

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section outlines and describes the measures used by the City of Rye to implement its Local Waterfront Revitalization Program set forth in the preceding sections. This section is organized into three major parts:

LWRP IMPLEMENTATION MEASURES

This part describes how the local program and policies are implemented by existing and recently adopted local laws, and projects. The purpose of each existing and recently adopted local law is summarized. Also described are the administrative responsibilities of the local agencies and potential funding sources.

MANAGEMENT STRUCTURE TO IMPLEMENT LWRP

This part describes the lead agency designated as responsible for overall management and coordination of the LWRP.

COMPLIANCE PROCEDURES

This part describes procedures to be used to ensure that all local actions comply with the LWRP policies and procedures to be used for the review of State and Federal actions for consistency with the LWRP.

A. LWRP IMPLEMENTATION MEASURES

Implementation techniques for the policies have been grouped by policy category since most legal, administrative and financial measures as well as land uses and projects implement more than one policy. Tables V-1 and V-2 provide a summarized description of how the policies are implemented by the City's local laws.

DEVELOPMENT POLICIES (#2, #4, #5, #6)

Legislation

Chapter 197, Zoning - A new Coastal Zone District has been adopted which will preserve the City's existing desirable land use mix along the waterfront by making the existing land use the permitted main use (see Figure II-1). This zoning change creates three new zones: Waterfront Recreation District, Membership Club District, and Conservation District. Additional legislation was adopted which allows a special exemption for non conforming water dependent uses to be reestablished if damaged or destroyed. Another provision allows existing nonconforming membership club buildings to be restored (see Appendix A). (Policy #2,#4)

Chapter 170, Subdivision of Land - Rye City Code Chapter 170 specifies site plan approval procedures and requirements for any proposed development or land use change

which must be submitted to the Planning Commission demonstrating that such action is consistent with standards of traffic, parking, screening and landscaping, environmental quality, drainage and sewage disposal, as set forth in the law, and is compatible with adjacent land uses. (Policy #5)

Chapter 73, Coastal Management - The Planning Commission has been delegated as the Coastal Zone Management Review Authority as provided for in the amended legislation (Appendix B). Simultaneous site plan and subdivision review with coastal zone review under the Planning Commission will expedite permit procedures. (Policy #6)

Chapter 87, Environmental Quality Review - Rye City Code, Chapter 87, provides for environmental quality review, under procedures in the State SEQR law, of actions that may significantly affect the environment. (Policy #6)

Management

In order to encourage the development of activities where public services are adequate, the Planning Commission currently reviews construction projects with regard to sewage disposal, drainage, parking, traffic and environmental quality. (Policy #5) Coastal Zone Management Review will be combined with the Planning Commissions site plan and subdivision review in order to expedite the permitting review process.

FISH AND WILDLIFE POLICIES (7A, 7B, 8, 9, 10)

Legislation

Chapter 102, Freshwater Wetlands - the Rye City Code requires Planning Commission approval for actions affecting freshwater wetlands. (Policy #7A, #7B)

Chapter 173, Surface Water Erosion and Sediment Control - requires a City permit to grade, excavate, construct, remove vegetation, or alter the flow of surface water. This chapter includes erosion and sediment control regulations. (Appendix C) (Policy #7A, #7B)

Chapter 197-7, Site Development, and Chapter 170, Subdivision - regulations also include erosion and sediment control regulations to protect fish and wildlife habitats. (Policy #7A, #7B)

Chapter 157, Sanitary Regulations - regulates many facets of activities that may lead to environmental impacts or public health problems including animals, refuse, dumping, fumigation, infected trees and shrubs, water diversions, use of DDT, and littering. These regulations are important in protecting fish and wildlife habitats. (Policy #7A, #7B, #8)

Chapter 161, Sewers - requires hookup to sewer lines if they are within 150 ft. of the line to prevent septic pollution problems and protect fisheries resources. (Policy #7A, #7B, #8)

Chapter 92, Filling and Dredging Regulations - requires Planning Commission approval to fill or dredge in any wetland or watercourse. (Policy #7A, #7B)

Management

The City of Rye will be responsible for execution of the Dearborn Avenue Terminus improvements and Blind Brook Walkway Westchester County will undertake rehabilitation of Playland Pier and Playland Boat Launching Ramp Improvements. (Policy 9).

Projects

Playland Boat Launching Ramp Improvements (Policy 9)
Dearborn Avenue Terminus Improvements (Policy 9)
Playland Pier (Policy 9)
Blindbrook Walkway (Policy 9)

Funding

Westchester County Capital Budget
City of Rye Capital Budget
City of Rye Operating Budget

FLOODING AND EROSION POLICIES (#11, 12, 13, 14, 16, 17)

Legislation

Chapter 100, Floodplain Management - sets forth standards for construction in floodplains designed to minimize property damage and endangerment of human lives. (Policy 11, 14, 17)

Chapter 173, Surface Water, Erosion and Sediment Control - regulations requires Planning Commission approval to grade, excavate, construct, remove vegetation, or alter the flow or surface water. This chapter includes erosion and sediment control regulations. (Policy 11, 12)

Chapter 197-7, Site Development and Chapter 170, Subdivision - regulations include erosion and sediment control regulations. (Policy 12)

Management

Westchester County will maintain the breakwaters at Playland Park to prevent beach erosion. (Policy 16)

Projects

Maintenance of Playland Park Breakwaters (Policy 6)

Funding

County Capital Budget.

GENERAL POLICIES (#18)

Legislation

City of Rye Waterfront Revitalization Program - adoption of the Local Waterfront Revitalization Program will provide consistency between State, Federal, and local programs affecting development in the Coastal Zone. (Policy 18)

Chapter 87, Environmental Quality Review - provides for City review of projects, under procedures described in the State Environmental Quality Review Law, that may significantly affect the environment. (Policy 18)

Management

Guidelines for LWRP consistency review have been adopted by NYS Department of State (Policy 18). Rules and regulation for SEQR have been adopted by the NYS Department of Environmental Conservation (Policy 18) Guidelines.

The City of Rye has implemented Local Environmental Quality Review Procedures (Policy 18).

The City of Rye Planning Commission has adopted procedures for LWRP consistency review (Policy 18).

PUBLIC ACCESS POLICIES (#19, 19A, 19B, 20)

Legislation

Chapter 197, Zoning - A new Coastal Zone District has been established which will help to preserve the City's existing desirable land use mix along the waterfront. This zoning change creates three new zones: the Waterfront Recreation District, Membership Club

District, and Conservation District. These zones maintain the desired level of public access. (Policies 19, 19A, 20)

Chapter 64, Boats and Harbors - Provisions are included to regulate speed, waste discharge, noise and hazards to navigation. Also, mooring placement is regulated to guide the placement of moorings.

Management

City Planning Commission (Policy 19, 19A, 20)
Westchester County (Policy 19, 19A 20)
City Recreation Commission (Policy 19, 19A, 20)
City Recreation Department (Policy 19, 19A, 20)
Rye City Council (Policy 19, 19A, 20)
Rye City Police Department (Policy 19B)

Projects

Blind Brook Walkway (Policy 19,20)
Playland Park Boat Launching Ramp (Policy 19, 20)
Beach and Club Acquisition (Policy 19A, 20)
Dearborn Avenue Terminus Improvements (Policy 19, 20)
Playland Pier (Policy 19, 20)

Funding

Westchester County (Policy 19, 20)
City of Rye (Policy 19, 19A, 19B, 20)

RECREATION POLICIES (21, 22)

Legislation

Chapter 197, Zoning - A new Coastal Zone District has been established which preserves the City's existing desirable land use mix along the waterfront. This zoning change creates three new zones: the Waterfront Recreation District, Membership Club District, and Conservation District (Appendix A). This zoning change encourages and maintains the existing level of water enhanced and water dependent recreation and additionally may help provide water dependent/enhanced recreation as a multiple use. (Policy #21, 22).

Management

City of Rye Planning Commission (Policy #21, 22)
Recreation Department (Policy #21)

Uses and Projects

Blind Brook Walkway (Policy #21)
Playland Park Boat Launch (Policy #21)
Beach and Club Acquisition (Policy #21)
Dearborn Avenue Terminus Improvements (Policy #21)
Playland Pier (Policy #21)

Funding

City of Rye Capital Budget

HISTORIC AND SCENIC RESOURCES POLICIES (23, 25)

Legislation

Chapter 117, Landmarks Preservation - contains guidelines to provide for the protection, enhancement, perpetuation and use of these districts, sites and structures which are illustrative of the growth and development of the City of Rye. This law helps to preserve those elements in the city's past which represent many and varied architectural, artistic and cultural achievements which cannot be duplicated or otherwise replaced (Policy 23, 25).

Chapter 53, Architectural Review, contains provisions to regulate excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any area in the City of Rye. (Policy 25).

Management

Landmarks Advisory Committee (Policy 23, 25)
Board of Architectural Review (Policy 23, 25)

WATER AND AIR RESOURCES POLICIES

(Policies 30,31,33,34,35,37,38,39,41,42,43,44)

Legislation

Chapter 102, Freshwater Wetlands - Planning Commission approval is required for actions affecting freshwater wetlands (Policy 30,44).

Chapter 173, Surface Water Erosion and Sediment Control - requires a City permit to grade, excavate, construct, remove vegetation, or alter the flow of surface water. This chapter includes erosion and sediment control regulations (Policy 33, 37).

Chapter 197-7, Site Development and Chapter 170, Subdivision - includes erosion and sediment control regulations to protect fish and wildlife habitat (Policy 31, 33, 37).

Chapter 157, Sanitary Regulations - regulates many facets of activities which may lead to environmental impacts or public health problems including animals, refuse, dumping, fumigation, infected trees and shrubs, water diversions, use of DDT, and littering. These regulations are important in protecting water resources (Policy 30, 38, 39).

Chapter 161, Sewers - requires hookup to sewer lines if they are within 150 ft. of the line to prevent septic pollution problems and protect fisheries resource (Policy 30, 38).

Chapter 92, Filling and Dredging Regulations - requires Planning Commission approval to fill or dredge in any wetland or watercourse (Policy 35).

Chapter 64, Boats and Harbors - regulates discharges from vessels and toilet facilities in the harbor (Policy 34).

Management

City of Rye (Policy 30, 31, 33, 34, 37)

Planning Commission (Policy 31, 35, 37, 44)

Projects

Infiltration and inflow testing and analysis has been completed in the Beaver Swamp Sanitary Sewer District and the Blind Brook Sanitary Sewer District, and corrective action is being taken in both districts with respect to eliminating illegal connections and reconstruction and sealing of the mains.

**TABLE V-1
LEGISLATION INDEX**

CITY OF RYE CODE:

G	Chapter 73, Coastal Zone Management
H	Chapter 53, Architectural Review
I	Chapter 64, Boats and Harbor
J	Chapter 87, Environmental Quality Review
K	Chapter 92, Filling and Dredging Regulations
L	Chapter 100, Floodplain Management
M	Chapter 102, Freshwater Wetlands
N	Chapter 117, Landmarks Preservation
O	Chapter 157, Sanitary Regulations
P	Chapter 161, Sewers
Q	Chapter 170, Subdivision of Land
R	Chapter 173, Surface Water Erosion and Sediment Control
S	Chapter 197, Zoning
T	Chapter 197-7, Site Development
U	City of Rye Waterfront Revitalization Program

**TABLE V-2
POLICY AND LEGISLATION CROSS REFERENCE**

<u>POLICY NO.</u>	<u>CITY LEGISLATION</u> (Where Applicable)
2	S
4	S
5	Q
6	G, J
7	K, M, O, P, Q, R, T
8	O, P
11	L, R
12	R, T
13	K
14	L
15	
16	
17	L
18	J, U
19	S
19A	S, I
19B	I
20	S
21	S
22	S
23	N
25	H, N
30	K, M, O, P
31	T
33	R, T
34	I
36	
35	K
37	R, T
38	K, O, P
39	K, O
41	
42	
43	
44	K, M

B. MANAGEMENT STRUCTURE

The Rye City Planning Commission is the agency designated as responsible for the implementation and management of the LWRP. Whenever a proposed action is located in the city's coastal area, an agency shall, prior to approving, funding or undertaking the action, shall refer the action to the Rye City Planning Commission for a determination of consistency with the LWRP policy objectives and standards as described in Section III. The Rye City Planning Commission shall not be required to render consistency determinations for certain actions which are described in the City's Waterfront Consistency Review Law (see Appendix B).

C. COMPLIANCE PROCEDURES

Local Actions

1. For actions to be directly undertaken by the City of Rye, the agency proposing the action shall, as early as possible in the formulation of the action, refer the proposed action to the Planning Commission for a determination of consistency and shall not implement such action until the Planning Commission has issued such determination of consistency. A determination of consistency by the Rye City Planning Commission is not required for actions described in the City of Rye Waterfront Consistency Review Law (see Appendix B).
2. For application by persons, firms and corporations to a city agency for approval, the applicant, when making the application to such agency, shall simultaneously apply to the Planning Commission for a determination of consistency. The applicant shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review. In the case of application processes which require preliminary and final applications, the application for a determination of consistency shall be made with the application for preliminary approval. The applicant need not reapply at the time of making a final application unless the scope of the project for which final approval is sought is substantially different from that of the application for preliminary approval, which determination shall be made by the agency to which the application is being made.
3. Except as provided below, the Rye Planning Commission shall make the determination of consistency based on the CAF, and such other information is as deemed to be necessary in its determination. The Rye Planning Commission shall issue its determination following the next regularly scheduled meeting. The Rye Planning Commission shall have the authority, in its finding of consistency, to impose impracticable and reasonable conditions on an action to ensure that it is carried out in accordance with the City of Rye Waterfront Consistency Review Law.

Where an agency is the City Council or, in the consideration of applications for use and area variances, the Zoning Board of Appeals, the determination of the Planning Commission shall be advisory. The consistency of an action involving the City Council or the Zoning Board of Appeals shall be determined by these boards in the process of reviewing the proposed action. However, both boards shall obtain the recommendations of the Planning Commission as provided in this law, prior to reaching a decision. Both Boards shall have the authority, in their findings of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter. The Planning Commission shall be the agency authorized to make final consistency and determinations for all other actions by agencies of the City of Rye.

4. Actions to be undertaken within the City's waterfront area will be evaluated for consistency in accordance with the Rye Local Waterfront Revitalization Program and will be evaluated for consistency in accordance with the Rye Local Waterfront Revitalization Program and LWRP policy standards and conditions of the City of Rye Waterfront Consistency Review Law.

State Agency Actions

The following procedures will be followed for state agency actions:

1. When a state agency is considering a Type I or unlisted action, as defined by the State Environmental Quality Review Act, occurring within the Coastal Zone and which is an action which the Secretary of State has identified as an action requiring consistency with the Local Waterfront Revitalization Program, the state agency will notify the Planning Commission of the proposed action at least thirty (30) days prior to the state agency's decision on the action. Such notification may be accomplished by the filing of a draft environmental impact statement for the action with the chief executive Officer of the City of Rye.
2. Upon receipt of notification of a proposed action by a state agency, the Planning Commission will evaluate the proposed action against the policies and purposes of the Local Waterfront Revitalization Program and, within thirty (30) days, give written notification to the state agency that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts. A copy of the determination that there are conflicts shall also be forwarded to the Secretary of State.
3. Upon receipt of a notification from the Planning Commission that a proposed state agency action is in conflict with the policies and purposes of the Local Waterfront Revitalization Program, the state agency will not proceed for a period of ninety (90) days

and will contact the Planning Commission to discuss the conflicts and the means for resolving them, which discussion should occur within thirty (30) days of state agency receipt of the Planning Commission's notification of a conflict.

4. If, after consultation between the Planning Commission and the state agency, identified conflicts are not resolved, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. Within thirty (30) days of receipt of a request for assistance, the Secretary of State or his designee will discuss the identified conflicts and the circumstances preventing their resolution with representatives of the State agency and the Planning Commission. If agreement among all involved parties cannot be reached during this discussion, the Secretary of State will, within fifteen (15) days, notify both parties of his findings and recommendations and the state agency will not proceed with the proposed action until the Secretary of State's findings and recommendations have been received until ninety (90) days after receipt of the Planning Commission's notification of a conflict.

Federal Agency Actions

The following procedures will be followed for federal agency actions:

For federal actions involving the issuance of permits or licenses the Department of State upon notification of a proposed action by a federal agency will forward a copy of such notification to the Planning Commission.

Within thirty (30) days of receipt, the notification from the Department of State the Planning Commission will contact the Department of State to discuss the need, if any, for additional information and any conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program. If the Department of State and the Planning Commission agree on the need for additional information to complete the review, the Department of State will request the additional information and forward it to the Planning Commission.

Within thirty (30) days of receipt of the additional information or discussion possible conflicts with the Department of State, the Planning Commission will notify the Department of State that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Revitalization Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts and thereafter submit its written comments on the proposed action to the Department of State before or at the conclusion of the official public comment period.

If the Department of State does not fully concur with the Planning Commission and/or has any questions on the written comments of the Planning Commission, the Department of State will contact the Planning Commission to discuss any differences of opinion prior to issuing its letter of "concurrence" or "objection" on the action. A copy of the Department of State's "concurrence" or "objection" letter will be forwarded to the Planning Commission.

For direct federal actions, upon receipt of a consistency determination for a proposed direct federal action, the Department of State will forward a notification of the proposed direct federal action, which will state the date by which comments and recommendations must be submitted to the Department of State, and copies of the determination and descriptive information concerning the action to the Planning Commission.

Upon receipt from the Department of State of notification of a proposed direct federal action, the Planning Commission will evaluate the proposed action against the policies and purposes of the Local Waterfront Revitalization Program and, within the time period specified in the State's notification, give written notification to the Department of State that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Revitalization Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts and its recommendations.

If the Department of State does not fully concur with the Planning Commission and/or has any questions on the written comments of the Planning Commission, the Department of State will contact the Planning Commission to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct federal action.

A copy of the Department of State's letter "agreeing" or "disagreeing" with the federal agency's consistency determination will be forwarded to the Planning Commission.

For federal actions involving financial assistance, the following procedures shall be followed: When the Department of State is advised of an application to a federal agency for financial assistance, the Department of State will request information from the applicant for the financial assistance for the purposes of a consistency review and a copy of the letter requesting such information will be forwarded to the Planning Commission.

Upon the Department of State's receipt of the requested information from the applicant, it will acknowledge receipt of the information and forward a copy of the acknowledgement along with the information necessary for the consistency determination to the Planning Commission. The review period will conclude thirty (30) days after the date on the Department of State's letter acknowledging receipt of information from an applicant for federal financial assistance.

Upon receipt, a copy of the Department of State's acknowledgement receipt of information from an applicant for federal financial assistance, the Planning Commission will evaluate the proposed action against the policies and purposes of the Local Waterfront Revitalization Program and, within twenty (20) days of the date on the Department of State's letter of acknowledgement, give written notification to the Department of State that there are no conflicts between the proposed action and the policies and purposes of the Local Waterfront Revitalization Program or that there are conflicts with the proposed action and the policies and purposes of the Local Waterfront Revitalization Program and identify the specific policies and purposes of the Local Waterfront Program with which the proposed action conflicts and its recommendations.

If the Department of State does not fully concur with the Planning Commission and/or has any questions on the written comments of the Planning Commission, the Department of State will contact the Planning Commission to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed action.

A copy of the Department of State's letter of "objection" or "no objection" to the applicant will be forwarded to the Planning Commission.