-four (54) units of age-restricted housing located in two buildings. The proposal would be limited to those over age 55 and consist of 44 one-bedroom units and 10 two-bedroom units. The proposed units would also be affordable and 27 of these units would count towards Rye's contribution to the 750 units of fair and affordable housing Westchester County is obligated to provide as part of a stipulation of settlement with the U.S. Department of Housing and Urban Development (HUD). It is noted that the proposed zoning change is the same district as adopted by the City Council in the mid-1980s to accommodate the nearly 100 units of affordable senior housing at 300 Theall Road. The matter was referred to the City Planning Commission and a recommendation memo was provided to the City Council. Westchester County has provided its advisory comments on the matter.

(continued)

Additional information has been provided by the petitioner; these documents are available on the City website* and include the following:

1 – Proposed Conceptual Site Plan
2 – Letter from Westchester County Department of Planning / Department of Health
3 – Aerial photos of site: 1925 through 2013
4 – Soil testing results: Ralph G. Mastromonaco, P.E., P.C.
5 – Soil test Technical Report: York Analytical Laboratories, Inc.
6 – Full Environmental Assessment Form
7 – Traffic Analysis and Commentary: Ralph G. Mastromonaco, P.E., P.C.
8 – City of Rye Police Department Incident Reports
9 – Team Environmental Consultants, Inc.: Phase 1 Environmental Site Assessment Report
Theodore Fremd Property Taxes
Documents obtained from Westchester County through a FOIL request

08/04/14 – memo from Matthew Carroll, P.E. / Tenen Environmental providing a Review of Environmental Conditions
08/04/14 – memo from Matthew Carroll, P.E. / Tenen Environmental providing a Review of the Environmental Assessment Form
08/28/14 – memo from Ralph G. Mastromonaco, P.E., P.C. providing a revised Environmental Assessment Form and responses to questions posed by City Planner Christian K. Miller, AICP and consultant Matthew Carroll, P.E.

** Documents are available at www.ryeny.gov under Digital Documents in folder
"Theodore Fremd Senior Housing Zoning District Change"

RALPH G. MASTROMONACO, P.E., P.C.
Consulting Engineers
13 Dove Court, Croton-on-Hudson, New York 10520
Tel: (914) 271-4762 Fax: (914) 271-2820

Civil / Environmental
www.rgmpepc.com

Christian K. Miller, AICP
Rye City Planner
1051 Boston Post Road
Rye, New York 10580

August 28, 2014

Re: Theodore Fremd Senior Housing
150 North Street, Rye NY

Dear Chris:

Please find enclosed the following information:

1. Full Environmental Assessment Form for the Courtyard at Theodore Fremd revised August 27, 2014,
2. Flood Insurance Rate Map # 36119C0352F,
3. Hydrologic Soil Group from the Natural Resources Conservation Service,
4. Environmental Resource Mapper view of the property,
5. Excerpt from the NYS Stormwater Design Manual Section 7.3 showing sole source aquifers in NY,
6. EAF Mapper summary report dated March 17, 2014,
7. The DEC Environmental Site Remediation Database search details for V00571,
8. Email request for DEC Natural Heritage Data.

We received various comment letters concerning the FEAF and offer the following additional information:

<u>Memo from Christian K. Miller Rye City Planner dated July 3, 2014:</u>

Comment:

Page 1. Description of the Proposed Action. The project description should indicated that the proposed action includes a request to action under consideration is a local law to amend the City Zoning Map to change the zoning district designation of the subject property to the RA-5 District.

Response:
The EAF has been so revised.

Comment:

Page 1. Property Owner. The property owner and contact information should be provided.

Response:
The EAF has been so revised with owner, Westchester County.

Comment:
Page 2. C.2.a. Responses to these questions regarding consistency with adopted plans should be indicated as "Yes".

Response:
The EAF has been so revised.

Comment:
Page 3. C.3.c. The response is incorrect. A zoning text amendment is not proposed. A Zoning District change of the subject property to the RA-5 District is requested.

Response:
The EAF has been so revised.

Comment:
Page 4. D.2.b. This response regarding on-site wetlands should be supported with a report from a certified soil scientist. This has been previously requested since there appears to be wetland on the property that would be subject to City of Rye and/or Army Corps of Engineers jurisdiction. If wetland is determined to be on the site its boundary should flagged and indicated on a survey.

Response:
The applicant and City are both awaiting a report from a wetland consultant, however, the Environmental Resource Mapper does not show wetlands and the available soils mapping, provided herewith, reveal well drained soil ('B' hydrologic group). We have modified this response as there may be a locally regulated drainage channel on the site.

Comment:
Page 5. D.2.g. Responses to these questions regarding air quality impacts should be provided.

Response:
The project will not require a NYS Air Registration, Air Facility Permit or Federal Clean Air Act Title IV or Title V permits.

Comment:
Page 7. D.2.j. Responses to these questions regarding traffic impacts should be provided and be consistent with the information provided in the applicant's traffic study.

Response:
The project will not "result in a <u>substantial</u> increase in traffic above present levels or generate <u>substantial</u> new demand for transportation facilities or services". Therefore, the answer remains "NO". This response is consistent with the Traffic Study prepared by Tim Miller Associates dated May 12, 2014.

Comment:
Page 7. D.2.l. Responses to these questions regarding hours of operation should be provided.

Response:
We have included hours of operation "during construction" that are reasonable, however, as a residential facility, "during operations" would be closer to 24 hours a day.

Comment:
Page 8. D.2.n.ii. This response is incorrect and should be changed to "Yes". There will be removal on existing vegetation that could provide a light barrier or screen.

Response:
We have so revised the EAF. The proposed action will remove some vegetation that will be replaced with landscaping and a building.

Comment:
Page 8. D.2. q. This response should be revised to indicate that there may be pesticide use associated with normal lawn maintenance.

Response:
The EAF has been so revised with Lawn Maintenance.

Comment:
Page 10. E.1.d. This response should be changed to "Yes". Please indicate that Rye Manor (an affordable senior housing community) is located within 1,500 feet of the project site.

Response:
The EAF question has not been changed to "Yes" as Rye Manor is 4,000-feet from the project site according to Google Earth.

Comment:
Page 11. E.2. d. This response should be changed. According to sub-surface investigation reports provided by the applicant groundwater appears to be located between 1-3 feet below grade and not 5+ feet as indicated by the applicant.

Response:
The groundwater information provided in the FEAF was field verified and revealed areas of the site where no groundwater was encountered to a depth of 5+ feet, though in the areas of the drainage channel the depth was at the surface. The response is modified to be clearer.

Comment:
Page 11. E.2.h. As indicated in response to page 4, D.2.b above, this response regarding on-site wetlands should be supported with a report from a certified soil scientist.

Response:
The applicant is awaiting the City wetland consultant, however, the Environmental Resource Mapper does not show wetlands and the available soils mapping provided reveal well drained soil.

Review of Part 2 of the EAF

Response:
It is noted that Question 3, Impacts on Surface Water, will await a review by a wetland consultant.

Question 16, Impacts on Human Health, could be answered "No" as evidenced by the separate reports already available from Westchester County and the city's consultants that state the design of the project should have little or no affect on human health.

Memo from Matthew Carroll, P.E. / Tenen Environmental dated August 4, 2014 providing a Review of the Environmental Assessment Form.

Summary of Incompleteness
The following items were not completed and should be addressed by the Applicant.

Comment:
D.2.cii, iv– water demand

Response:
The water demand was listed in the form at 11,600 GPD (58U x 2 PP/U x 100 GPD) the supplier was listed as United Water Westchester and stated the existing district has the lines and capacity for connection.

Comment:
E.2.m – predominant wildlife species

Response:
We revised this section of the EAF with Local Birds, Local Rodents and Local Mammals.

Comment:
Please also note that the following items should not be answered based on the Applicant's initial responses: B.i. ii, iii and D.2.t v.

Response:
The EAF has been so revised.

Request for Documentation
In order to document the conclusions of the EAF, the following should be submitted

Comment
E.2.j, k. A copy of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) with the Site highlighted should be provided by the Applicant. If any preliminary maps have been issued for this area post-Hurricane Sandy, they should also be provided.

Response:
Included in this package is a copy of the Flood Insurance Rate Map that shows that no floodplains near the site.

Comment
E.2.e. The Applicant indicates that the soils are well-drained across the entire Site. Given the potential wetland and surface material of glacial till, please provide documentation from the Web Soil Survey (see: http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm) or a Site-specific survey to support this assertion.

Response:
We attach the websoil mapping. The mapping indicates the entire site is one soil type – Ub Udorthents, smoothed with a Hydrologic Soil Group as "B". This category of soils is considered "well drained." A meaningful site specific survey of soils is ruled out by the historic disturbances of this site, however, the wetland consultant will confirm this matter.

Comment
E.2.l. A copy of a map showing Sole Source Aquifers (SSAs) with the Site location highlighted should be provided by the Applicant for review.

Response:
Included in this package is a copy of the NYS Stormwater Design Manual Section 7.3 showing sole source aquifers in NY. The nearest sole source aquifers are Long Island and Ramapo.

Comment
E.2.h. In addition to comments provided by the Department of Planning regarding wetlands, if a surface water body is present at the Site, confirmation of whether it is classified or protected by the New York State Department of Environmental Conservation (NYSDEC), as shown on their Environmental Resource Mapper (ERM), should be provided by the Applicant.

Response:
Included in this package is a copy of the Environmental Resource Mapper that shows no wetlands or significant environmental resources near the site.

Comment
E.2.o, p. Applicant should provide documentation that the project area is not known to contain listed rare, threatened or endangered species, or associated critical habitat.

Response:
A search was conducted from the NYS DEC New York Nature Explorer and no results were found for rare, threatened or endangered species. It is understood that the Westchester County Dept. of Planning had researched threatened and endangered species in the long period of time that they owned the site. Archeological investigations were also conducted by the County. We have sent an email request for the DEC Natural Heritage Data.

Error/Clarification

Comment
B.g. The Applicant should answer consistent with the current regulatory status of the Site; therefore, NYSDEC approval is not required.

Response:
NYS DEC was listed on the form as the project will require and General Stormwater Permit, SPDES.

Comment
D.2.f. The Applicant should consider whether construction equipment will be a source of mobile air emission sources during construction operations.

Response:
This question of the EAF is revised with "Heavy equipment and delivery vehicles, as associated with any construction project.

Comment
D.2.m. The Applicant should consider whether construction equipment will be a source of noise that will exceed ambient noise levels.
See: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf

Response:
Ambient noise levels will not be substantially exceeded from existing, given the site is on a busy roadway and its close proximity to the Metro North Rail Road and I-95.

Comment
E.1.h. This response is incorrect and should be changed to "Yes".

Response:
The response has been corrected.

Comment
Additional information on the Manufactured Gas Plant (MGP) identified as NYSDEC Site ID V00571 should be provided, including, but not limited to, a Site Characterization Report (SCR

Response:
The DEC Environmental Site Remediation Database search details for V00571 are provided herewith

Comment
The Applicant should also provide the map and output from the NYSDEC EAF Mapper (see: http://www.dec.ny.gov/eafmapper/).

Response:
The EAF Mapper summary report dated March 17, 2014 is provided herewith.

Comment
The Applicant should list the Spill numbers associated with the Site and upgradient adjoining properties.

Response:
The spill number has been added to response E.1.h.

We made certain revisions to the Full Environmental Assessment Form for the Courtyard at Theodore Fremd pursuant to reviewer comments. We provide the above responses to clarify questions from the reviewers.

Sincerely,

Ralph G. Mastromonaco
Enclosures
cc: Lazz Development

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 project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: The Courtyard at Theodore Fremd		
Project Location (describe, and attach a general location map): 150 North Street, Rye, NY 10580		
Brief Description of Proposed Action (include purpose or need): The project is to construct 58 units of affordable senior housing in two (2) five story buildings with appurtenant parking and landscaping. There is a need for affordable senior housing in the community. The action os also to amend the City Zoning Map to change the zoning district designation to the RA-5 District.		
Name of Applicant/Sponsor: Lazz Development/Pawling Holdings, Lou Larizza	Telephone: 914-939-5736 E-Mail:	
Address: 211 South Ridge Street		
City/PO: Rye Brook	State: New York	Zip Code: 10573
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Westchester County	Telephone: 914-995-4400 E-Mail:	
Address: 148 Martine Ave		
City/PO: White Plains	State: NY	Zip Code: 10601

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 ☑Yes ☐No	City Council: Zoning Designation change to RA-5	
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Commission: Site Plan Approval	
c. City Council, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	Planning Commission: Funding Approval	
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYS DEC: Stormwater SPDES	
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

If Yes,

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

_____

_____

_____

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

If Yes, identify the plan(s):

_____

_____

_____

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
B-1 Neighborhood Business District, B-6 General Business District

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

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? A Zoning District change to RA-5 is requested

C.4. Existing community services.

a. In what school district is the project site located? Rye City School District

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

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

d. What parks serve the project site?
City of Rye Parks, Playland Park

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)? The general nature of proposed action is residential.

b. a. Total acreage of the site of the proposed action? 2.07 acres
b. Total acreage to be physically disturbed? 2.07 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.07 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 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	58
At completion of all phases	_____	_____	_____	58

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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

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): There may be a locally regulated drainage channel

_____

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 proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will 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: 11,600 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: United Water Westchester
- 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), 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: 11,000 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): Sanitary wastewater

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

- Name of wastewater treatment plant to be used: Blind Brook Wastewater Treatment Plant
- Name of district: Blind Brook Sanitary Sewer 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 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 1.45 acres (impervious surface)

_____ Square feet or 2.07 acres (parcel size)

ii. Describe types of new point sources. Buildings and pavement

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)?

Onsite Stormwater Management Facility

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☑ No

iv. Does 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)

Heavy equipment and delivery vehicles as associated with any construction project.

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

None

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

None

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_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

_____

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

If Yes:

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

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

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

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

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

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☑Yes ☐No

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

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

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

If Yes:

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

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

_____

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

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

i. During Construction:

- Monday - Friday: 7:00 AM - 5:00 PM
- Saturday: 7:00 AM - 5:00 PM
- Sunday: 0
- Holidays: 0

ii. During Operations:

- Monday - Friday: 9:00 AM - 9:00 PM
- Saturday: 9:00 AM - 9:00 PM
- Sunday: 9:00 AM - 9:00 PM
- Holidays: 9:00 AM - 9:00 PM

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☑ Yes ☐ No

Describe: The proposed action will remove some vegetation that will be replaced with landscaping and building.

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Parking area illumination with wall mounted fixtures

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

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

Lawn maintenance

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

t. Will 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:

Office buildings, Commercial buildings and residential uses

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	1.45	1.45
• 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)	2.07	0	2.07
• Other Describe: Landscaping			0.62

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): 9303102 (Closed)

☐ 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): V00571

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

Voluntary Cleanup Program

_____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 2-10 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: Udorthants-smoothed 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: 5+ feet

e. Drainage status of project site soils:
☑ Well Drained: 80 % of site
☐ Moderately Well Drained: _____% of site
☑ Poorly Drained 20 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

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

h. Surface water features.

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

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

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

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site:

Local Birds _____ Local Rodents _____ Local Mammals _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

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? ☐ Yes ☑ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. 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? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. 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? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. 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, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. 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? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Long Island Sound

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local parks

iii. Distance between project and resource: 4 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ 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 Ralph G. Mastromonaco. P.E., P.C. Date April 4, 2014 - Revised August 27, 2014

Signature_____ Title_____

PRINT FORM

MAP SCALE 1" = 500'

250 0 500 1000 FEET

METER

Courtyard at Theodore Fremd

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0352F

FIRM

FLOOD INSURANCE RATE MAP

for WESTCHESTER COUNTY, NEW YORK
ALL JURISDICTIONS

CONTAINS:

COMMUNITY	NUMBER
HARRISON, TOWN OF	360912
RYE, CITY OF	360931

PANEL 352 OF 426
MAP SUFFIX: F
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

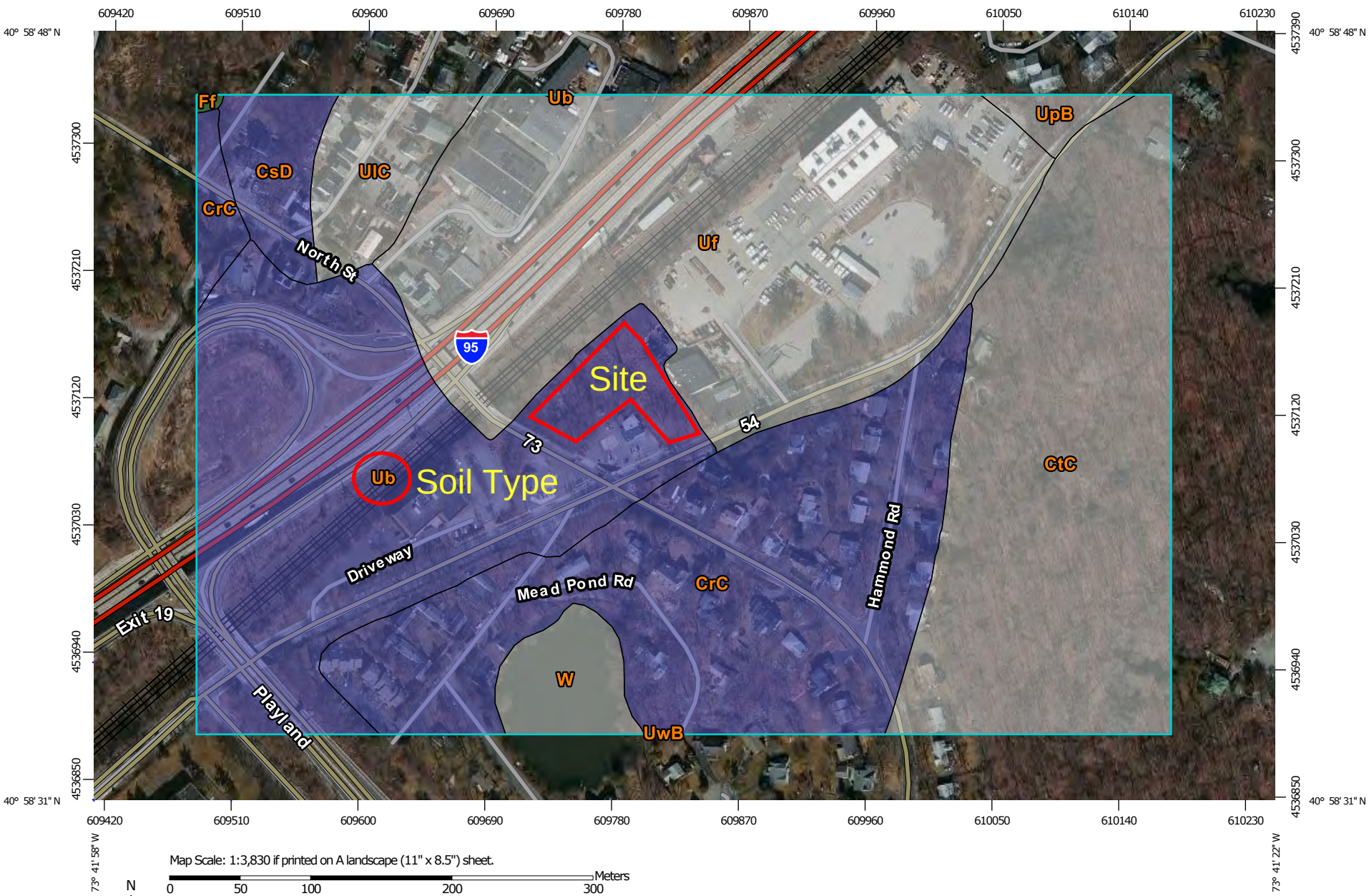
MAP NUMBER
36119C0352F

EFFECTIVE DATE
SEPTEMBER 28, 2007

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Hydrologic Soil Group—Westchester County, New York
(Courtyard)



Map Scale: 1:3,830 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 150 300 600 900

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points

- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features

Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Westchester County, New York
Survey Area Data: Version 8, Sep 18, 2012

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 26, 2011—Apr 16, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Westchester County, New York (NY119)				
Map unit symbol	**Map unit name**	**Rating**	**Acres in AOI**	**Percent of AOI**
CrC	Charlton-Chatfield complex, rolling, very rocky	B	16.5	21.2%
CsD	Chatfield-Charlton complex, hilly, very rocky	B	1.8	2.4%
CtC	Chatfield-Hollis-Rock outcrop complex, rolling		16.0	20.6%
Ff	Fluvaquents-Udifluvents complex, frequently flooded	A/D	0.0	0.1%
Ub	Udorthents, smoothed	B	17.3	22.3%
Uf	Urban land		21.2	27.4%
UlC	Urban land-Charlton-Chatfield complex, rolling, very rocky		2.4	3.1%
UpB	Urban land-Paxton complex, 2 to 8 percent slopes		0.6	0.7%
UwB	Urban land-Woodbridge complex, 2 to 8 percent slopes		0.0	0.0%
W	Water		1.7	2.2%
Totals for Area of Interest			**77.7**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

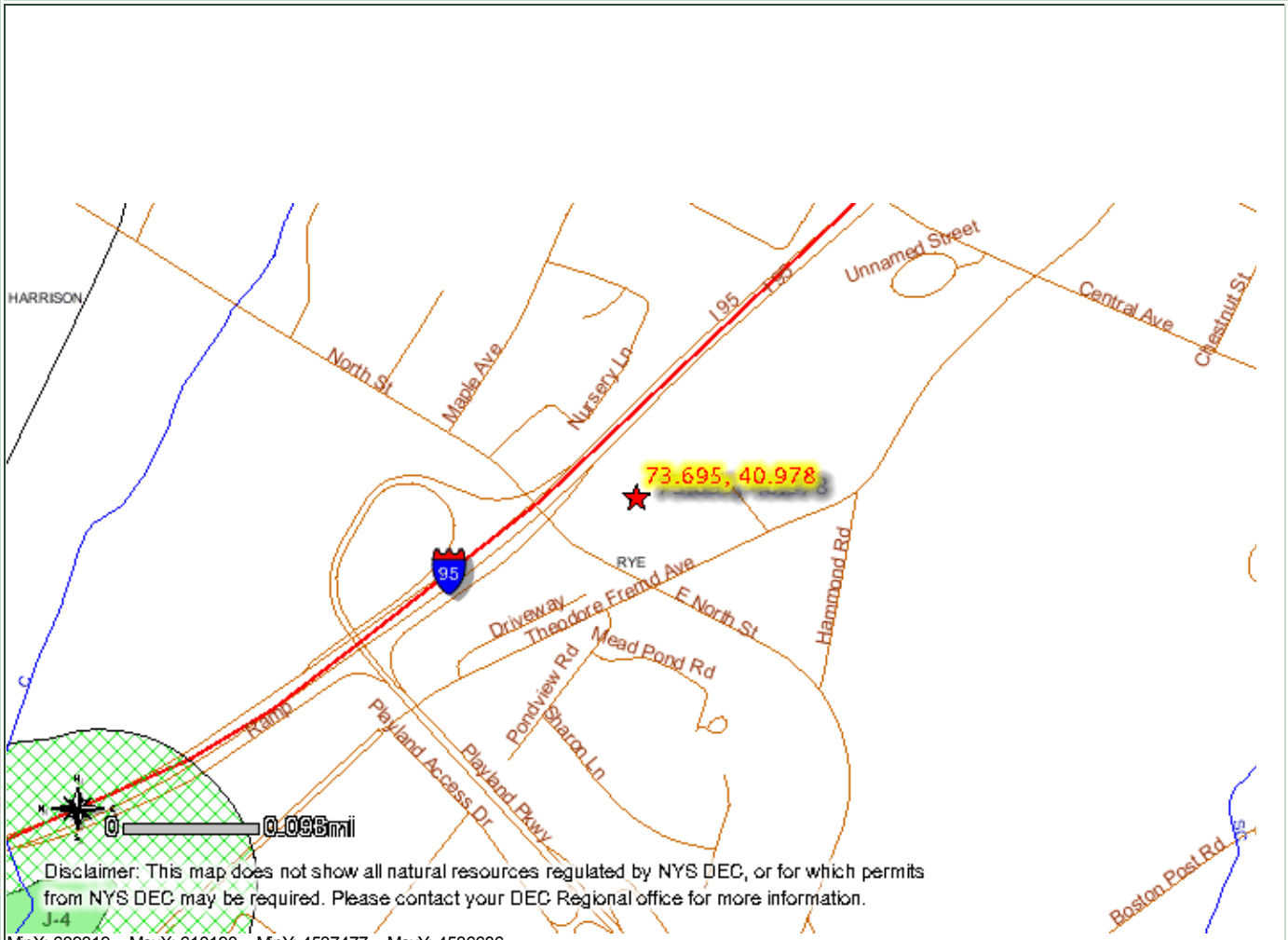
Component Percent Cutoff: *None Specified*

Tie-break Rule: Higher

[print page] [close window]

Please set your printer orientation to "Landscape".

Identify Map



MinX: 609319, MaxX: 610190, MinY: 4537477, MaxY: 4536686

Visible Layers

- Classified Streams
- Classified Ponds
- State-Regulated Freshwater Wetlands
- Wetland Checkzone
- State-Regulated Freshwater Wetlands
- Rare Plants and Rare Animals
- Significant Natural Communities Buffered
- Natural Communities Nearby
- Significant Natural Communities
- Interstate Highways
- Towns
- Counties

Disclaimer:This map was prepared by the New York State Department of Environmental Conservation using the most
current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies
in the data and does not necessarily endorse any interpretations or products derived from the data.

NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: CE - Rye (V) MGP
Site Code: V00571
Program: Voluntary Cleanup Program
Classification: A
EPA ID Number:

Location

DEC Region: 3
Address: Section 3 Block 2 Lots 67-70
City: Rye Zip: 10700
County: WESTCHESTER
Latitude: 40.979461040
Longitude: -73.693203700
Site Type:
Estimated Size: 0 Acres

Site Owner(s) and Operator(s)

Current Owner Name: CONSOLIDATED EDISON CO OF NY.,INC.
Current Owner(s) Address: 4 IRVING PLACE
NY,NY, 10003

Site Description

Location: The Rye Gas Works site is located between Theodore Fremd Avenue and the New York, New Haven, and Hartford Railroad tracks in the Town of Rye, Westchester County. Site Features: The main site features include a two-story building with garage bays and a paved parking area. Current Zoning/Use: The site is currently used as a Con Edison service center. The service center includes a two-story building with garage bays for servicing vehicles; storehouses/offices; paved parking areas for parking and equipment/material storage; diesel/gasoline refueling pumps; compressed natural gas storage/refueling pumps; and vegetated areas. Past Use of the Site: The

site was the location of a former manufactured gas plant (MGP) which operated from approximately 1887 until the mid 1920s. The gas holders at the site were kept in use until the early 1970s. Site Geology/Hydrogeology: The overburden, comprised of fill and till, ranges in thickness from 0 to approximately 18 feet at the site. Bedrock crops out at several locations across the site and in general dips to the west-northwest. Bedrock is made up of mostly biotite schist with varying amounts of quartz and feldspar. Groundwater at the site flows toward the north.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Contaminants of Concern (Including Materials Disposed)

Type of Waste	Quantity of Waste
	UNKNOWN
COAL TAR	UNKNOWN

Site Environmental Assessment

Nature and Extent of Contamintion: Based upon investigations conducted to date, the primary contaminants of concern include Manufactured Gas Plant (MGP) related coal tar, BTEX compounds, and some cleaning/degreasing solvents (chlorinated compounds). Soil - Visual MGP impacts and odors were observed during soil sampling activities. Groudnwater - Visual MGP impacts and odors were observed during groundwater sampling activities. MGP impacts were also found during the installation of bedrock wells. Special Resources Impacted/Threatened: Studies are ongoing to determine if contamination threatens any special resources.

Site Health Assessment

DOH has insufficient information to evaluate the potential for human exposures.

For more Information: E-mail Us

Refine Current Search

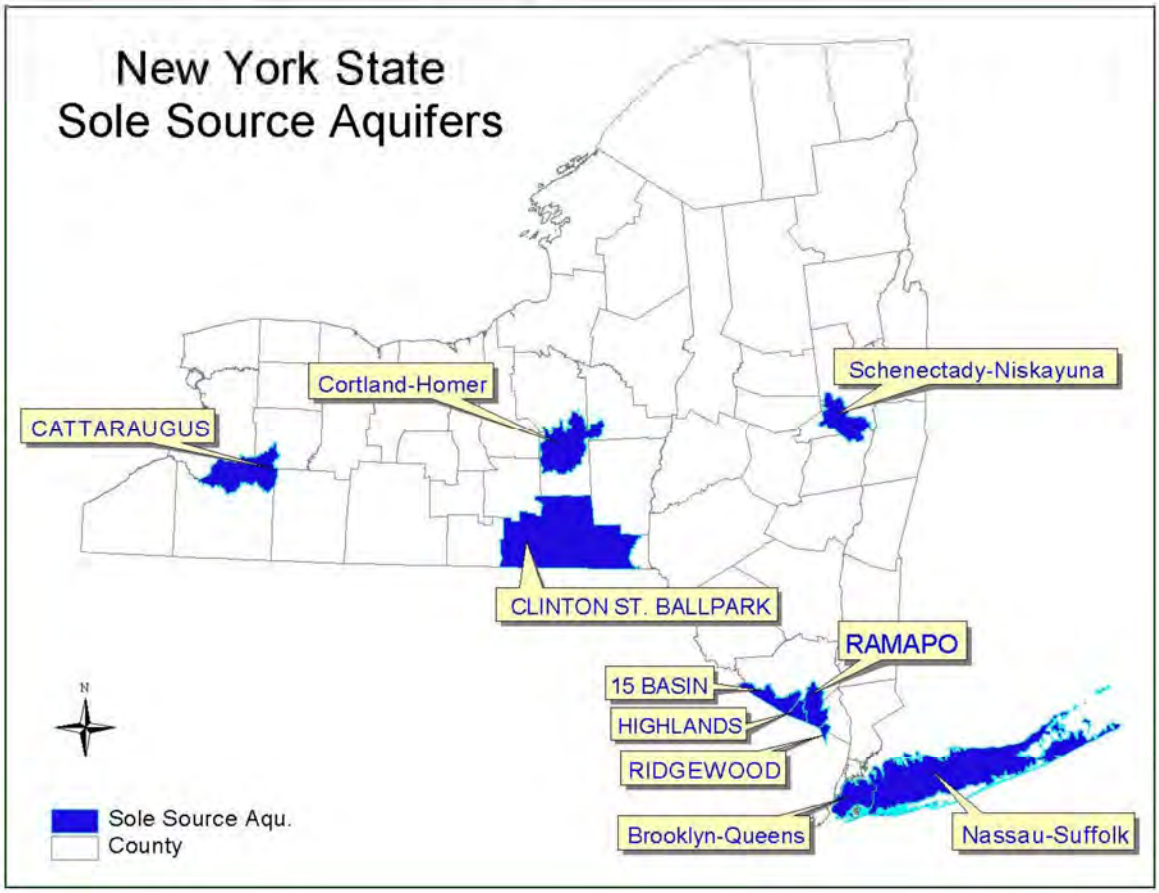
Section 7.3 Watershed/Regional Factors

The choices made by the designer should be influenced to some extent by the resource being protected, and the region of New York State where the site is located. The following matrices (Tables 7.3a and 7.3b) present some design considerations for six watershed or regional factors in New York:

Sensitive Streams. The guidance presented here should apply to all trout waters and Class N waters, and any streams that support high biodiversity and water quality, and have a low density of development.

Aquifers. In sole source aquifers, special care should be taken to select practices and incorporate design considerations that protect the groundwater quality. Figure 7.1 depicts sole source aquifers in the State of New York.

Figure 7.1 Sole Source Aquifers in New York State



Mark ten Eicken

From: "Mark ten Eicken" <mark@rgmpepc.com>
To: <NaturalHeritage@dec.ny.gov>
Cc: "Ralph Mastromonaco" <hardycross@aol.com>
Sent: Thursday, August 28, 2014 11:48 AM
Attach: DEC ERM Map Output 150 North St Rye.pdf
Subject: Info Request

Project: 150 North St. Rye NY is 2-acre parcel proposed for development of a 58 unit senior housing facility in Westchester County.
The current land use is vacant land.

We are requesting any information on listed rare, threatened or endangered species, or associated critical habitat.

Attached is the DEC Environmental Resource Mapper with coordinates.

Thank you

Mark ten Eicken
Ralph G. Mastromonaco, P.E., P.C. Consulting Engineers
13 Dove Court
Croton-on-Hudson, New York 10520
Tel: 914-271-4762
Fax: 914-271-2820
Email: mark@rgmpepc.com

TENEN ENVIRONMENTAL

MEMORANDUM

To: Rye City Council

From: Matthew Carroll, P.E. / Tenen Environmental

Date: August 4, 2014

Subject: Theodore Fremd Senior Housing Zoning District Change
150 North Street – Rye, New York
Review of Environmental Conditions

The City of Rye has retained Tenen Environmental to review the environmental information pertaining to contamination on the above property (the Site) to support the Rye City Council in their determination of whether the environmental impacts identified at the Site are a significant adverse impact and, specifically, whether the proposed action may have an impact on human health concerns associated with exposure to new or existing sources of contaminants. This memorandum briefly describes the proposed action and environmental setting, summarizes the Site's regulatory history and findings of prior environmental investigations, and provides recommendations for further actions.

Summary of Proposed Development and Site Setting

The Site is a 2.08-acre lot fronting North Street and Theodore Fremd Avenue in the City of Rye, Westchester County, New York. The proposed future use of the property is senior affordable housing, which requires a change in zoning designation to RA-5, *Senior Citizens Apartment*.

The Site has been largely vacant since at least 1925, with the exception of a small shed. A Phase I environmental site assessment (ESA) did not identify previous uses at the Site that would likely use petroleum or hazardous materials. The Site is located downgradient of two adjoining, gasoline service stations (Valero Service Station located at 300 Theodore Fremd Avenue and Banahan Brothers Service Station located at 310 Theodore Fremd Avenue).

Surficial geology of the project Site is mapped as glacial till consisting of poorly sorted sands. The Site is located over an unconfined aquifer consisting of sand and gravel oriented in a north-south direction. Bedrock was encountered at depths ranging from six to fifteen feet below grade (ft-bg), with the shallowest depths in the northern portion of the property. Groundwater flow is to the north-northeast. The depth to groundwater is approximately one to three feet below grade (ft-bg). Several wells on the property have existed since the initial 1992 investigation and have been routinely used as groundwater gauging and sample collection points.

Documents Reviewed

In the course of this review, the following sources were accessed:

- City of Rye, Theodore Fremd Senior Affordable Housing Zoning Change documentation, http://www.egovlink.com/rye/docs/menu/home.asp, http://www.ryeny.gov/TFseniorhousingZDC.cfm
- NYSDEC, Spill case file, 150 North Street, FOIL 14-1956.

- NYSDEC, Spill report and remedial documents, 300 Theodore Fremd Avenue, FOIL 14-0480.
- NYSDEC Spill report and remedial documents, 310 Theodore Fremd Avenue, FOIL 14-0479.
- Westchester County Department of Health, FOIL 14-348.
- Documents provided by John Shoemaker, Rye citizen. http://www.egovlink.com/public_documents300/rye/published_documents/Theodore%20Fremd%20Senior%20Housing%20Zoning%20District%20Change/Documents%20obtained%20through%20FOIL.pdf

Prior Environmental Investigation and Remediation at the Site

In 1992, a Phase I environmental study and subsurface investigation was completed at the property. The investigation included the advancement of soil borings to evaluate soil conditions and depth to bedrock. Groundwater monitoring wells were also installed. Results of the soil and groundwater analyses revealed elevated concentrations of petroleum-related compounds in both the soil and groundwater. The petroleum constituents above relevant standards were the compounds benzene, toluene, ethylbenzene and xylenes.

In 1993, an additional subsurface investigation was completed and included surface soil sampling, advancement of soil borings and the installation of groundwater monitoring wells. Results of the surface and subsurface soil analyses did not detect petroleum compounds, however, elevated concentrations of petroleum-related compounds were observed in the groundwater, with the highest recorded levels identified within the western portion of the property.

In 1994, a Site assessment conducted by the New York State Department of Environmental Conservation (NYSDEC) confirmed that the groundwater within the western portion of the property was impacted by petroleum-related compounds. NYSDEC subsequently contracted remediation contractors to further assess the conditions of the soil and groundwater and to employ remedial technologies for site closure.

Remediation, consisting of a high vacuum extraction (HVE) system, commenced in August 1996. The HVE system collected groundwater for on-site treatment and was operated for several years until it was no longer effective (i.e., no further decrease in the remaining residual concentrations). By February 2009, the groundwater concentrations were below relevant guidance levels in the sampled monitoring wells. Spill number 93-03102 for the Site was closed by the NYSDEC on August 19, 2009.

Current Site Conditions

Following closure of Spill number 93-03102, additional soil and groundwater samples have been collected. Soil concentrations were compared to the NYSDEC unrestricted use and restricted-residential use soil cleanup objectives (SCOs). Groundwater concentrations were compared to the NYSDEC Class GA standards, which are based on the best usage of the groundwater as drinking water. At the Site, drinking water will be provided by a regulated utility, United Water. Several other uses are considered by NYSDEC, although guidance and standards are not promulgated for every compound. The concentrations were also compared with levels for fish propagation, fish survival, wildlife protection and aesthetic considerations for fresh water; these are considered due to the presence of potential surface water bodies (i.e., wetlands and stream) at the Site.

Groundwater sampling was completed in 2010, 2013 and 2014 and showed that dissolved concentrations of petroleum constituents were again present above the Class GA standards, albeit at concentrations lower than the pre-remediation concentrations.

The most recent groundwater samples were collected in 2014 from two monitoring wells, designated NE and NW. Only one compound, benzene, was detected above the Class GA standards. The concentration was 27.2 micrograms per liter (ug/L) in well NE, above the standard of 1 ug/L, but significantly lower than 1,660 ug/L, the concentration of benzene detected in the 2013 sampling. The 27.2 ug/L concentration is below the standards for fish propagation, fish survival, wildlife protection and aesthetic considerations for fresh water. Note that the comparisons to fish propagation, fish survival and wildlife protection are conservative in nature as a potential stream is present but is not protected or classified by NYSDEC and is, therefore, not considered to be an important natural habitat.

In addition to the aforementioned benzene level, the 2013 sampling also identified other petroleum-related compounds above relevant standards. These concentrations are attributable to the off-site, hydraulically upgradient properties where remedial activities were completed.

One well in the southwest portion of the Site was sampled in 2013, but not 2014. Concentrations of three petroleum-related compounds were detected above the Class GA standards. Two compounds were detected slightly above the guidance for fish propagation. As noted above, this is a conservative comparison as the Site is not considered to be an important natural habitat. It is likely that the concentrations in this well will have decreased, similar to well NE; however, it is assumed that similar levels are present for the purposes of this analysis.

Soil sampling at the Site was conducted in April 2014 on behalf of the Applicant and in coordination with the Westchester County Department of Health (WCDOH). A comparison of the results to the current NYS Part 375 unrestricted use and restricted-residential use soil cleanup objectives (SCOs) indicates that acetone, arsenic, chromium, chrysene and lead were detected above the unrestricted use SCOs. Both arsenic and lead were also detected above the restricted-residential use SCOs, the appropriate comparison given the proposed Site use. Arsenic was detected at a concentration of 19.9 milligram/kilogram (mg/kg), slightly above the restricted-residential use SCO of 16 mg/kg and lead was detected at a concentration of 613 mg/kg, above the restricted-residential use SCO of 400 mg/kg.

Current Site Regulatory Status

NYSDEC has closed spill record #93-03102, which was associated with the Site. NYSDEC is aware of the proposed future use, the concentrations of residual contamination that remain at the Site and the status of the remedial efforts at the adjoining properties. NYSDEC has not imposed any requirements for engineering or institutional controls. However, in a May 7, 2014, letter report, the Westchester County Health Department (WCDOH) detailed, and indicated that NYSDEC agreed with, the following design-specific elements to address potential impacts:

- Open parking on the first floor.
- Sub-slab depressurization system (SSDS) or impervious liner beneath the enclosed spaces for the elevator. Potential waterproofing of elevator pits.
- Three feet of fill material to act as a cap.

No other regulatory requirements or guidance has been identified for the Site. Both NYSDEC and WCDOH have reviewed the environmental data in the context of the proposed future use.

Status of Upgradient Spill Sites

The Site is located downgradient of two gasoline service stations.

The Valero Service Station is located at 300 Theodore Fremd Avenue and is associated with NYSDEC Spill numbers 0402976, 0711483, 1101225 and 1309734. Currently, all Spill records have been closed by NYSDEC. Spill numbers 0711483 and 1309734 were closed on July 1, 2014.

The Banahan Brothers Service Station is located at 310 Theodore Fremd Avenue and is associated with NYSDEC Spill number 8900699. The Spill record has been closed by NYSDEC.

Reportedly, elevated levels of gasoline constituents remain in the weathered bedrock at the Banahan Brothers property and in the soil along the border of the Site adjacent to the Valero property. This indicates that low levels of petroleum constituents are likely to remain in the groundwater at the Site, at least in the near future, given that there are no known plans for additional remediation at either of the adjoining properties. Please note that a soil sample collected on-Site in the area of the Valero property did not show elevated concentrations of petroleum-related compounds.

Conclusions and Recommendations

Existing Contamination
The historical groundwater data shows that concentrations of petroleum-related compounds at the Site have decreased following remedial activities completed at the Site and two upgradient gasoline stations, with occasional concentration spikes. The sources of the contamination (leaking underground storage tanks) have been removed from both upgradient locations. Based on the most recent sampling, conducted on March 25, 2014, residual petroleum-related constituents remain in the groundwater at concentrations above the NYSDEC Class GA Standards, which are appropriate levels for drinking water. While this is the NYSDEC goal for all groundwater quality, drinking water will be provided by a regulated utility (United Water).

The existing information indicates that the petroleum constituents have migrated to the Site from the adjoining upgradient gasoline service stations (Valero Service Station located at 300 Theodore Fremd Avenue and Banahan Brothers Service Station located at 310 Theodore Fremd Avenue) through dispersion and transport through groundwater. Remediation has been completed at the Site and both adjoining properties with oversight by NYSDEC. The remedial activities have resulted in decreased concentrations of petroleum in soil and groundwater and all Spill records have been closed; however, residual impacts remain. In order to close a Spill, NYSDEC must make a determination that the implemented remedy will “ensure adequate protection of human health and the environment”, as well as to “mitigate environmental damage” to the extent these have occurred (NYSDEC Technical Field Guidance, *Closing-Out a Spill*).

Soil sampling has shown several compounds above the NYSDEC unrestricted use SCOs, including two compounds, arsenic and lead, which are also above the restricted-residential use SCOs, the appropriate comparison given the proposed Site use as a multi-family residential development.

Development of properties with environmental impacts (i.e., residual contamination) for residential use is common practice in New York State and can be consistent with the SEQRA goal of limiting impacts to human health from exposure to new or existing sources of contamination. The requirements for such development include characterization of existing contamination and identification of potential impacts to human health. The characterization of the Site is consistent with typical investigations of petroleum releases and, as confirmed by the Spill record closure, consistent with NYSDEC requirements.

Potential Impacts to Human Health
A qualitative exposure assessment, as described in DER-10, Technical Guidance for Site Investigation and Remediation (NYSDEC, May 2010) considers five potential exposure routes: direct contact with surface soils (including incidental ingestion); direct contact with subsurface soils (including incidental ingestion); ingestion of groundwater; dermal (i.e., skin) contact with groundwater / inhalation of volatile groundwater constituents; and, inhalation of vapors (exposures related to soil vapor intrusion).

The first four exposure routes mainly relate to construction workers or environmental professionals and would be addressed through a Health & Safety Plan (HASP) as required by the Occupational Safety & Health Administration (OSHA).

The two exposure routes potentially affecting future building occupants and workers, absent engineering controls, are direct contact with surface soils and inhalation of vapors. Regarding direct contact, while petroleum-related compounds are not present at elevated levels in soil, two metals (arsenic and lead) are present at elevated levels. Inhalation of vapors is also possible given the concentrations of petroleum-related compounds in groundwater at the Site.

Recommendations
Within New York State, many properties with actual or perceived contamination have been developed for residential use, with the development including implementation of engineering and/or institutional controls (such as those identified in the WCDOH May 7, 2014 letter), to ameliorate potential impacts.

Based on our review of the data and experience on similar developments, and in order to be conservative with regard to potential impacts to future occupants of the 150 North Street Site, Tenen recommends that the following remedial design considerations be incorporated into any future development at the Site:

- Design and installation of a soil vapor intrusion mitigation system beneath occupied spaces in accordance with the New York State Department of Health (NYSDOH) *Final Guidance for Evaluating Soil Vapor Intrusion in New York State* (October 2006, or the most current version) and typical industry standards.
- Design and installation of a remedial cap in accordance with the New York State Department of Environmental Conservation (NYSDEC) *CP-51 Soil Cleanup Guidance* (October 21, 2010, or the most current version) and typical industry standards.

The above-referenced guidance documents consider different use categories and are not specific to the proposed development. The guidance documents also consider different types of building construction techniques (slab on-grade, basements, crawl spaces, etc.), which will allow for flexibility should an alternate design be proposed.

A soil vapor intrusions mitigation system vents the air beneath a building slab so that chemicals volatilizing from below do not concentrate below an occupied space; it also includes a vapor barrier or waterproofing to mitigate soil vapor or groundwater from entering the building.

A remedial cap consists of the building slab, paved areas and soil that is placed over areas with contaminant concentration that are inconsistent with the proposed use. The soil portion of the cap is tested prior to import to the Site to confirm that the appropriate SCOs are met. The NYSDEC guidance indicates that a two-foot cap is appropriate for residential and restricted-residential uses.

For the specific proposed development, the proposed engineering controls include capping the Site with a building slab, asphalt paving and imported soil; design of an open-air parking area on the majority of the first floor; and, installation of depressurization system or waterproofing (depending on the slab elevation as compared to groundwater) in the area of the first floor without parking. These remedial design considerations are generally consistent with the above guidance documents and documentation to that effect should be provided by the Applicant. Absent any additional soil testing, which may show a delineation of soil impacts, the cap should extend across the entire Site. Please note that any capping and filling should be consistent with State and local wetland regulations.

In prior meetings of the Rye City Council, the current building design has been discussed and the placement of future occupants on the second floor has been considered. In particular, if the occupants are not safe on the first floor, how can it be known they will be safe on the second floor? However, the occupants are not on the second floor to move them further from potential sources of environmental impacts but due to a design consideration where the parking acts as a venting system. Implementation of the NYSDOH guidance will incorporate venting below occupied spaces and this could be achieved with occupants present on the first floor.

TENEN ENVIRONMENTAL

MEMORANDUM

To: Rye City Council

From: Matthew Carroll, P.E. / Tenen Environmental

Date: August 4, 2014

Subject: Theodore Fremd Senior Housing Zoning District Change
150 North Street – Rye, New York
Review of Environmental Assessment Form

The City of Rye has retained Tenen Environmental to review environmental information pertaining to the above property (the Site) to support the Rye City Council in their determination of whether the environmental impacts identified at the Site are a significant adverse impact under the State Environmental Quality Review Act (SEQRA). This memorandum details our comments on the April 4, 2014 Full Environmental Assessment Form (EAF) provided by the Applicant and the July 3, 2014 memorandum from the City of Rye Department of Planning regarding the EAF.

These comments are provided to identify areas in the EAF where clarification and/or additional information should be provided by the Applicant in order to provide the City Council with a complete document for review.

The comments provided in this memorandum address incompleteness, requested documentation and error/clarifications. These comments are in addition to those included in the Department of Planning review. Both sets of comments need to be addressed in order for the City Council to have all the information necessary to make a Declaration under SEQRA.

Summary of Incompleteness

The following items were not completed and should be addressed by the Applicant.

D.2.c *ii, iv* – water demand
E.2.m – predominant wildlife species

Please also note that the following items should <u>not</u> be answered based on the Applicant's initial responses: B.i. *ii, iii* and D.2.t *v*.

Request for Documentation

In order to document the conclusions of the EAF, the following should be submitted.

E.2.j, k. A copy of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) with the Site highlighted should be provided by the Applicant. If any preliminary maps have been issued for this area post-Hurricane Sandy, they should also be provided.

E.2.e. The Applicant indicates that the soils are well-drained across the entire Site. Given the potential wetland and surface material of glacial till, please provide documentation from the Web Soil Survey (see: http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm) or a Site-specific survey to support this assertion.

E.2.l. A copy of a map showing Sole Source Aquifers (SSAs) with the Site location highlighted should be provided by the Applicant for review.

E.2.h. In addition to comments provided by the Department of Planning regarding wetlands, if a surface water body is present at the Site, confirmation of whether it is classified or protected by the New York State Department of Environmental Conservation (NYSDEC), as shown on their Environmental Resource Mapper (ERM), should be provided by the Applicant.

E.2.o, p. Applicant should provide documentation that the project area is not known to contain listed rare, threatened or endangered species, or associated critical habitat.

This may include a request for determination from the NY Natural Heritage Program and/or implementation of the US Fish and Wildlife Service's (USFWS) endangered species documentation process. See: http://www.dec.ny.gov/animals/31181.html and http://www.fws.gov/northeast/nyfo/es/section7.htm.

E.3.f. Applicant should provide documentation that the Site is not located in or adjacent to an archaeologically-sensitive area. This may include a final impact determination letter from the NYS Office of Parks, Recreation and Historic Preservation (SHPO) that was prepared pursuant to Section 106 of the National Historic Preservation Act of 1966.

Error/Clarification

B.g. The Applicant should answer consistent with the current regulatory status of the Site; therefore, NYSDEC approval is not required.

D.2.f. The Applicant should consider whether construction equipment will be a source of mobile air emission sources during construction operations.

D.2.m. The Applicant should consider whether construction equipment will be a source of noise that will exceed ambient noise levels.
See: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf

E.1.h. This response is incorrect and should be changed to "Yes".

Additional information on the Manufactured Gas Plant (MGP) identified as NYSDEC Site ID V00571 should be provided, including, but not limited to, a Site Characterization Report (SCR).

The Applicant should also provide the map and output from the NYSDEC EAF Mapper (see: http://www.dec.ny.gov/eafmapper/).

The Applicant should list the Spill numbers associated with the Site and upgradient adjoining properties.

Please contact me if you need any additional information.

Christian K. Miller, AICP
City Planner
1051 Boston Post Road
Rye, New York 10580

Tel: (914) 967-7167
Fax: (914) 967-7185
E-mail: cmiller@ryeny.gov
http://www.ryeny.gov

CITY OF RYE
Department of Planning

Memorandum

To: Frank J. Culross, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Council

Date: July 3, 2014

Subject: **Review of Environmental Assessment Form Regarding Petition of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

This memorandum provides a review of the applicant's submission of Part 1 of the Full Environmental Assessment Form (EAF) and a discussion of Part 2 of the Full EAF, prepared by me for the City Council's review and consideration. The EAF and all supporting documents included as part of the official record are the information used by the City Council in making its determination of significance as required by the State Environmental Quality Review (SEQR) before reaching a final decision on the proposed action.

Background

As requested by the City in May and as required by the City, the applicant prepared and submitted Part 1 of the EAF (attached hereto). Also attached is Part 2 of the EAF, which is the responsibility of the Lead Agency for the Council's review and consideration. The EAF is intended to be used as a resource for the Lead Agency in determining potential project impacts and a determination of significance (i.e. Negative or Positive Declaration). A "Negative Declaration" on the proposed action can be issued if the Council finds that the proposed action does not have any significant adverse environmental impacts. If the Council finds that there are potentially significant adverse impacts associated with the proposed action a "Positive Declaration" must be issued

requiring a more involved environmental review. This review involves a number of procedural requirements and typically takes a least a year to complete.

Review of Part 1 of the EAF

The applicant is requested to amend and resubmit the EAF to correct or clarify the following:

Page 1. Description of the Proposed Action. The project description should indicated that the proposed action includes a request to action under consideration is a local law to amend the City Zoning Map to change the zoning district designation of the subject property to the RA-5 District.

Page 1. Property Owner. The property owner and contact information should be provided.

Page 2. C.2.a. Responses to these questions regarding consistency with adopted plans should be indicated as "Yes".

Page 3. C.3.c. The response is incorrect. A zoning text amendment is not proposed. A Zoning District change of the subject property to the RA-5 District is requested.

Page 4. D.2.b. This response regarding on-site wetlands should be supported with a report from a certified soil scientist. This has been previously requested since there appears to be wetland on the property that would be subject to City of Rye and/or Army Corps of Engineers jurisdiction. If wetland is determined to be on the site its boundary should flagged and indicated on a survey.

Page 5. D.2.g. Responses to these questions regarding air quality impacts should be provided.

Page 7. D.2.j. Responses to these questions regarding traffic impacts should be provided and be consistent with the information provided in the applicant's traffic study.

Page 7. D.2.l. Responses to these questions regarding hours of operation should be provided.

Page 8. D.2.n.ii. This response is incorrect and should be changed to "Yes". There will be removal on existing vegetation that could provide a light barrier or screen.

Page 8. D.2. q. This response should be revised to indicate that there may be pesticide use associated with normal lawn maintenance.

Page 10. E.1.d. This response should be changed to "Yes". Please indicate that Rye Manor (an affordable senior housing community) is located within 1,500 feet of the project site.

Page 11. E.2. d. This response should be changed. According to sub-surface investigation reports provided by the applicant groundwater appears to be located between 1-3 feet below grade and not 5+ feet as indicated by the applicant.

Page 11. E.2.h. As indicated in response to page 4, D.2.b above, this response regarding on-site wetlands should be supported with a report from a certified soil scientist.

Review of Part 2 of the EAF

Attached hereto for the City Council's review is Part 2 of the EAF, which provides a preliminary assessment of the potential adverse environmental impacts. In response to the questions on this preliminary draft, some impacts have been identified, but all of those impacts are considered "small". The Council should review the draft and confirm that this assessment of impacts and the characterization of impacts as either "small" or "moderate to large" are consistent with the Council's assessment of the proposed action.

It is noted that two questions have not been completed on the form. Question 3, *Impacts on Surface Water*, have not been completed until the applicant has submitted a report from a certified soil scientist as to whether there are wetlands on the property.

Additionally, question 16, *Impact on Human Health*, should be completed based on consultation with the environmental consultant retained by the City.

A determination of significance is not required at this time since additional information is required to complete its review. If, however, based on the review of the information provided so far the Council finds that the proposed action may have a "significant adverse impact on the environment" a "Positive Declaration" should be issued and an Environmental Impact Statement and review process should be initiated sooner rather than later.

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 project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: The Courtyard at Theodore Fremd		
Project Location (describe, and attach a general location map): 150 North Street, Rye, NY 10580		
Brief Description of Proposed Action (include purpose or need): The project is to construct 58 units of affordable senior housing in two (2) five story buildings with appurtenant parking and landscaping. There is a need for affordable senior housing in the community		
Name of Applicant/Sponsor: Lazz Development/Pawling Holdings, Lou Larizza	Telephone: 914-939-5736 E-Mail:	
Address: 211 South Ridge Street		
City/PO: Rye Brook	State: New York	Zip Code: 10573
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	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 ☑Yes☐No	City Council: Zoning Text Amendment	
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Planning Commission: Site Plan Approval	
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	Planning Commission: Funding Approval	
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	NYS DEC: Environmental Quality	
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

If Yes,

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
B-1 Neighborhood Business District, B-6 General Business District

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

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? A Zoning Text Amendment is required

C.4. Existing community services.

a. In what school district is the project site located? Rye City School District

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

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

d. What parks serve the project site?
City of Rye Parks, Playland Park

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)? The general nature of proposed action is residential.

b. a. Total acreage of the site of the proposed action? 2.07 acres
b. Total acreage to be physically disturbed? 2.07 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.07 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 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				58
At completion of all phases				58

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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No
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 proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe:

iv. Will 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: 11,600 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: United Water Westchester
- 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), 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: 11,000 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):
Sanitary wastewater

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

- Name of wastewater treatment plant to be used: Blind Brook Wastewater Treatment Plant
- Name of district: Blind Brook Sanitary Sewer 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 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 1.45 acres (impervious surface)

_____ Square feet or 2.07 acres (parcel size)

ii. Describe types of new point sources. Buildings and pavement

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)?

Onsite Stormwater Management Facility

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

iv. Does 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_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

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

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

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

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☑Yes ☐No

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

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

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

If Yes:

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

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

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

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

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe:

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Parking area illumination with wall mounted fixtures

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

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities:

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

If Yes:

i. Describe proposed treatment(s):

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

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

- Construction:
- Operation:

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

t. Will 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:

Office buildings, Commercial buildings and residential uses

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	1.45	1.45
• 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)	2.07	0	2.07
• Other Describe: Landscaping			0.62

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): V00571

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

Voluntary Cleanup Program

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 2-10 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: Urban Land Chatfield-Rock 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: 5+ feet

e. Drainage status of project site soils: ☑ Well Drained: 100 % of site
☐ Moderately Well Drained: ____% of site
☐ Poorly Drained ____% of site

f. Approximate proportion of proposed action site with slopes: ☑ 0-10%: 100 % of site
☐ 10-15%: ____% of site
☐ 15% or greater: ____% of site

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

h. Surface water features.

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

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

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

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☑No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? ☐Yes ☑No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No

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? ☐Yes ☑No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No

i. If Yes: acreage(s) on project site? _____

ii. 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? ☐Yes ☑No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. 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? ☐Yes ☑No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. 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, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. 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? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Long Island Sound

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local parks

iii. Distance between project and resource: 4 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ 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 Ralph G. Mastromonaco. P.E., P.C. Date April 4, 2014

Signature Ralph Mast Title _____

PRINT FORM

Agency Use Only [If applicable]

Project :

Date :

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

DRAFT

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

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

Tips for completing Part 2:

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

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☑ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	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	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

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)

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

DRAFT

☑ NO ☐ YES

	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	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

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)

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

☐ NO ☐ YES

	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	☐	☐
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	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
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	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
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	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☑	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____		☐	☐

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. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

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	☐	☐
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	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
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	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
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	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

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	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D,2,h, D.2.g) ☑NO ☐YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

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	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
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	☐	☐
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	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐NO ☑YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐

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	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
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	☑	☐
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	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☑	☐
j. Other impacts: _____		☐	☐

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8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
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	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

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	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
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	☐ ☐	☐ ☐
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	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: Project will be visible from Interstate 95 and area/neighboring properties		☑	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
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	☐	☐
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	☐	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Yes", 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	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
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	☐	☐

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11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
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	☐	☐
c. Other impacts: _____		☐	☐

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 - g. If "No", go to Section 14.

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	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	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☑	☐
f. Other impacts: _____		☐	☐

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	☐	☐
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	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
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	☐	☐
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	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____		☐	☐

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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.) ☐ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	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	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
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	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____		☐	☐

17. Consistency with Community Plans

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

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	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	☑	☐
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	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☑	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
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, Elb	☐	☐
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	☑	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character

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

	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	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☑	☐
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	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

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CITY OF RYE
Department of Planning

Memorandum

To: Scott Pickup, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: March 7, 2014

Subject: **Additional Analysis Related to the Request of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

The Rye City Council as Lead Agency is responsible for the assessment and evaluation of potentially significant adverse impacts pursuant to the requirements of the State Environmental Quality Review (SEQR). During the public hearing there were questions and concerns raised by the public and City Council. To assist the City Council in assessing potential impacts it is recommended that the petitioner provide the following additional information and analysis:

- **Full Environmental Assessment Form**. The petitioner has provided a short Environmental Assessment Form (EAF) with its zoning petition, which is the minimum required by SEQR. Given the nature of the public comment it is recommended that a full EAF be submitted for the Council's review. This will provide a more complete environmental assessment of the proposed zoning change and future senior housing development proposal.

- **Sub-Surface Conditions**. Concerns remain with the status of the sub-surface environmental conditions on the site. It is recommended that the petitioner prepare a Phase II environmental study that includes current testing for potential sub-surface contaminants on the site. Recent clean-up activities in the area and adjacent to the site should also be addressed and their potential impact on the site. The status of the sub-surface environmental conditions is a threshold

question for the City Council as it considers a change in zoning to allow for senior housing on a property that is currently restricted to light-industrial, commercial and other non-residential uses. The City has allowed the redevelopment of properties with prior sub-surface contamination for housing including many former gas station properties. It is anticipated that such redevelopment could be allowed in this case, provided that petitioner gives the Council current and complete information and clearance from the appropriate State and County agencies as to the specific redevelopment proposed by the petitioner.

- **Fiscal Impact Analysis**. Currently, since the County-owned property generates no property tax revenue, but also requires few municipal services. The petitioner should provide a fiscal impact analysis quantifying the anticipated total tax revenue (based on the total rent revenue of the project) and the anticipated municipal service demands. Using the existing senior housing development at 300 Theall Road will provide good comparables for potential service demands. The analysis should also try to quantify anticipated cost/revenue if the site were developed based on the uses permitted by existing zoning.

- **Traffic**. The petitioner should prepare a traffic study quantifying the anticipated trip generation of the full development of the site under the proposed RA-5 District standards and the impact on level of service at area intersections. This analysis should be compared to the anticipated traffic impact associated with development permitted by existing zoning on the property.

Upon receipt of this information the City Council will be in a better position to assess potential impacts and determine the appropriateness of the petitioner's request and whether additional mitigation measures may be necessary.

Nick Everett, Chairman
Martha Monserrate, Vice Chair
Laura Brett
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CITY OF RYE
Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission
Christian K. Miller, City Planner

cc: Scott Pickup, City Manager
Kristen K. Wilson, Esq., Corporation Counsel

Date: February 5, 2014

Subject: **Recommendation to the Rye City Council Regarding the Petition of Lazz Development/Pawling Holdings to Change the Zoning Designation of County-Owned Property Located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to Provide for the Construction of Affordable Senior Housing.**

As requested, this memorandum provides the Planning Commission's recommendation to the Rye City Council regarding the petition of Lazz Development/Pawling Holdings to change the zoning designation of Westchester County-owned property located on Theodore Fremd Avenue and North Street to the RA-5, *Senior Citizens Apartment*, District to provide for the construction of affordable senior housing. This memorandum was prepared by the City Planner and reviewed and unanimously approved by the Planning Commission at its February 4, 2014 meeting.

Background

On or about December 10, 2013, the City Council received a petition from Lazz Development/Pawling Holdings to change the zoning of a property located at 150 North Street. The approximately 2.080-acre property has frontage on North Street, but is commonly referred to by its accessible frontage on Theodore Fremd Avenue rather than its legal address of 150 North Street. The request would change the zoning of the Westchester County-owned property from the B-6, *General Business*, District and the B-1, *Neighborhood Business*, District to the RA-5, *Senior Citizen's Apartment*, District (see Exhibit 1).

The existing zoning districts applicable to the property do not permit multi-family housing. The proposed zoning change to the RA-5 District would permit (and limit) future construction on the property to affordable senior housing. The petitioner has represented that if the zoning change is granted, he would seek subsequent approvals from the Rye City Planning Commission to construct approximately fifty-four (54) units of affordable age-restricted housing located in two buildings. The proposal would be limited to those over age 55 and consist of approximately 44 one-bedroom units and 10 two-bedroom units.

The proposed RA-5 District for the property is the same district adopted by the City Council in the mid-1980s to accommodate the nearly 100 units of affordable senior housing on an approximately 2-acre site at 300 Theall Road, also known as Rye Manor. The proposed units would be affordable and a minimum of 27 of the units would count towards the 750 units of fair and affordable housing that Westchester County is obligated to provide within 31 eligible municipalities as part of a stipulation of settlement with the U.S. Department of Housing and Urban Development (HUD). Rye has been identified in the housing settlement as one of the 31 eligible Westchester County communities.

The subject property has long been considered for affordable housing by the City of Rye. In the early 1990s a local not-for-profit in partnership with the City of Rye sought to change the zoning of the property to construct 12 two-family units (i.e. 24 total units). That proposal and the required zoning change were never advanced due to the identification of sub-surface contamination on the property in 1993. Since that time the property has been subject to an environmental clean-up, but the City continued to periodically advocate for its use as an affordable housing site (see Exhibit 2).

Unlike the affordable housing proposal twenty years ago the City of Rye is not a partner in the construction, property ownership or administration of the affordable housing units. Westchester County is the property owner and the petitioner is the County's preferred developer for the property. The City of Rye's role is typical of any other land use application, which is to review and consider the land use policy implications of the request.

Westchester County's interest is to advance its obligation under the housing settlement. The property in Rye is unique because there are few (if any) undeveloped County-owned properties within one of the 31 eligible housing settlement communities. It's also unique because the City has a 20-year history of advocating for the development of affordable housing. Rye's historic advocacy for affordable housing does not constitute a commitment or obligation to approve the petitioner's request, but is relevant in terms of the planning context and the City's affordable housing policy.

The petitioner's interest is to develop affordable housing. The petitioner has constructed a number of affordable housing communities in the Sound Shore area,

including 27 units in two separate projects on Cottage Street in Rye. Both of those projects required the City's Council's legislative authority to either amend the City Zoning Code or de-map an unused road right-of-way. In an August 9, 2013 letter the Petitioner received authorization from Westchester County "to seek all necessary approvals from the City of Rye…" (see Exhibit 3). This letter was provided to the City and forwarded to the City Council on August 16, 2013. This letter was expected based on a meeting City Council members and staff attended at Westchester County in June 2013. A summary of that meeting was provided to the City Council (see Exhibit 4).

The City's interest is to potentially advance identified affordable housing needs in the area consistent with its land use planning and other policies. The County has only a limited allocation of housing that it can designate as age-restricted towards the 750-unit obligation under the settlement. If that age-restricted allocation is lost to another community, there will continue to be pressure to develop the County-owned property in Rye for affordable housing without the age restriction. Age-restricted housing eliminates the potential for the generation of school-age children and the potential for a land use outcome in which potential municipal and school district service costs from the proposed development exceed anticipated property tax revenue.

Zoning Petition Review Process

Any change to the City Zoning Code or Map is a discretionary action of the City Council. As is typical in most communities, legislative actions involving land use matters are referred to the City Planning Commission for its review and comment. The specific action under consideration is a local law to amend the City Zoning Map to change the zoning district designation of the subject property to the RA-5 District. The minimum legal requirements to implement the local law are as follows:

1. *Local Law and Petition Referral*. The draft local law and petition must be referred to the Westchester County Planning Board pursuant to Section 239-m of the GML and Section 451 of the Westchester County Administrative Code. This information was forwarded to the County on December 24, 2013. The City Council cannot take an action on the petition until it receives a response from the County or until 30 calendar days has passed from the date of such referral. That response was provided on January 30, 2014 (see Exhibit 5).

2. *Public Hearing.* As with any law change a public hearing is required and notification of such hearing must be published in the City's official newspaper. Unlike New York State Town or Village Law, Section 83 of the General City Law does not require any additional notification (e.g. signage on the property, mailing of hearing notice, etc.) to property owners affected by or within the vicinity of the proposed zoning change.

3. *SEQR.* Before making a decision on the local law, the City Council must comply with the requirements of State Environmental Quality Review (SEQR) and conduct an environmental assessment of the proposed action. The City Council has already taken the first step in this process by declaring at its December 18, 2013 meeting its intent to be Lead Agency for the environmental review. On December 24, 2013, staff circulated the Council's intent to be Lead Agency to other involved agencies. There has been no objection to the City Council being Lead Agency within the minimum required 30-day objection period. The City Council is therefore the Lead Agency at this time. As Lead Agency, the City Council must review the environmental assessment form (EAF) submitted by the applicant and conduct its own assessment of potentially adverse environmental impacts. If the Council finds that the proposed action does not have any significant adverse environmental impacts and issues a "Negative Declaration" a decision on the local law can be made. If the Council finds that there are potentially significant adverse impacts associated with the proposed action a "Positive Declaration" must be issued requiring a more involved environmental review. This review involves a number of procedural requirements and typically takes a least a year to complete.

4. *Decision.* After conducting and closing the public hearing and completing the SEQR process the City Council can make a decision. A simple majority vote is required for the adoption of the local law. A super majority vote of the Council (i.e. a minimum of three-fours of the members) is required if twenty percent or more of property owners subject to the zoning change or within 100 feet therefrom submit a written protest to the request. Based on a preliminary review it appears that a written objection by just three property owners within 100 feet of the site would trigger a super majority vote (or 6 of the 7 City Council members) to approve the zoning request.

Westchester County HUD Settlement and Its Implications for Rye

In 2009 Westchester County entered into an agreement with the U.S. Department of Housing and Urban Development (HUD) to settle a lawsuit. The civil lawsuit was initiated by the Anti-Discrimination Center of Metro New York, Inc. The lawsuit alleged that the County failed to affirmatively further fair housing (AFFH) in its administration of federal funds including the Community Development Block Grant (CDBG) program and other federal programs. Specially, the lawsuit alleged that the County did not conduct a meaningful Analysis of Impediments (AI) to fair housing choice and did not take appropriate actions to overcome the effects of any impediments identified through that analysis. The County's failure to comply with that obligation as a recipient of federal funds was alleged to be a violation of the False Claims Act.

There are many requirements of the stipulation of settlement. One requirement is that the County fund 750 affordable housing units within five years within eligible U.S Census Tracts of 31 municipalities in Westchester County. Eligible census tracts were identified as those having low percentages of minority populations. To date, the County has funded the construction of 27 affordable housing units in the City of Rye that count towards the 750-unit requirement. The City is not bound by the terms of the Settlement and is not required to approve any fair and affordable housing units, but has advanced affordable housing proposals when they were consistent with the land use, planning and housing objectives of the City.

A second significant requirement of the settlement is that the County is responsible for promoting and advancing a model affordable housing ordinance in each of the 31 eligible municipalities. The model ordinance, which was approved by the Monitor in October 2010, includes provisions to promote affordable housing including inclusionary zoning requirements, recommendations to increase multi-family housing zoning and other provisions. Westchester County is aggressively promoting the model ordinance, but no community is required to adopt it. In fact, most communities have not adopted it in full and many communities (including Rye) continue to review the model ordinance for its appropriateness given the existing land use planning and legal context.

A final significant requirement of the settlement relevant to Rye is that the City cannot receive CDBG and other federal funds administered by the County unless it advances fair and affordable housing. The City currently receives no such funding and therefore has no obligation.

The County and the monitor retained by HUD to oversee the implementation of the settlement have identified the County-owned property at 150 North Street as an opportunity to provide additional affordable housing in Rye. There have been conversations with the County and the City over the years both before and after the Settlement to discuss the potential for affordable housing at this location, but there has been no commitment by either party as to a specific development program. It has always been understood that any final action would require City Council approval because the property is not currently zoned for multi-family use.

In March 2013, Rye along with the other the 31 eligible communities identified in the Settlement were surprised to receive a “report card” directly from the Federal Monitor. Westchester County was not aware that report cards were being sent to communities, none of which are not party to the Settlement. The report card included an assessment of each community’s existing zoning code.

In many, if not all, cases the report cards were critical of the lack of multi-family zoning in each community and repeatedly stated that more land use changes would be needed to accommodate affordable housing needs. The need was not for the implementation of the 750 units under the Stipulation, but rather the need identified in the 2005 Affordable

Housing Allocation Plan prepared by the Westchester County Housing Opportunities Commission. This allocation plan was not adopted by the Westchester County Board of Legislators and is considered an advisory document. That document recommends the need for over 10,000 affordable housing units in Westchester County, which is significantly higher than the 750 units under the stipulation.

In the case of Rye the unadopted report allocates 167 affordable housing units in the City. The monitor's report card uses that number as the basis for his analysis of affordable housing deficiency. He notes that of the 167 units the City has already provided 27 under the Settlement leaving 140 affordable units of "required" allocation for the City. Accommodating this number of units in the City, particularly under the preferred 90/10 inclusionary development scenario recommended by the monitor will require very aggressive land use changes by the City Council.

As the City Council considers the petitioner's request it should be mindful of these non-binding affordable housing allocations. Development of additional affordable housing at this location could significantly advance the City's contribution to meeting affordable housing needs both under the settlement and the advisory housing allocation plan. At this time Westchester County has stated that a minimum of 27 of the proposed affordable housing units at the petitioner's site could be "counted" towards the housing settlement. Providing affordable housing units may help address some of the criticism of the City's land use and affordable housing policies.

Planning Analysis

The City Planning Commission supports the zoning petition and finds that the proposed use is consistent with the City's historic and future planning policies and housing objectives. In reaching this finding the Planning Commission considered the full development potential of the property under existing, planned and proposed zoning, the precedent established by the application of the RA-5 District and the compatibility of the requested change with surrounding land uses.

The petitioner has proposed a specific use and site plan for the property. As with all zone changes, however, the proper planning analysis requires an assessment not of the petitioner's specific proposal, but rather of the full development potential of the site after the zoning request is granted. Plans can and likely will change.

The petitioner's site plan accompanying his request proposes two four-story buildings, where the lowest story is unenclosed parking. The plan submitted shows approximately 75,600 square feet of total development, 90 parking spaces for an estimated 54 units and compliant with all other bulk and dimensional restrictions of the RA-5 District. This plan represents about 83% of the maximum development potential permitted under the proposed zoning. The proposed FAR of 1.0 is slightly higher than the 0.75 FAR permitted in the B-6 District located on the rear portion of the site and the 0.50 FAR

permitted in the B-1 District located on the front of the site. The RA-5 District allows four stories within a maximum building height of 40 feet. The B-6 District allows just two stories, but the same building height of 40 feet. The B-1 District limits maximum building height to 2½ stories and 35 feet. The front yard setback for the proposed RA-5 District is 25 feet, which is greater than the 10-foot requirement for the B-1 and B-6 District. Side yard setback dimensions are also greater for the RA-5 District than the existing districts applicable to the site and the rear yard requirement is generally the same.

The RA-5 District is limited to just one use, which reads as follows:

> *Apartments for Senior Citizens and Handicapped. A detached residence for three or more families or housekeeping units or a group of buildings housing three or more families on one lot, undertaken by private nonprofit sponsors with public financial assistance, subject to the requirements of § 197-7.*

In the event the conditions were to change after the zoning were established for the property the future use would continue to be limited to senior multi-family housing including an element of "public financial assistance" (i.e. affordable housing). On the other hand, the existing B-6 District allows a boarder range of uses including automotive uses, storage establishments, public transportation and utilities, service/contractor businesses, bus storage and repair, kennels and veterinary hospitals and limited manufacturing. The B-1 District allows offices, retail and personal service businesses, garages, apartments over stores, lodging houses, service/contractor businesses and social clubs and lodges.

The City Development Plan (1986) does not cite a specific written recommendation for the property or area, but generally encourages creating additional affordable housing opportunities in the City (see Plan, Chapter 1, *Residential Development*). The future land use plan designates this area for office (see Plan, p. 8-9). Since that time only the property at 350 Theodore Fremd Avenue has been developed as an office building under the B-1 District designation. Since the early 1990s the plan for the subject property has been for the development of the site for affordable housing. The Planning Commission believes that office as recommended in the Development Plan is not an economically viable use as evidenced by the long-standing high vacancy rate of office in the City and County and that a change in use is required. In the last few years the City has seen the conversion of a large office building to medical office and a request to amend the B-4 Office Building District to allow a hotel at 120 Old Post Road.

Residential at this location would be more compatible with the residential properties located opposite the site on Theodore Fremd Avenue than many of the uses permitted under the existing B-6 and B-1 District. The site is in close proximity to other non-residential uses including gas stations, a contractor's yard for a landscape business, the ConEdison property and the Metro-North Railroad and Interstate 95. The Commission

notes other multi-family communities (both affordable and market-rate) and other residential neighborhoods located adjacent to transportation corridors that bisect the City.

The use of an existing zoning district classification in the City also is in keeping with the City's land use planning objectives. The RA-5 District specifically provides for the affordable housing needs for seniors. Expanding that district to other appropriate locations in the City is considered a desirable planning objective.

SEQRA Considerations

The Planning Commission has reviewed the environmental assessment form submitted with the zoning petition. As Lead Agency the City Council should consider the following potential impacts and mitigation measures associated with the project prior to making a determination of environmental significance.

- *Sub-surface Conditions*. As the City Council considers the petitioner's request it is recommended that it secure written confirmation from Westchester County Health Department regarding the status of the sub-surface contamination on the site and the status of the environmental clean-up. The Planning Commission understands based on the petitioner's representations that the County Health Department will require that future development at the site require elevating the first habitable story above grade. The Health Department should conduct a review of the proposed plan including all proposed surface and sub-surface improvements such as utilities, stormwater drainage measures and sewer connections.

- *Sanitary Sewer Service*. There is an existing sanitary sewer line that extends from Nursery Lane under I-95 and MNRR tracks through the site to an existing connection in Theodore Fremd Avenue. The existing line is compromised and is difficult to service and maintain due to the high volume, high speed vehicular and rail traffic on a major regional transportation corridor. The City does not want to continue to maintain this existing sewer line through the site and accommodate the additional sewage flow from the petitioner's development. The Commission recommends that the existing public sewer line be abandoned and that the future development on the property be required to provide a new sewer connection from Nursery Lane to an existing sewer connection in North Street. This project has been identified in the City's Capital Improvement Program (CIP) for some time at a preliminary project cost of $150,000. This is a substantial off-site improvement and may challenge the fiscal feasibility of the project depending on the availability of funding to the petitioner. The sewer modification and extension may also require securing easements from Nursery Lane property owners and Westchester County approval of the sewer design.

- *Drainage/Wetland Impacts*. On its site inspection of the property, the Planning Commission noted a drainage pipe that extends from Theodore Fremd Avenue and discharges stormwater runoff from this roadway onto the site. It appears that this runoff has created what may be considered a wetland under the City's Wetlands and Watercourses Law[1]. The proposed development appears that it will result in the wetland loss of a relatively low-functioning wetland and require a drainage plan to replace the stormwater quantity and quality functions of this on-site wetland. If the area is considered a wetland a wetland permit from the Planning Commission will be required as part of a future site plan review process.

- *Municipal Services*. The existing property is County-owned and therefore generates no property tax revenue. The proposed zoning change to allow senior development will generate tax revenue based on the income approach (as opposed to the value of construction approach used for single-family residences). The income approach would be based on the total value of the below market rents after project completion. Since the project is age-restricted there will be no school-age children costs. There would be City expenditures for some municipal services including for sanitation, emergency medical, police, fire and recreation services.

- *Community Character and Aesthetics*. The proposed RA-5 District with a floor area ratio (FAR) of 1.0 would result in development at a greater intensity than the existing B-6 (FAR 0.75) District and B-1 (FAR 0.5) District currently on the property. Existing zoning permits buildings at or close to the same overall 40-foot building height as the proposed RA-5 District. Existing zoning is limited to commercial/general business, which is consistent with existing commercial and transportation uses abutting the site, but potentially inconsistent with the single-family residential character across the street. Overall, the bulk and scale of development under the proposed RA-5 District would likely be greater than development under existing zoning for the site, but not necessarily inconsistent with the character of the surrounding area. Reducing the scale of the building is complicated by the restriction that there can be no units located on the ground level due to the sub-surface contamination on the site. The lowest floor will be used for parking, which counts as a story under the City's Zoning Code but not towards the maximum permitted floor area since the parking is not enclosed.

- *Traffic*. The proposed RA-5 District would generate additional traffic associated with a future senior housing project. The relatively low anticipated trip generation would not adversely impact the relatively high intersection levels of service (LOS). The ITE Trip Generation Manual (ninth edition) provides trip generation

[1] Question 13 of the petitioner's EAF indicates that there are no wetlands on the property. This petitioner should provide additional information supporting this conclusion.

rates for two different types of senior housing units. The following was calculated by Brian Dempsey (Traffic and Pedestrian Safety Chair and NYS licensed traffic engineer) assuming a 60-unit senior housing development:

Senior Adult Housing Detached: Land Use 251

- Peak AM Hour of Adjacent Street: ranges from 5 in and 8 out to 14 in and 26 out
- Peak PM Hour of Adjacent Street: ranges from 10 in and 6 out to 19 in and 12 out
- Peak AM Hour of Generator: ranges from 7 in and 10 out to 15 in and 20 out
- Peak PM Hour of Generator: ranges from 11 in and 9 out to 31 in and 24 out
- Saturday Peak Hour of Generator: 7 in and 7 out (limited studies)

Senior Adult Housing Attached: Land Use 252

- Peak AM Hour of Adjacent Street: ranges from 4 in and 8 out to 4 in and 8 out
- Peak PM Hour of Adjacent Street: ranges from 8 in and 7 out to 9 in and 7 out
- Peak AM Hour of Generator: ranges from 11 in and 12 out to 11 in and 13 out
- Peak PM Hour of Generator: ranges from 10 in and 9 out to 12 in and 9 out
- Saturday Peak Hour of Generator: 11 in and 8 out (limited studies)

A recent traffic study conducted in connection with the sustainable Playland proposal shows that the Theodore Fremd Avenue/North Street intersection operates at the highest levels of service (i.e. “A” or “B”). This level of service is maintained in a 2016 future “build” scenario in the event the sustainable Playland project moves forward. It is also noted that the property is located along an existing bus route, which could potentially reduce trip generation. Given the relatively low trip generation rates associated with senior housing and existing intersection level of service adverse traffic impacts are not anticipated with the proposed change to the RA-5 District.

- *Reduction in Impacts*. As with any project potential impacts can be reduced or minimized by either the implementation of mitigation measures or the reduction in project scope. In considering impacts, the City Council should be mindful of the fact that the proposed RA-5 District requires that future development be affordable senior housing so project and off-site improvement costs and density are a significant consideration to make such projects economically viable, particularly given the incomes proposed to be served. The RA-5 District provides for a reasonable future development intensity that can create the opportunity to advance the City’s affordable housing objectives.

City of Rye, New York

Zoning Districts - Theodore Fremd Area

At a regular meeting of the City Council held March 30, 2005, Councilwoman Larr made a motion, seconded by Mayor Otis and Councilman Chu, to adopt the following resolution:

WHEREAS, The Rye Commission on Human Rights commissioned a survey in 2003 to ascertain existing and projected affordable housing needs for residents and those who serve the community; and

WHEREAS, the survey was conducted during the summer of 2004 and the results presented to the Council at it's regular meeting held March 9, 2005; and

WHEREAS, the Chairman of the Rye Commission on Human Rights made a request to the Council that it take action on several specific recommendations; now, therefore, be it

RESOLVED, that the Council strongly and unequivocally restates its interest in using the Theodore Fremd and North Street site, currently owned by the County, but in a state of contamination, to create 24 affordable housing units; and be it further

RESOLVED, that the Council urges the County to develop a complete and quick remediation plan for the Theodore Fremd and North Street site, and be it further

RESOLVED, that the City Manager urge the State Department of Environmental Conservation (DEC) to move meaningfully and expediently to develop a plan to decontaminate the Theodore Fremd and North Street site, and be it further

RESOLVED, that the Planning Commission specifically address the need for affordable housing among City employees, volunteer fire fighters and public and private school employees, as made clear from the response to the survey.

ROLL CALL:
AYES: Mayor Otis, Councilmen Chu, Cypher, Fahey, Larr and Seitz
NAYS: None
ABSENT: Councilman Hennes

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)
CITY OF RYE)

THIS IS TO CERTIFY that I have compared the foregoing resolution with the original thereof, duly passed and adopted at a regular meeting of the Council of the City of Rye held on the 30th of March, 2005 by the affirmative vote of at least a majority of all members of said Council then in office, present and voting thereon, the vote upon passage thereof having been taken by recording the ayes and nays and duly entered in the minutes of said meeting of said Council and on file in this office, and **I DO HEREBY CERTIFY** said resolution to be a correct transcript thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the official seal of the City of Rye this 16th day of January 2016.

Dawn F. Nodarse

SEAL

DAWN F. NODARSE
CITY CLERK

Westchester gov.com

Robert P. Astorino
County Executive

August 9, 2013

Mr. Louis Larizza
211 South Ridge Street
Rye Brook, New York 10573

Subject: **Proposed Theodore Fremd Senior Housing Development**
150 North Street, Rye New York

Dear Mr. Larizza:

Please allow this correspondence to serve as formal authorization from the County of Westchester (the "County") for you to seek all necessary approvals from the City of Rye, New York (the "City") for the development of approximately twenty-five (25) to fifty (50) affordable affirmatively furthering fair housing units (the "AFFH Units") on the County-owned property located at 150 North Street in Rye, New York (the "Proposed Development").

At this time, it is anticipated that the AFFH Units will be available for seniors earning at or below 50% and 60% of the Westchester County Area Median Income for fifty (50) years. These AFFH Units are expected to further the County's efforts to create new fair and affordable housing units under the 2009 lawsuit titled *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York.*

Please note, that upon receipt of all approvals from the City, the Development and any related County funding shall be subject to all necessary County approvals, including but not limited to, approvals from the County Board of Legislators, and from the County's Board of Acquisition and Contract. Further be advised that the County makes no commitment for funding at this time, and all costs incurred in connection with the Proposed Development and any required local approvals shall be your sole responsibility, whether or not said approvals are ultimately granted by the City, whether or not the County grants or denies any necessary or related approvals, or if the County, in its sole discretion, determines not to proceed with or fund the Proposed Development. This letter shall not bind the County in any respect.

Please also be aware that, although formal plans have not yet been reviewed by the County that the Proposed Development must be consistent with Westchester County affordable housing policies and guiding principles:

REDUCE REUSE RECYCLE

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601 Telephone: (914) 995-2900 Website: www.westchestergov.com

- It will be compliant with the Westchester County Consolidated Plan submitted to HUD for the Westchester Urban County Consortium, of which the City of Rye is a member.

- It will be consistent with and reinforce *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of housing types" affordable to all income levels and by channeling development to centers where infrastructure can support growth and where public transportation can be provided.

- As noted above, it will consistent with the housing settlement reached in the case of *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York* and will contribute toward the County's requirement to ensure the development of seven hundred fifty (750) new affordable affirmatively furthering fair housing units in communities that meet certain demographic criteria.

We are available to discuss any questions you may have regarding this authorization and look forward to reviewing your proposal.

Sincerely,

Kevin J. Plunkett
Deputy County Executive

cc: Mary Mahon, Esq., Special Assistant to the County Executive
Robert F. Meehan, Esq., County Attorney
Edward Buroughs, AICP, Commissioner of Planning

Christian K. Miller, AICP
City Planner
1051 Boston Post Road
Rye, New York 10580

Tel: (914) 967-7167
Fax: (914) 967-7185
E-mail: cmiller@ryeny.gov
http://www ryeny.gov

CITY OF RYE
Department of Planning

CONFIDENTIAL – Memorandum

To: Scott Pickup, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: June 14, 2013

Subject: **Summary of Meeting with Westchester County to discuss the Potential Development of Affordable Housing at County-owned Property located on Theodore Fremd Avenue near the Intersection of North Street.**

As requested, this memorandum provides a summary of our meeting today with Westchester County officials regarding the potential development of affordable housing at the approximately 2.07-acre County-owned property located on Theodore Fremd Avenue near the intersection of North Street. The meeting was requested by Westchester County and was held at the County Executive's Office. For approximately 20 years the City has advocated for the development of affordable housing at this location and has periodically had meetings with the County to discuss development possibilities.

Today's meeting was attended by the Mayor, Laura Brett, you and I as representatives from the City. From the County were representatives from the County Executive's office (Kevin Plunkett and Mary Mahon), Planning Department (Commissioner Ed Burroughs and Norma Drummond) and a representative from the County Attorneys office. Also in attendance was Lou Larriza who may be the County's preferred developer for the potential development of the site.

Summary

- *Sub-surface Environmental Conditions*. NYSDEC continues to monitor the site for the status of the environmental contaminants on the site. The last test was conducted in 2011 showed elevated levels from previous tests, but that additional tests are at the discretion of NYSDEC. The City requested that additional tests

be conducted and that it preferred that the site be clean before development occurs. Ms. Drummond stated that the County Health Department is not concerned with potential future housing development on the property provided that there is no enclosed habitable space below grade or on the first floor. The City was advised that there is currently no on-going remediation on the property.

- *Development and Land Use Review Process.* The County stated that it would select a preferred developer for the development of housing on the property. The County stated that the City would not need to be in the chain of title for the property and would not need to select a developer or eligible not-for-profit to develop the property. The City would act as it does for all land use applications, including former affordable housing applications on Cottage Street, by requiring approvals from all relevant City land use boards. As with the applications on Cottage Street, the City noted that the property is not currently zoned for the proposed development and that changes in the zoning code or variances would be required. The County understands that the City has local land use authority.

- *Development Scenario.* Mr. Larriza discussed his development concept for the site. He stated that he is seeking 48 units of senior (i.e. age 55 and over) housing on the property. The number of units is dictated by the desire to use tax credit financing for the property, which limits household income to 50% and 60% of Area Median Income (AMI). He stated that the unit mix would be one- and two-bedroom units. The project would total approximately 50,000 square feet within two 4- or 5-story buildings on the rear half of the 2.07-acre property. Parking would be located at grade level under the building to comply with the Health Department requirement that there be no habitable space below grade or on the first floor.

  The County stated that County infrastructure bond money would also be used to assist with the project funding. The County confirmed that the proposed senior tax credit units would count towards the 750-unit obligation under the Housing Settlement. The County stated that only 187 out of the 750 units can be senior and that Rye would be using the last of that limited allocation.

- *Next Steps.* The County will complete its process to select a preferred developer and the City can expect an application for affordable housing development potentially in the fall. At that point, or sooner if it desires, the City will need to under take a zoning analysis and determine what, if any, land use modifications it would like to implement to accommodate affordable development on this or potentially other properties in the City.

Westchester gov.com

Robert P. Astorino
County Executive

County Planning Board

Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code

January 30, 2014

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

Subject: **Referral File No. RYC 14 - 001 – The Courtyard at Theodore Fremd**
Zoning Map Amendment and Site Plan
Lead Agency

Dear Mr. Miller:

The Westchester County Planning Board has received a notice of intent to serve as Lead Agency pursuant to the NYS Environmental Quality Review Act (SEQR), as well as a one-sheet preliminary site plan (dated December 9, 2013) and related materials for the above referenced application. The applicants are petitioning the City to rezone a 2.08-acre site, currently owned by Westchester County with frontage on Theodore Fremd Avenue (County Road 54) and North Street (County Road 73), from B-6 General Business and B-1 Neighborhood Business to RA-5 Senior Citizens Apartment District. The zone change would permit the development of up to 58 units of housing on the site. If successfully rezoned, the applicant intends to apply for a site plan approval to construct a 54-unit apartment building with 95 parking spaces. All of the proposed units would be age-restricted to seniors over the age of 55 and would be affordable affirmatively furthering fair housing (AFFH) units. The unit mix would consist of 44 one-bedroom units and 10 two-bedroom units.

We have no objection to the Rye City Council assuming Lead Agency status for this review. Since this proposal involves the disposition of County-owned land as well as potential funding administered by Westchester County, we recommend that the County Board of Legislators be included as an Involved Agency with respect to SEQR.

Because we have not received full site plans, we will reserve full comment on this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code for a later date. At this time we offer the following preliminary comment:

Fair and affordable housing – development of affordable AFFH units. We support the concept of this proposal as it will add to the supply of affordable AFFH units in Westchester County. We look forward to working with both the City and the applicant as this application moves forward. We recommend that the applicant consider adding an apartment within the proposed building for a building superintendant, which is typical for a development of this size.

432 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601 Telephone: (914) 995-4400 Fax: (914) 995-9098 Website: westchestergov.com

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

FOR: By:

Edward Buroughs, AICP
Commissioner

EEB/LH

622 STILES AVENUE MAMARONECK, NEW YORK 10543 TEL 914-698-8207 FAX 914-698-8208
chnarch@yahoo.com

Clark Neuringer Architect

CONNECTICUT
DELAWARE
FLORIDA
MARYLAND
NEW YORK

December 10, 2013

The Honorable Mayor Douglas French
Members of the City Council
Rye City Hall
1051 Boston Post Road
Rye, New York 10580

Re: Proposed Zoning Amendment;
The Courtyard at Theodore Fremd

Dear Mayor French and Members of the City Council,

On behalf of our client, Lazz Development / Pawling Holdings, we are pleased to submit this request for an amendment to the Zoning Code of the City of Rye with respect to a proposed fifty four (54) unit rental development located at the corner of Theodore Fremd Avenue and North Street, adjacent to the existing Con Edison operations and equipment facility. The proposed development will advance a long-term planning objective of the City to provide affordable housing on this Westchester County-owned property. The proposed development would consist of 44 one-bedroom units and 10 two-bedroom units all of which will be restricted to those over age 55.

The approximately 2.1-acre property is currently within both the B-6 General Business District and B-1 Neighborhood Business District. Our proposal is to re-zone the entire property to the RA-5 Senior Citizen's Apartment District, which is the same district adopted by the City Council in the 1980s to provide for the construction of the approximately 100 units of senior affordable housing at 300 Theall Road. Current uses permitted within the B-6 District are limited to light manufacturing; garages, parking lots, and filling stations; small boat facilities; and kennels and veterinary hospitals. The portion of the property located in the B-1 District allows for business, professional office, retail, single-family dwellings and two-family residences.

Multi-family is not currently permitted in either district. We respectfully request that the City Council amend the Zoning Map to change the zoning district classification of this property to the RA-5 Senior Citizens Apartment District.

Our proposed senior citizen residential development meets or exceeds the requirements of the RA-5 District and would be a beneficial addition to the City in general and to the particular neighborhood. Our proposal represents a lower intensity of use of the property compared to what could be developed under the current limited zoning. Even under the RA-5 District requirements, our proposed residential development has several distinct positive attributes as follows:

Area of the lot is more than double the size of minimum required.
Total amount of buildable floor area proposed to be constructed is 17% less than permitted.
Total amount of parking proposed is almost seven times more than minimum required.
Total amount of open space proposed is more than double amount required.

As a result, the requested amendment would allow a residential development that would act as a transition between existing residential uses to the south and commercial uses otherwise surrounding the property. The design of our proposed site development results in a separation between the closest existing neighborhood residential building and one of our apartment buildings of a distance in excess of approximately 250 feet. As such, there would be no adverse impact on any of the existing residential areas to the south of the site. Compared to other uses that would be permitted on the site, we believe the proposed residential community would be a more attractive and beneficial use to the neighborhood.

We look forward to further reviews and discussions with you regarding the requested zoning amendment.

Sincerely,

Clark Neuringer, R.A.; NCARB

Cc: Louis Larizza, Lazz Development / Pawling Holdings

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D R A F T

LOCAL LAW
CITY OF RYE NO. _____ -2014

A Local Law to Amend the "Zoning Map of the City for Rye, New York" to Change the Zoning Designation of a Property Known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.

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

Section 1. **The Zoning Map of the City of Rye, New York is hereby amended to change the zoning district designation of a property known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.**

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.

DRAFT

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information
City of Rye Affordable Senior Housing

Name of Action or Project:
The Courtyard at Theodore Fremd

Project Location (describe, and attach a location map):
Theodore Fremd Avenue and North Street, Rye, NY

Brief Description of Proposed Action:

1. Construct 54 units of senior affordable housing units with parking areas for 95 cars on 2.08 acres in the City of Rye, NY.
2. Approval of a City of Rye zoning text amendment to permit certain residential types in the B6 (Business) zone.

Name of Applicant or Sponsor:	Telephone:
Pawling Holdings, LLC	E-Mail:

Address:
211 South Ridge Street, Suite 3R

City/PO:	State:	Zip Code:
Rye Brook	NY	10573

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Rye Planning Commission, City of Rye Coucil, the Home Fund, HIF, AHC agencies, County of Westchester DPW	☐	☑

3.a. Total acreage of the site of the proposed action? 2.08 acres
b. Total acreage to be physically disturbed? 2.08 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.08 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): Railroad, Interstate Highway 95
☐ Parkland

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

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	✓	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	✓	
b. Are public transportation service(s) available at or near the site of the proposed action?		✓
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		✓
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	✓	
b. Is the proposed action located in an archeological sensitive area?	✓	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	✓	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	✓	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☑ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	✓	
16. Is the project site located in the 100 year flood plain?	✓	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☑ YES	✓	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☑ YES Existing Culvert beneath Metro North Rail Lines		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: Three suburface detention vaults to be constructed beneath the parking areas. Size is generally 1000 square feet per system. The purpose is to limit flows to current levels.	☐	☑
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: NYS DEC database has no record of remediation 1978 to present.	☐	☑

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

Applicant/sponsor name: Lou Larizza Date: 11/6/2013

Signature:

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

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

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

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

2. The project will increase the intensity of use since the development of 54 apartments for seniors will occur on vacant land. Mitigation is proposed by providing sufficient stormwater controls to prevent floding, and water quality treament to reduce impacts to water courses. Traffic mitigation is considered to be mitigated by limiting occupancy to an over-55 years age group. Excess on-site parking is provided to eliminate off-street parking impacts. The site is on the County Bus route which affords opportunity to mitigate traffic. New local street sidewalks to be constructed will also help to mitigate traffic. The proposed landscaping, consisting of landscaled buffers, new trees, shrubs and decorative fencing throughout, will mitigate visual impacts. An erosion control plan in conformance with the NYS Stormwater Design Manual will be used to offset temporary impacts of erosion.

7a. Water supply: The water demand for the project of 54 units with average of a two-person occupancy is about 10,800 gallons per day. United Water Westchester provides 7.6 million gallons per day and the increase is nominal due to this project and should not impact the facilities. Mitigation of water use is provided in limiting the occupancy to an over-55 age group.

7b. Wastewater Treament: The project is in the County's Blind Brook Sewer District and sewage flow will be treated at the Blind Brook Treatment Plant which has a capacity of 5 mgd and is currently operating at 3.3 mgd. City-owned sewers at the site are adequately sized to handle the increased flow from this project. Therefore, given the reduced water use and in turn sewage generation, the project should not adversely impact these facilities.

Long term impacts are the same as short term impacts described above.

Cumulative impacts of the development are limited due to the lack of other new projects of this type in the area.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

CITY COUNCIL AGENDA

NO. 9 DEPT.: City Manager's Office DATE: September 10, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Continuation of Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER 197
SECTION 15

RECOMMENDATION: That the City Council continue the Public Hearing to add a new section to Chapter 197, "Zoning".

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Council is asked to consider the addition of a new Section to the Zoning Law, 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to amend the City Code of the City of Rye Chapter 197 "Zoning" by adding Section 197-15 "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council as follows:

Section 1:
Article IV, *Use Regulations*, of the Code of the City of Rye is hereby amended to add the following:

§ 197-15. Banks in the B-2, Central Business District.

A. The Council creates this incentive-based special use permit in order to maintain the historic elements and convenience retail storefronts the contribute to the character of the City's Central Business District. As such, the Council adopts a policy to incentivize the preservation of the character of the Central Business District by allowing in the B-2 Central Business District banks to be located on the first floor of a building located on the condition that the historic nature of the building or its contributing elements, are preserved and maintained. The purpose of this law is to advance the following goals:

1. **Promoting the preservation of buildings that enhance and define the historic nature of Rye over the past decades.**
2. **Balancing the desire for historic preservation of certain buildings with the need to allow for financially viable uses of buildings.**
3. **Furthering the City's goal to provide incentive zoning techniques for development projects that meet a defined community need and desire such as historic preservation and maintaining community character.**

B. Procedures for Special Use Permits – permit applications.

a. **Applications for a permit shall be made to the City Clerk on forms furnished by the City Clerk's office.**
b. **An application for a permit shall not be deemed complete if it does not include all of the following information:**
   i. **The application fee;**
   ii. **Complete plans for the building(s), or portions thereof, that the applicant believes furthers the intent of this Section and for the bank or other uses of the building(s) on the property.**
   iii. **Full environmental assessment form in accordance with the State Environmental Quality Review Act, except that a short**

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environmental assessment form may be submitted at the discretion of the City Council.

iv. A narrative from the applicant setting forth the reasons why the proposed building(s) to be preserved would further the intent of this Section and what specific measures would be implemented to preserve the community character that the City wishes to maintain.

v. The City Council may require additional information as needed, such as the proposed plan to maintain the historic nature of the building(s).

vi. By filing an application, the applicant thereby consents to the entry onto his land by the City Council or other agents designated by the City Council for the purpose of undertaking any investigation, examination, survey or other activity necessary for the purposes of this chapter.

C. Special Use Permit Requirements; determining historic significance of development plan.

1. The Council will undertake a review of an application pursuant to this Section in a timely fashion and shall act within a reasonable period of time given the complexity of the application and the circumstances.

2. The Council may, at its sole discretion, refer any application for this Special Permit for Historic Preservation to the Landmarks Committee for its review and comment.

3. If the application is referred to the Landmarks Advisory Committee, the Committee shall provide any comments to the Council within thirty (30) days of the referral.

4. The City Council shall then review the development plan to determine if it furthers the goals and intent of this Section. The Applicant shall bear the burden of establishing why its building(s), or portions thereof, are an integral part of the historic nature of the B-2 Central Business District and that its application should be considered for the special use permit.

5. If the Council finds that the application furthers the intent of this Section, it shall simultaneously consider the application for the Special Use Permit and Site Development Plan in accordance with Rye City Code § 197-7. The City Council shall hold a public hearing to consider the approval of both the Special Use Permit and Site Development Plan.

6. As part of any approval of the Special Use Permit and Site Development Plan, the City Council shall consider the following conditions as part of its approval:

a. A restrictive covenant that preserves the building(s), or portions thereof, in its current state and any modifications to such restrictive covenant shall be reviewed and approved by the City Council; and/or

b. A deed restriction that preserves the building(s), or portions thereof, in its current state and any modifications to such deed restriction can only be approved by the City Council; and/or

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c. **A façade easement or other restrictive easement that preserves the building(s), or portions thereof, in its current state and any modifications to such easement can only be approved by the City Council; and**
d. **All covenants, restrictions, and/or easements shall be recorded in the County Clerk's office.**
e. **A maintenance plan that ensures the continued upkeep of the preserved building(s), or portions thereof.**
f. **A community amenity such as landscaping or other improvement to further enhance the community character in the area near the proposed development.**
g. **Any other condition that the City Council deems necessary to preserve the historical nature of the building(s) and to ensure that such preservation will continue into the future regardless of the owner.**

Section 3.
Section 197-86, Table of Regulations: Table B, Business Districts-Use Regulations, Column 1, Permitted Main Uses, B-2 Central Business Districts, of the Code of the City of Rye, New York is hereby amended to amend subsection (1) to read as follows:

(1) Nonresidence main uses permitted in B-1 Districts without restrictions as to location and conversions of existing buildings, except that offices for clerical, administrative, professional and agency uses shall not be located on the first floor of a building within the A Parking District, and banks shall not be permitted on the first floor of a building in the B-2 Central Business District**, except where approved by the City Council pursuant to §197-15.**

Section 2.
If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: This local law will take effect immediately on filing in the office of the Secretary of State.

NOTE: Proposed additions are shown in **underline and bold** and proposed deletions are shown in ~~strikethrough~~.

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CITY COUNCIL AGENDA

NO. 10 DEPT.: City Manager's Office DATE: September 10, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Continuation of Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER 191
SECTION 20, 21

RECOMMENDATION: That the City Council continue the Public Hearing to lower the speed limit to 25 miles per hour on the roads outlined during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Traffic and Pedestrian Safety Committee has been reviewing the speed limits in the Stuyvesant Avenue corridor at the request of residents. The recommendation is to conduct a Speed Limit Modification Pilot Study whereby the speed limit would be reduced to 25 mph on Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road. The Pilot Period would be for a one year period with speed measurements performed during the club season and during the off-season.

See attached Draft Local Law and information from the Traffic and Pedestrian Safety Committee.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to amend the City Code of the City of Rye Chapter 191 "Vehicles and Traffic" Part 1, Article II "Traffic Regulations" Section 191-7 "Speed limits" to reduce the speed limit down to twenty-five miles per hour on roads, or portions thereof, for a pilot study as follows:

Section 1:
Article IV, *Traffic Regulations*, of the Code of the City of Rye is hereby amended:

§ 191-7. Speed Limits.

It shall be unlawful for any person to operate any motor vehicle or motorcycle in any street in the City at a speed in excess of 30 miles per hour, except **as indicated in subsection A and** where otherwise indicated by signs erected by the Police Department of the City.

A. The speed limit shall be 25 miles per hour for the block bordered by Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue and Milton Road. The 25 miles per hour limit shall be posted along each of the streets indicating what sections are governed by the 25 miles per hour speed limit.

Section 2.
If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: This local law will take effect on November 1, 2014 and shall be effective for twelve (12) months.

NOTE: Proposed additions are shown in **underline and bold** and proposed deletions are shown in ~~strikethrough~~.

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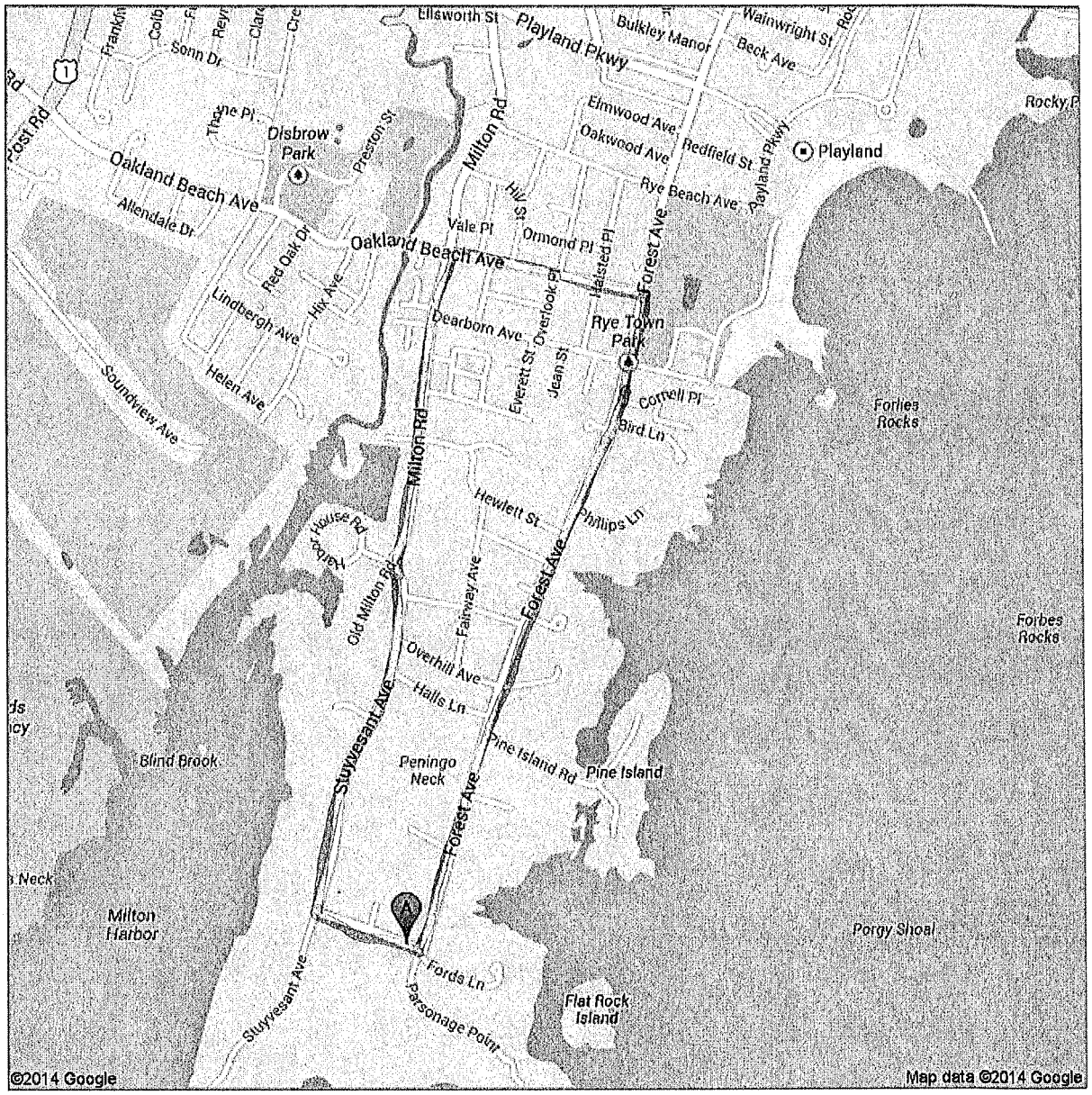
Address **Van Wagenen Ave**
Rye, NY 10580



CITY OF RYE
MEMORANDUM

TO: Mayor Sack and City Council

ALSO TO: F. Culross, C. Miller, R. Coyne, RPD

FROM: Traffic and Pedestrian Safety Committee

SUBJECT: Speed Limit Modification Pilot Study – Stuyvesant Avenue

DATE: February 10, 2014, Revised July 25, 2014

The Traffic and Pedestrian Safety Committee (TPS) has been reviewing the speed limits on Stuyvesant Avenue at the request of some residents who live on or near Stuyvesant Avenue. From this review a Speed Limit Modification Pilot Study was proposed by TPS in February 2014. After various public discussions with the City Council, it has been requested by the Council to consider expanding the area of the Pilot Study to include the following roadways:

- Stuyvesant Avenue – from Milton Road to the end (American Yacht Club)
- Van Wagenen Avenue – from Stuyvesant Avenue to Forest Avenue
- Forest Avenue – from Van Wagenen Avenue to Oakland Beach Avenue
- Oakland Beach Avenue – from Forest Avenue to Milton Road
- Milton Road – from Oakland Beach Avenue to Stuyvesant Avenue

The combination of these sections of the roadways essentially forms a loop through the Milton Point area.

Background

Over the years, the TPS has received requests from various residents to adjust speed limits on certain streets from the City's speed limit of 30 mph to 25 mph. In 2003, the TPS along with the City Council reviewed the lowering of speed limits and were not in favor of it due to the opinion that it would be difficult to enforce and would have limited impact.

The change was also reviewed at times by the TPS and the Assistant City Manager as well as the City Attorney and based upon an interpretation of State Law from the City Attorney at those times, it did not appear that the roadways in the City could be reduced to 25 mph. The latest version of the State Law is provided below. The requests have come for various locations such as the entire Greenhaven area, Kirby Lane, and others, with the latest coming from initially one resident who live on a side street of Stuyvesant Avenue. There is a safety benefit if vehicles actually drive slower.

As Rye is a City, the New York State Vehicle and Traffic Law (V&T) states that the City-wide Speed Limit has to be 30 mph. If Rye was a Town, then the Town-wide Speed Limit could be 25 mph. The (V&T) states,

Effective: August 17, 2012

McKinney's Consolidated Laws of New York Annotated Currentness
Vehicle and Traffic Law (Refs & Annos)

Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)

Title VIII. Respective Powers of State and Local Authorities

Article 39. Regulation of Traffic by Cities and Villages (Refs & Annos)

➡➡ § 1643. Speed limits on highways in cities and villages

The legislative body of any city or village with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such city or village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such city or village shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such city or village, within designated areas of such city or village or on or along designated highways within such city or village higher or lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than thirty miles per hour; except that in the city of Long Beach, in the county of Nassau, speed limits may be established at not less than fifteen miles per hour on any portion of the following highways in such city: Cleveland avenue, Harding avenue, Mitchell avenue, Belmont avenue, Atlantic avenue, Coolidge avenue, Wilson avenue and Taft avenue. No such speed limit applicable on or along designated highways within such city or village shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway and except that within the cities of Buffalo and Rochester speed limits may be established at not less than fifteen miles per hour for any portion of a highway within a city park.

Over the years, TPS has obtained various interpretations on the full meaning of the above (or earlier versions of the law as the wording was confusing) as the request to change speed limits to 25 mph has been brought up before. The latest interpretation indicates that selective roadways can be changed to a 25 mph.

While some TPS members are strongly in favor of this change in speed limit, there are also those on the TPS who feel that changing the speed limit on Stuyvesant Avenue will not have any significant effect as people drive at the speed that they are comfortable at and thus will not have the desired impact. Another concern is if one street is made 25 mph, then others may request the same, such as Forest Avenue. Logically, why would a collector street like Stuyvesant Avenue have a lower speed limit than a smaller purely residential street like Halls Lane?

The United States Department of Transportation – Federal Highway Administration in its Study entitled "Effects of Rising and Lowering Speed Limits on Selected Roadway Sections" states that "neither raising nor lowering the speed limit had much effect on vehicle speeds. The mean speeds and the 85th percentile speeds did not change more than 1 or 2 mph". It further states that the percent compliance decreased when the speed limits were lower.

Thus, the TPS has decided that Stuyvesant Avenue be utilized as a Pilot Study to see if changing the speed limit has any true impact.

Aside from the requests from residents, Stuyvesant Avenue was determined to be an appropriate road for the test due to its unique nature of different factors including:

- No sidewalks (sidewalks would be difficult to install)
- Narrow lanes
- Horizontal and vertical curvature
- Side streets and residential driveways
- Old growth trees
- Significant number of pedestrians and joggers
- Significant number of bicyclists
- Number of children in area
- Limited areas for enforcement
- Sight distance around curves and vegetation
- Proximity to Milton School and ability to walk to
- Mix of uses – residential and the clubs
- Seasonal fluctuation in traffic
- Serves as an emergency and evacuation route
- General support of residents in area based upon informal poll

Speed Studies

The City Engineering Department has performed speed studies on Stuyvesant Avenue during the past year to measure the existing speeds. The speeds were measured both when the clubs were fully operating and during the off-season for the clubs. The speed measurements taken during the summer actually showed lower speeds than during the off-season measurements. This could be the result of two factors, (1) the speed measurements were taken at two different locations and (2), during the summer, there are more people walking and bicycling which slows up the traffic somewhat. During this time (August), the 85th percentile speed, the speed that speed limits are generally to be set at, was approximately 31 mph (Average speed 25-26 mph) and thus the speed limit of 30 mph appears appropriate. The speed studies taken during the off-season (November) indicated an 85th percentile speed of 34-35 mph (Average speed 27 mph). Thus, a higher percentage of vehicles were exceeding the 30 mph speed limit. It should also be noted that during the summer, the speed counts showed that there is about twice the amount of traffic than during the other parts of the year (approximately 3,000 vehicles per day versus 1,500).

Other Measures

The TPS and City Engineer have reviewed other measures in regards to speeds along Stuyvesant Avenue and received input from some of the residents. Preliminary discussions were held with the City's Emergency Service Departments. The City has installed measures at the intersection of Stuyvesant Avenue and Milton Road/Old Milton Road including a median. This was previously attempted with bollards but they did not last. Consideration was also given to stop signs (not desired), raised crosswalks/speed humps (these would violate the City Speed Hump Policy as Stuyvesant is classified as an Emergency Road), standard crosswalks (not recommended due to no sidewalks).

Before the Pilot Study is enacted, this policy should be reviewed by the City Council as well as the Police Department.

Additional Roadways

In addition to Stuyvesant Avenue, the City Council has suggested that additional locations be added to the Pilot Study including all or portions of Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road. Speed measurements for these roadways would need to be performed to establish a baseline.

Other Issues

Two issues that has been brought up in the discussions that are related to the Speed Limit Study are the rocks on the side of the road as well as Belgian blocks extending out onto roads that are not curbed. While TPS has been a strong supported for the removal of the rocks on the side of the road for many years, this is a complex issue that, in the opinion of TPS, will need to be handled separately. The Belgian blocks are also a complex issue and may require a review of approved site plans and the City Driveway Policy.

Pilot Study Methodology

The first portion of the Pilot Study would consist of, upon approval of City Council, Corporate Council and the Police Department as well as a Public Hearing, would be to perform speed measurements on the other four roads to obtain baseline measurements at a 30 mph speed limit. The second step would be to lower the speed limit on Stuyvesant Avenue and the other four road sections to 25 mph for a one year period (or shorter period if determined by Council). Speed Measurements would be performed at the two previous locations on Stuyvesant Avenue during the club season and during the off-season. Measurements will also be performed on the other roadways.

After the one year period (or shorter), a summary report would be prepared by TPS. This would determine if there is any statistical drop in the speed travelled and if safety benefits appear to have been achieved. If desired by the Council, speed radar signs could then be installed in each direction of Stuyvesant Avenue (and possibly other locations) alerting drivers of their speed. Speed measurements would again be taken and compared to the previous measurements to study the changes and whether the speed radar signs should be pursued further.

This Pilot Study could be used as the basis for other locations in the future.

CITY COUNCIL AGENDA

NO. 11 DEPT.: City Manager's Office DATE: September 10, 2014

CONTACT: Frank J. Culross, City Manager

ACTION: Continuation of Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: A recommendation was made to amend Chapter 76, "Dogs" of the Rye City Code to permit dogs to be "at large" in Rye Town Park from 6:00 a.m. to 9:00 a.m. Coupled with the amendment is the suggestion that signage should be placed in the park advising early morning park visitors of the policy to allow dogs off leash until 9 a.m. After 9:00 a.m. all dogs must remain leashed in all areas of the park.

See attached draft Local Law.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to amend Chapter 76 "Dogs" of the Code of the City of Rye to allow dogs to be at large during certain hours at Rye Town Park as follows:

Section 1: Chapter 76, Dogs

§ 76-5. Running at large prohibited.

A. **Except as permitted in § 76-5(B), n**o person owning, harboring or having the custody and control of a dog shall permit such dog to be at large in the City of Rye, elsewhere than on the premises of the owner, except if it is on the premises of another person with the knowledge and assent of such other person.
B. **During the hours of 6 a.m. to 9 a.m., a person owning, harboring or having the custody and control of a dog visiting Rye Town Park shall be permitted to allow the dog to be at large. After 9 a.m., all dogs must be leashed in accordance with this Chapter.**

§ 76-6. When leash required.

The owner, harborer or person having the custody and control of a dog in the City of Rye which is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person shall control and restrain such dog by a chain or leash not exceeding eight feet in length.

Section 2: This local law will take effect immediately on filing in the office of the Secretary of State.

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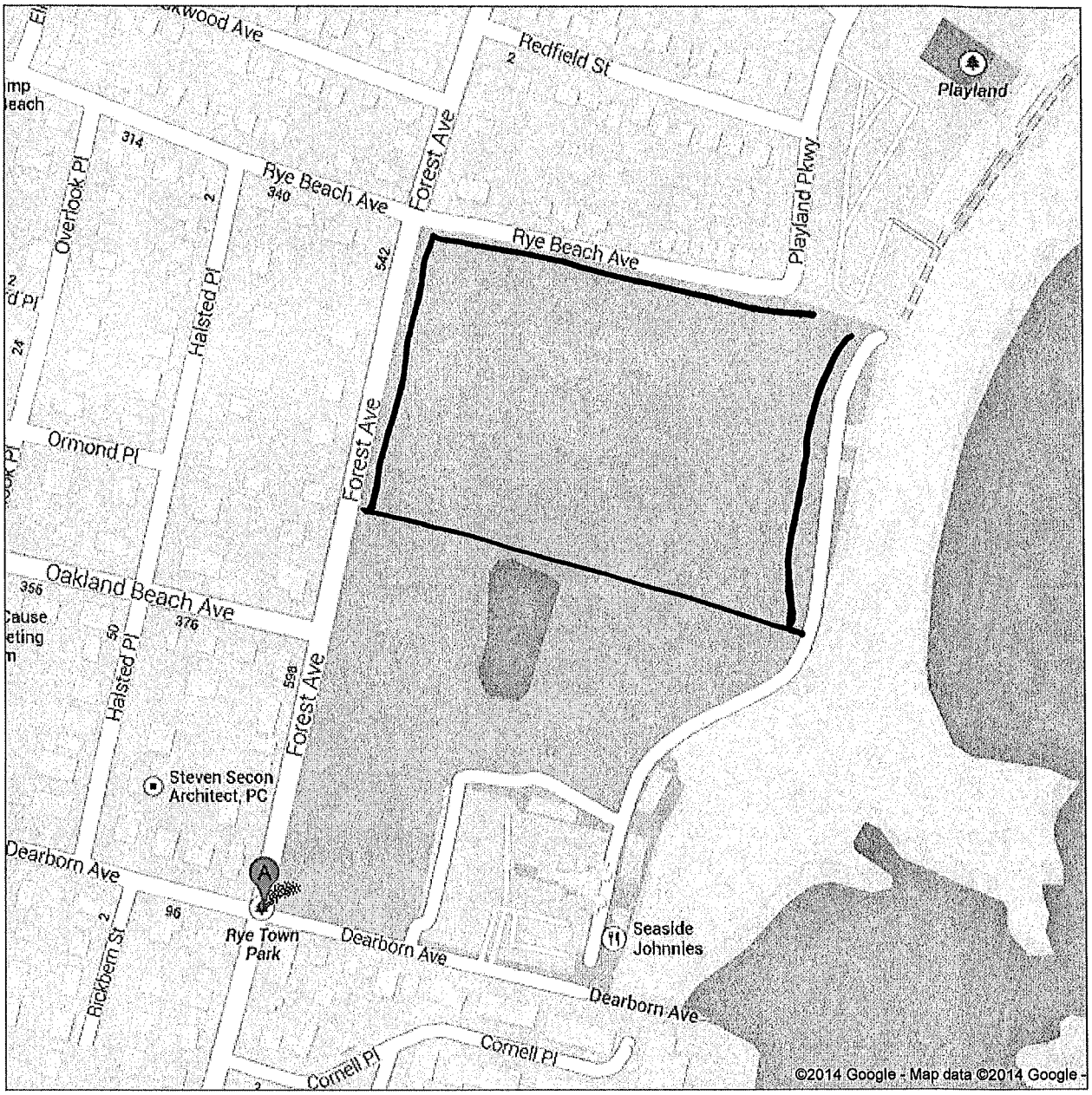

A. **Rye Town Park**
95 Dearborn Ave, Rye, NY
(914) 967-0965
3 reviews

CITY COUNCIL AGENDA

NO. 12 DEPT.: City Council DATE: September 10, 2014

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHARTER SECTION C6-2, C8-2, C12-1

RECOMMENDATION: That the City Council hold a Public Hearing to approve the changes to the City Charter as outlined.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: A proposal has been put forward to amend Article 6, "Council" of the Charter of the City of Rye to amend §C6-2 "Powers and duties", Article 8 "City Manager", Section § C8-2, "Powers and duties of City Manager" and Article 12 "Department of Police", Section § C12-1, "Head of Department; subordinates" to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner. The City Council is asked to set a Public Hearing regarding the proposed amendment.

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to amend the City Charter of the City of Rye Article 6 "Council", Article 8 "City Manager", and Article 12 "Department of Police" to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner as follows:

Section 1: Chapter C. Charter.

Article 6. Council

§ C6-2. Powers and duties.

C. The Council shall appoint the City Manager as hereinafter provided and shall appoint a Corporation Counsel or hire an attorney as an independent contractor. Such Counsel or attorney shall be engaged in the practice of law in this state for at least five years immediately preceding his appointment or hiring. **The Council shall also have approval authority over the appointment, suspension or removal of the Police Commissioner.**

Section 2.

Article 8. City Manager

§ C8-2. Powers and duties of City Manager.

B. Subject to Article 12, Section C.12-1.A, he shall appoint a City Comptroller, City Clerk, City Engineer, City Assessor, Building inspector, City Marshal, registrar of Vital Statistics and the heads of such other departments as may hereafter be created by the Council. All such officers shall in the performance of their duties be subject to the directions and supervision of the City Manager. Except for the Police Department, he may also appoint all subordinates in the departments headed by such officers, or he may authorize any administrative officer who is subject to his direction and supervision to exercise such power, subject to his approval, with respect to subordinates in that officer's department, office or agency.

C. Subject to Article 12, Section C.12-1.A, he shall, when he deems it necessary for the good of the service, suspend or remove any city officer or employee whom he may appoint or employ, except as otherwise provided by law.

I. He may, during the absence or disability of the City Comptroller, City Clerk, City Assessor or the head of any other office or department under his direction and supervision, all of all the powers of such office or department; and also, **with the exception of the Police Commissioner,** he may designate one of the employees

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in such office or department as a deputy who shall have the powers and duties of the City Comptroller, City Clerk, City Assessor or the head of such other office or department, as the case may be, during the absence or disability of such officer or during a vacancy in such office or department. **With respect to the Police Commissioner, the Manager shall obtain the consent of the Mayor and City Council.**

Section 3.

Article 12. Department of Police

§ C12-1. Head of Department; subordinates.

A. There shall be a Department of Police, the head of which shall be the Commissioner of Police, who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager **except that the City Manager shall obtain the consent of the Mayor and City Council when appointing, suspending or removing the Police Commissioner.** The Commissioner of Police shall have at least the qualifications and experience specified by the Council.

Section 4: Severability clause

Section 5: This local law will take effect immediately on filing in the office of the Secretary of State.

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CITY COUNCIL AGENDA

NO. 13	DEPT.:	City Manager's Office	DATE: September 10, 2014
	CONTACT:	Frank J. Culross, City Manager	

AGENDA ITEM: Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (B) "Two-hour limit" to prohibit parking for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street, and Section §191-21, "Parking, standing or stopping" to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

FOR THE MEETING OF:
September 10, 2014
RYE CITY CODE,
CHAPTER 191
SECTION 20, 21

RECOMMENDATION: Public Hearing to approve the changes on Central Avenue as outlined by the Traffic and Pedestrian Safety Committee.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Traffic and Pedestrian Safety Committee has made the recommendation to make the following changes regarding parking on Central Avenue:

- Amend Section §191-20, "Parking time limited", Subsection (B) "Two-hour limit" to prohibit parking on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street.
- Amend Section §191-21, "Parking, standing or stopping" to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

Currently parking is prohibited from 30 feet west of Boston Post Road on the north side of Central Avenue; the proposed change will prohibit parking on the Central Avenue Bridge.

See attached Draft Local Law.

§ 191-20. Parking time limited.

B. Two-hour limit. The parking of vehicles is hereby prohibited in the following street locations for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

Name of Street	Side	Location
Blind Brook Lane	Both	
Central Avenue	North	From the west side of the bridge over the Blind Brook ~~30 feet west of Boston Post Road~~ to Walnut Street
First Street	East	Parking area between Commuter Parking Area and Purdy Avenue
Highland Road	North	From Purchase Street to Club Road
Milton Road	West	From Cross Street to Rectory Street
Natoma Street	North	
New Street		(Except also on Saturday)
Orchard Avenue	North	From 300 feet from the intersection of Boston Post Road west to Theodore Fremd Avenue
Purchase Street	Both	From Natoma Street to Ridge Street
Rectory Street	South	From Milton Road to Boston Post Road
Theodore Fremd Avenue	North	First 4 parking spaces of the parking area commencing at intersection with Blind Brook
Theodore Fremd Avenue	Southeast	From its intersection with Central Avenue northeasterly for 155 feet
Wappanocca Avenue	Both	

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Chapter 191. VEHICLES AND TRAFFIC

§ 191-21. Parking, standing or stopping.

The parking, standing or stopping of vehicles is hereby prohibited in the following locations: of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

Name of Street	Side	Location
Billington Court **[Added 8-16-1995]**	North	
Central Avenue **[Added 10-20-1982]**	North	~~30 feet west~~ From the Boston Post Road to the west side of the Blind Brook
Central Avenue **[Added 10-20-1982]**	South	From Loewen Court to the Boston Post Road
Cornell Place **[Amended 1-7-1976 by Ord. No. 3-1976]**	Both	
Dearborn Avenue **[Added 1-7-1976 by Ord. No. 3-1976]**	Both	East of Forest Avenue, including the turnaround at the easterly end thereof*
Forest Avenue **[Added 12-2-1981]**	East	From Redfield Street to Playland Parkway
Franklin Avenue **[Added 11-19-2008]**	North-east	From a point approximately 30 feet north of Sonn Drive
Hewlett Avenue **[Added 2-28-2001]**	East	Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit, when school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.

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CITY COUNCIL AGENDA

NO. 14 DEPT.: City Manager's Office DATE: September 10, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER 191
SECTION 20

RECOMMENDATION: That the City Council hold a Public Hearing to approve the changes on Sylvan Road as outlined by the Traffic and Pedestrian Safety Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Traffic and Pedestrian Safety Committee has made the recommendation to make the following changes regarding parking on Sylvan Road:

● Amend Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.

See attached Draft Local Law.

Chapter 191. VEHICLES AND TRAFFIC

Part 1. General Regulations

Article III. Parking Regulations

§ 191-20. Parking time limited.

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

Name of Street	Side	Location
Boston Post Road	East	From Central Avenue to Rectory Street
Elm Place	North	3 spaces on the north side closest to Theodore Fremd Avenue
Forest Avenue	West	From the southwest driveway of the service station to Elmwood Avenue
Purchase Street	East	From Elizabeth Street southerly for 140 feet
Purdy Avenue	North	From the east side of the post office property to Third Street
Sylvan Road	South	2 spaces on the south side closest to Midland Avenue
Third Street	East	From Purdy Avenue to the post office driveway
Third Street	West	From Purdy Avenue to a point 100 feet north thereof

CITY COUNCIL AGENDA

NO. 16 DEPT.: City Manager's Office DATE: September 10, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Consideration to set a Public Hearing to amend local law Chapter 165 , "Signs", of the Rye City Code by adding Section §165-10,"Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER 165
SECTION 10

RECOMMENDATION: That the City Council set a Public Hearing to amend Chapter 165, "Signs".

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Council is asked to consider amendments to Chapter 165, "Signs" of the Rye City Code to allow for the display of banners at City of Rye ball fields and utility poles on City property.

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to amend Chapter 165 "Signs" of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City propertyand to renumber the remaining section of the Chapter as follows:

Section 1: Chapter 165, Signs.

§ 165-10. Banners on City owned field fences and utility poles.

A. Banners are permitted on City owned field fences upon approval from the Board of Architectural Review. All permits will be issued by the City Clerk's office and are seasonal and will be approved for the spring, summer and/or fall season. No banners shall be displayed during the winter season.

(1) When reviewing applications for the display of banners on field fences, the Board of Architectural Review shall take into consideration the size of the banner, the design, and the colors to ensure that such are in harmony are appropriate for the placement on the field fences.

(2) In no event shall banners on field fences be larger than 32 square feet.

(3) The Board of Architectural Review will consider applications for banners on a first come/first serve basis and has the authority to limit the number of banners at any given time depending on the availability of fence space.

(4) The Board of Architectural Review may consult with the Recreation Commission to determine whether a particular banner is consistent with the type of activities performed on a given field area.

(5) Applications for the spring season must be received on or before February 1, for the summer season by May 1, and the fall season by August 1.

(6) The City reserves discretion as to the exact placement of the banners on the field fences.

B. Banners are permitted on City utility poles in the Central Business District upon receipt of a permit from the Board of Architectural Review.

(1) All banners to be placed on the utility poles shall be 30" by 60".

(2) Only banners supporting or advertising not-for-profit organizations shall be considered by the Board of Architectural Review.

(3) When reviewing applications, the Board of Architectural Review shall take into consideration the design and colors of the banners to ensure that such are appropriate for display in the Central Business District.

(4) The Board of Architectural Review will consider applications for banners on a first come/first serve basis.

(5) The maximum permitted time for display is twenty-one (21) days.

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C. Once a permit is issued, the permittee is required to provide the banner(s) to the Building Department for display.The City shall display and remove all banners.

D. If an application for a banner is disapproved, the applicant may appeal the decision pursuant to Chapter 53, § 53-10 as set forth in § 165-2(D) of this Chapter.

E. The permit fees shall be set annually by resolution of the City Council.

§ 165-101. Severability.

If any phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, an all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 2: This local law will take effect immediately on filing in the office of the Secretary of State.

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CITY COUNCIL AGENDA

NO. 17 DEPT.: Boat Basin DATE: September 10, 2014

CONTACT: Peter T. Fox, Boat Basin Supervisor

ACTION: Two appointments to the Boat Basin Commission by the Council, for two-year terms expiring January 1, 2017 and the designation of one member to the Boat Basin Nominating Committee.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council designate the individuals elected to serve on the Boat Basin Commission and Nominating Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The following individuals were elected to serve on the Boat Basin Commission for two-year terms ending January 1, 2017:

George Gavlik
Benjamin Poole

The following individual was elected to serve on the Boat Basin Nominating Committee:

Alan Caminiti

CITY OF RYE

MEMORANDUM

TO: Frank Culross, City Manager
Peter T. Fox, Boat Basin Supervisor

FROM: Dawn F. Nodarse, City Clerk

SUBJECT: De Pauw Municipal Boat Basin Commission and Nominating Committee Election

DATE: August 27, 2014

The following are the results of the Boat Basin Election:

Envelopes Received	79
Ballots Cast	78
Invalid Ballots	1

The election results for two representatives to the De Pauw Municipal Boat Basin Commission are (two open seats):

Candidates	**# of Votes Received**
Greg Gavlik	**52**
Brendan Hartman	41
Benjamin Poole	**59**

The election results for one member to the Nominating Committee:

Candidates	**# of Votes Received**
Alan Caminiti	**55**
Andrew Ferris	20

Dawn F. Nodarse

Dawn F. Nodarse
City Clerk

CITY COUNCIL AGENDA

NO. 18 DEPT.: City Manager DATE: September 10, 2014

CONTACT: Frank J. Culross

AGENDA ITEM: Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2014.

FOR THE MEETING OF:
September 10, 2014
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Sole Ryeders & Friends, together with the Rye High School Breast Cancer Awareness Club and the RHS Crew team, will launch TieTheTownPink, a breast cancer awareness campaign whose goal is to adorn hundreds of trees throughout the City of Rye with pink ribbons on the morning of October 1, 2014 to show support of people and their families who are fighting breast cancer. They seek permission from the City of Rye to tie large pink ribbons around trees and lampposts throughout the City and on downtown Purchase Street from October 1 – 31, 2014. Sole Ryeders & Friends will take responsibility for placing the ribbons around town and will take all ribbons down at the end of the campaign.

See attached.

August 29, 2014

Honorable Mayor and Council Members:

Sole Ryeders & Friends, together with the Rye High School Breast Cancer Awareness (BCA) Club and the RHS Crew team, will launch TieTheTownPink (TTTP), an awareness campaign whose goal is to adorn hundreds of trees throughout the City of Rye with pink ribbons on the morning of October 1, and to fashion the men, women and children of Rye in pink hair and wrist ties to show support of people and their families who are fighting breast cancer.

Sole Ryeders and Friends' seeks permission from the City of Rye to tie large pink ribbons around trees and lampposts throughout the City and on downtown Purchase Street as part of our **TieTheTownPink** breast cancer awareness campaign, from October 1 – 31, 2014. Sole Ryeders & Friends will take responsibility for placing the ribbons around town and will take all ribbons down at the end of the campaign as well. In addition to the ribbons tied throughout town, Sole Ryeders, the RHS Breast Cancer Awareness Club and RHS *Crew Cares* will sell **TieTheTownPink** **Bundles of Hope** (comprising a ribbon and two hair/wrist ties) to local residents and businesses, to wrap around their own trees, mailboxes, lamp-posts or front doors. Individuals can even pre-order a ribbon for a **TieTheTownPink** volunteer to wrap around their tree on October 1st and throughout the month. All proceeds from the campaign will benefit Sole Ryeders & Friends' local cancer-related programs and services, including The Wig Exchange and Strand Together.

"Our goal is for Sole Ryeders, the Breast Cancer Awareness Club and the Rye High School Crew team to sell so many pink ribbons and hair ties, that when the Rye community wakes up on October 1st, our City is swathed in

a sea of pink," says Susan Janart, a member of Sole Ryeders who is co-chairing the campaign with Sole Ryeders Advisory Board member Lisa Dominici Faries.

"We are excited to do something meaningful to help women and their families affected by breast cancer," says Sophomore Abi Goffinet, vice-president of RHS Breast Cancer Awareness Club. "It will be so cool to see Rye parents and students – male and female – sporting our **TieTheTownPink** hair and wrist ties. We are so grateful to Citibank and Coldwell Banker/Nancy Neuman for sponsoring our hair ties."

"Breast Cancer is a horrible disease that strikes women and men. The Rye High School Crew team supports the Breast Cancer Awareness Club and Sole Ryeders via *Crew Cares*, our team's philanthropic initiative," says RHS Senior Brendan Faries, co-president of *Crew Cares.* "We are hoping that our *Crew Cares* team volunteers will have to tie pink ribbons around hundreds of trees in Rye during the early morning hours on October 1st."

Founded in 2007, Sole Ryeders & Friends is a volunteer-driven organization based in Westchester County, New York, which provides and supports local cancer-related programs. The name 'Sole Ryeders' stems from the founding members, who are residents of the City of Rye. The extensive network of over 300 dedicated individuals has used grassroots efforts to raise more than $1.75 million to help community members affected by cancer. www.soleryders.org

RHS Breast Cancer Awareness Club is an after-school club based at Rye High School, who mission is to create awareness around breast cancer and to help support people and their families who are affected by the disease.

Crew Cares is a community service program created by members of the RHS Crew team. Crew Cares philanthropic mission is to support a charity through fundraising and volunteer services.

The Wig Exchange -- The Gift of Hair from Women Who've Been There – is a Sole Ryeders' program that launched in December 2011 and provides women undergoing chemotherapy with high quality wigs and practical tips for managing the issues surrounding cancer-related hair loss. In addition, The Wig Exchange provides a meaningful way for cancer survivors to recycle their gently used wigs while helping other women facing cancer. www.theWigExchange.org

Strand Together is a Sole Ryeders program where individuals donate a minimum of 6 inches of their hair. After it's professionally cleaned, the hair is used to create a special kind of wig for women undergoing cancer treatment, called a "Hip Hat with Hair". Hip Hats with Hair have "under hair" which is attached to a soft piece of fabric that covers the top of the head and then any kind of hat can be worn on top of it. These Hip Hats offer a comfortable, chic, and versatile alternative to a full wig, and are offered to clients of The Wig Exchange.

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Contact: Lisa Dominici Faries
Member, Sole Ryeders & Friends Advisory Board
TieTheTownPink@gmail.com

CITY COUNCIL AGENDA

NO. 19 DEPT.: Finance DATE: September 10, 2014

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to accept asset forfeiture funds in the amount of Three Thousand Four Hundred ($3,400.00) Dollars to be deposited into the Police Department asset forfeiture account.

FOR THE MEETING OF:

September 10, 2014

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Police Department is in receipt of crime forfeiture proceeds in the amount of $3,400, and,

WHEREAS, New York State law requires that such funds be used solely for police purposes, and,

WHEREAS, it is the recommendation of the Police Commissioner to accept the forfeiture funds, and,

WHEREAS, the 2014 General Fund Budget did not anticipate the receipt or use of these funds, now therefore be it

RESOLVED, that the City Comptroller is authorized to amend the fiscal 2014 General Fund Budget as follows:

Increase Revenues - Police Investigations Forfeiture Crime Proceeds in the amount of $3,400

Increase Appropriations - Police Investigations Public Safety Supplies in the amount of $3,400.

IMPACT: ☐ Environmental ☑ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Monies were seized through a Police Task Force and has been secured in the City of Rye Police Department evidence room. The City Council is asked to approve acceptance of these asset forfeiture funds and direct that they be deposited into the Police Department asset forfeiture account.

CITY COUNCIL AGENDA

NO. 20 DEPT.: City Manager DATE: September 10, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Appeal of denial of FOIL requests by Timothy Chittenden.

FOR THE MEETING OF:
September 10, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council make a decision on the four FOIL appeals.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The following four FOIL Requests were appealed by the requestor:

1) **7457361057**: All records since January 1, 2011, of all e-mails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcatera Richard Runes, and Louis Olivier
FOIL Status: Responsive records sent to requestor with the notation, “Redactions were made pursuant to POL 87(2)(b) and (e) (iii). The City only has information regarding the number of text messages, not the messages, and this information is on the bill. Emails are exempt under POL 87(2)(a) and (g)."

2) **7483561433**: All records of all complaints filed by Rye Police Officer Compagnone with regard to James Amico for harassment, extortion or any other complaint including but not limited to all cad dispatch reports, all incident reports, all sworn statements and all other documents filed associated with any complaints filed since January 1, 2009.
FOIL Status: Responsive records sent to requestor with the notation, “Redactions have been made in accordance with POL 87(2)(b)(e)(i)and (g). “

3) **7568921647**: All e-mails to and from William Connors, Falk, Richard Runes and any City of Rye official including but not limited to the Rye City Council, City Manager, Corporation Counsel and the City Clerk concerning the arrest of Compagnone, the suspension of Compagnone and the reinstatement of Compagnone since 1/1/2013.
FOIL Status: Responsive records sent to requestor.

4) **7539311620**: All records from 1/1 2008 thru 12/31/2010 of all e-mails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcatera, Richard Runes and Louis Olivier
FOIL Status: Responsive records sent to requestor.

Work Order Form

FOIL

Tracking Number: 7457361057
Date Time Received: 6/02/2014 10:57AM
Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy
Last Name: Chittenden
Business Name:
Email: [redacted]
Daytime Phone: [redacted]
Fax:
Address: [redacted]
City: Rye
State: NY
Zip: 10580
Country:

Issue Location

Street:
Unit:
City: Rye
State: NY
Zip: 10580
Comments:

Request Details

Is this a request for commercial purposes?
No

Describe records being sought - One request per submission.
All records since January 1, 2009, of all e-mails, cell phone calls and text messages to and from Robert Falk and:

Jill Donovan
Franco Compagnone
Christine Incalcatera
Richard Runes
Louis Olivier

Please indicate your preference:
Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding $10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to $10 without further notification.

Work Order Form

FOIL

Tracking Number: 7457361057
Date Time Received: 6/02/2014 10:57AM
Created By: Timothy Chittenden (Citizen)

Request Activity

7/16/2014 12:26 PM -- Rye Foil - RESOLVED
-----Note to Citizen: Records responsive to this request can be found by accessing this link: https://ryeny.sharefile.com/d/scaa51a919a740e6b Redactions were made pursuant to POL 87(2)(b) and (e) (iii). The records will be available for one month and you will be allowed to download it three times.
The City only has information regarding the number of text messages, not the messages, and this information is on the bill. Emails are exempt under POL 87(2)(a) and (g).

-----Internal Note: This FOIL is complete.
7/16/2014 10:19 AM -- Manager Foil - INPROGRESS
-----Internal Note: Responsive documents reviewed by Corporation Counsel are in POLICE FOIL ready to be sent to the requestor.
 This item has been re-assigned to Rye Foil.
7/15/2014 1:00 PM -- Rye Foil - INPROGRESS
-----Internal Note: This FOIL was not complete when forwarded to ITFOIL to provide a link. The request also involves a search for emails which must be done against the Rye PD mail server. Please note that the original timeframe for the search was narrowed by the requestor from 2009 to 2011.
 This item has been re-assigned to Police Foil.
7/14/2014 5:20 PM -- IT Foil - INPROGRESS
-----Internal Note: Dawn - here is the ShareFile link:

https://ryeny.sharefile.com/d/scaa51a919a740e6b

NOTE that this was assigned to IT Foil directly by Manager FOIL. I was not aware that this change in process has been authorized by you.

IMPORTANT NOTE:
When assigning for upload to ShareFile please indicate the folder location of documents responsive to the request.

 This item has been re-assigned to Rye Foil.
7/14/2014 12:14 PM -- Manager Foil - INPROGRESS
-----Internal Note: Responsive records are ready to be sent to the requestor; the records have been redacted pursuant to POL 87(2)(b) and (e)(iii).

 This item has been re-assigned to IT Foil.
7/08/2014 8:50 AM -- Rye Foil - INPROGRESS
-----Note to Citizen: Your request will take an additional 20 days to process.
-----Internal Note: Requestor notified that this FOIL will take an additional 20 days to process.
7/08/2014 6:55 AM -- Manager Foil - INPROGRESS
-----Internal Note: Let the requestor know that it will take an additional 20 days to process the request.
 This item has been re-assigned to Rye Foil.
6/17/2014 10:53 AM -- Rye Foil - INPROGRESS
-----Note to Citizen: The pertinent department has been notified of the clarification of your request.
-----Internal Note: I have spoken with the requestor and he indicated he would narrow the time frame for emails and cell

Work Order Form

FOIL

Tracking Number: 7457361057
Date Time Received: 6/02/2014 10:57AM
Created By: Timothy Chittenden (Citizen)

phone records to January 1, 2011.
 This item has been re-assigned to Police Foil.

6/17/2014 10:08 AM -- Rye Foil - INPROGRESS

-----Note to Citizen: Please narrow the scope of years for emails and cell phone records. Please respond by close of business on June 18th. Records of text messages are not in the possession of the City.

-----Internal Note: Requestor asked to narrow scope of request for emails and cell phone records.

6/16/2014 11:35 AM -- Police Foil - INPROGRESS

-----Internal Note: Please ask requestor to narrow scope of years for emails and cell phone records. Records of text messages are not in the possession of the City.
 This item has been re-assigned to Rye Foil.

6/03/2014 9:08 AM -- Rye Foil - INPROGRESS

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Police Foil.

6/02/2014 5:12 PM -- IT Foil - INPROGRESS

-----Internal Note: Dawn - I do not maintain these records. Please direct the request to the Rye Police Department.
 This item has been re-assigned to Rye Foil.

6/02/2014 12:01 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to IT Foil.

6/02/2014 10:57AM -- Timothy Chittenden (Citizen) - SUBMITTED

Work Order Form

FOIL

Tracking Number: 7483561433
Date Time Received: 6/06/2014 2:33PM
Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy
Last Name: Chittenden
Business Name:
Email: [redacted]
Daytime Phone: [redacted]
Fax:
Address: [redacted]
City: Rye
State: NY
Zip: 10580
Country:

Issue Location

Street:
Unit:
City: Rye
State: NY
Zip: 10580
Comments:

Request Details

Is this a request for commercial purposes?
No

Describe records being sought - One request per submission.
All records of all complaints filed by Rye Police Officer Compagnone with regard to James Amico for harassment, extortion or any other complaint including but not limited to all cad dispatch reports, all incident reports, all sworn statements and all other documents filed associated with any complaints filed since January 1, 2009.

Please indicate your preference:
Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding $10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to $10 without further notification.

Request Activity

7/21/2014 12:06 PM -- Rye Foil - RESOLVED

Work Order Form

FOIL

Tracking Number: 7483561433
Date Time Received: 6/06/2014 2:33PM
Created By: Timothy Chittenden (Citizen)

-----Note to Citizen: Records responsive to your FOIL request have been located and can be found by accessing this link:
https://ryeny.sharefile.com/d/s09ea1154a5747a1b
Redactions have been made in accordance with POL 87(2)(b)(e)(i)and (g).
The records will be available for one month and you will be allowed to download them three times.
-----Internal Note: This FOIL is complete.
7/21/2014 11:42 AM -- IT Foil - INPROGRESS
-----Internal Note: Dawn - here is the Sharefile link:

https://ryeny.sharefile.com/d/s09ea1154a5747a1b
 This item has been re-assigned to Rye Foil.
7/18/2014 5:08 PM -- Rye Foil - INPROGRESS
-----Internal Note: Records responsive to this FOIL request are in POLICEFOIL and are ready to be uploaded to Share File. Please provide link.
 This item has been re-assigned to IT Foil.
7/18/2014 5:00 PM -- Preflight Foil - INPROGRESS
-----Internal Note: The redacted version is ready to be upladed. It is one pdf and the redactions were made pursuant to 87(2)(b)(e)(i)and (g).
 This item has been re-assigned to Rye Foil.
6/12/2014 3:43 PM -- Police Foil - INPROGRESS
-----Internal Note: Responsive records are in POLICEFOIL ready for review before release to requestor.
 This item has been re-assigned to Preflight Foil.
6/06/2014 3:24 PM -- Rye Foil - INPROGRESS
-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.
-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Police Foil.
6/06/2014 2:33PM -- Timothy Chittenden (Citizen) - SUBMITTED

Work Order Form

FOIL

Tracking Number: 7568921647
Date Time Received: 6/25/2014 4:47PM
Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy
Last Name: Chittenden
Business Name:
Email: [redacted]
Daytime Phone: [redacted]
Fax:
Address: [redacted]
City: Rye
State: NY
Zip: 10580
Country:

Issue Location

Street:
Unit:
City: Rye
State: NY
Zip: 10580
Comments:

Request Details

Is this a request for commercial purposes?
No

Describe records being sought - One request per submission.
All e-mails to and from William Connors, Falk, Richard Runes and any City of Rye official including but not limited to the Rye City Council, City Manager, Corporation Counsel and the City Clerk concerning the arrest of Compagnone, the suspension of Compagnone and the reinstatement of Compagnone since 1/1/2013.

Please indicate your preference:
Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding $10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to $10 without further notification.

Request Activity

7/21/2014 11:55 AM -- Rye Foil - RESOLVED

Work Order Form

FOIL

Tracking Number: 7568921647
Date Time Received: 6/25/2014 4:47PM
Created By: Timothy Chittenden (Citizen)

-----Note to Citizen: Records responsive to your FOIL request have been located and can be found by accessing this link: https://ryeny.sharefile.com/d/s3de5890a75340e1a
The records will be available for one month and you will be allowed to download them three times.
-----Internal Note: This FOIL is complete.
7/21/2014 11:28 AM -- IT Foil - INPROGRESS
-----Internal Note: Dawn - here is the ShareFile link

https://ryeny.sharefile.com/d/s3de5890a75340e1a
 This item has been re-assigned to Rye Foil.
7/18/2014 11:55 AM -- Rye Foil - INPROGRESS
-----Internal Note: Records responsive to this request are in POLICEFOIL and are ready to be uploaded to Share File. Plese provide link.
 This item has been re-assigned to IT Foil.
7/18/2014 8:16 AM -- Manager Foil - INPROGRESS
-----Internal Note: Responsive records are in POLICEFOIL ready to be sent to requestor.
 This item has been re-assigned to Rye Foil.
7/15/2014 12:37 PM -- Rye Foil - INPROGRESS
-----Internal Note: Please respond to this FOIL request. Please see notation from Kerry that the search must be performed against the Rye PD mail server.
 This item has been re-assigned to Police Foil.
7/15/2014 11:56 AM -- IT Foil - INPROGRESS
-----Internal Note: Please note that this search must be performed by Nick Groglio against the Rye PD mail server.
 This item has been re-assigned to Rye Foil.
6/26/2014 10:18 AM -- Rye Foil - INPROGRESS
-----Internal Note: Please respond to this FOIL request. City Council members would include the current City Council and the previous City Council members. Email addresses for Richard Runes - rrunes@gmail.com and rrunes@nycourts.com
 This item has been re-assigned to IT Foil.
6/25/2014 4:47PM -- Timothy Chittenden (Citizen) - SUBMITTED

Work Order Form

FOIL

Tracking Number: 7539311620
Date Time Received: 6/18/2014 4:20PM
Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy
Last Name: Chittenden
Business Name:
Email: [redacted]
Daytime Phone: [redacted]
Fax:
Address: [redacted]
City: Rye
State: NY
Zip: 10580
Country:

Issue Location

Street:
Unit:
City: Rye
State: NY
Zip: 10580
Comments:

Request Details

Is this a request for commercial purposes?
No

Describe records being sought - One request per submission.
All records from 1/1 2008 thru 12/31/2010 of all e-mails, cell phone calls and text messages to and from Robert Falk and:

Jill Donovan
Franco Compagnone
Christine Incalcatera
Richard Runes
Louis Olivier

Please indicate your preference:
Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding $10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By

Work Order Form

FOIL

Tracking Number: 7539311620
Date Time Received: 6/18/2014 4:20PM
Created By: Timothy Chittenden (Citizen)

submitting this request, I agree to pay costs related to this FOIL request up to $10 without further notification.

Request Activity

7/16/2014 12:04 PM -- Rye Foil - RESOLVED
-----Note to Citizen: Records responsive to your FOIL request can be found by accessing this link: https://ryeny.sharefile.com/d/sb7dc3e6cd3a4dd8b Redactions were made pursuant to POL 87(2)(b). The records will be available for one month and you will be allowed to download it three times.
The City only has information regarding the number of text messages, not the messages, and this information is on the bill. Emails are exempt under POL 87(2)(a) and (g).
-----Internal Note: This FOIL is complete.
7/16/2014 10:19 AM -- Manager Foil - INPROGRESS
-----Internal Note: Responsive documents reviewed by Corporation Counsel are in POLICE FOIL ready to be sent to the requestor.
 This item has been re-assigned to Rye Foil.
7/15/2014 12:56 PM -- Rye Foil - INPROGRESS
-----Internal Note: This FOIL was not complete when forwarded to ITFOIL to provide a link. The request also involves a search for emails which must be done against the Rye PD mail server.
 This item has been re-assigned to Police Foil.
7/14/2014 5:06 PM -- IT Foil - INPROGRESS
-----Internal Note: Dawn - here is the ShareFile link:

https://ryeny.sharefile.com/d/sb7dc3e6cd3a4dd8b
 This item has been re-assigned to Rye Foil.
7/14/2014 12:15 PM -- Manager Foil - INPROGRESS
-----Internal Note: Responsive records are in POLICEFOIL and are ready to be sent to the requestor; the records have been redacted pursuant to POL 87(2)(b) and (e)(iii).

 This item has been re-assigned to IT Foil.
7/08/2014 8:49 AM -- Rye Foil - INPROGRESS
-----Note to Citizen: Your request will take an additional 20 days to process.
-----Internal Note: Requestor notified that it will take an additional 20 days to process the request.
7/08/2014 6:55 AM -- Manager Foil - INPROGRESS
-----Internal Note: Let the requestor know that it will take an additional 20 days to process the request.
 This item has been re-assigned to Rye Foil.
6/18/2014 4:45 PM -- Rye Foil - INPROGRESS
-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.
-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Police Foil.
6/18/2014 4:20PM -- Timothy Chittenden (Citizen) - SUBMITTED