

Rye City Planning Commission Minutes

June 19, 2018

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett
- Richard Mecca
- Steven Secon
- Birgit Townley

Other:

- Christian K. Miller, AICP, City Planner
- Carolyn Cunningham, CC/AC Chair
- Melissa Johannessen, AICP, LEED AP
-
-
-
-

1 **I. HEARINGS**

2
3 **1. 280 Purchase Street**

- 4
- 5 • Mr. David Mooney, architect, Mr. Richard Horsman, landscape architect, and Mr.
6 Michael Mastrogiacomo, engineer, were present for the application. Mr. Mooney
7 stated that the site is in the B-1 zone surrounded by properties in the RA-2 and R-
8 2 zoning districts. He stated that the project includes construction of two new
9 structures with retail uses on the ground floors and two residential apartments on
10 the second floor of each building. Mr. Mooney stated that Building A will have 4,470
11 sf of floor area and will be fully zoning compliant, while Building B will have 4,832
12 sf of floor area and will be zoning compliant with the exception of a 4'
13 encroachment into the rear yard. He noted that the Planning Commission can
14 waive the rear setback requirement so there may be no need for a variance. Mr.
15 Mooney noted that the proposed circulation is approximately the same as existing,
16 and there will be 23 parking spaces with one land-banked for the future if needed.
17
 - 18 • Mr. Mastrogiacomo described the proposed lighting plan, stating that four lights
19 are proposed in the parking lot and there will be no spill-over onto adjacent
20 properties. The Commission suggested that the lights at the rear of the lot be
21 moved away from the rear property lines so that there would be less impact on
22 neighboring properties. The City Planner suggested that the applicant review the
23 lighting and see if adequate lighting could be provided with shorter poles. He also
24 requested additional information about the proposed lighting, such as height and
25 footcandles.
26
 - 27 • Mr. Horsman stated that there will be an evergreen hedge consisting of arborvitae
28 on the side property line behind Building A. He stated that upright cherry trees will
29 be provided along Purchase Street, taking into account the overhead wires as
30 requested.
31
 - 32 • The Commission asked that signage be provided in front of trash enclosures
33 prohibiting overnight parking in those spaces.
34

City Planning Commission Minutes (Cont.)

June 19, 2018

Page 2 of 6

- 1 • The Commission discussed the proposed project phasing and asked the applicant
2 to provide a construction phasing plan that takes into account access to the
3 existing business and site safety and circulation while Building B is under
4 construction. The Commission also noted that they need to make sure the site
5 works if the second building is never constructed and asked the City Planner to
6 add such language to the resolution.
7
- 8 • The Commission opened the hearing to public comment. Mr. Mark Bruffett,
9 resident of 14 Hillside Road, stated that he is a big supporter of the redevelopment
10 of the lot and wants to see a thriving business at this location, but he noted that he
11 has some concerns. He stated that the steep grade between his property and the
12 subject site makes screening difficult. He also noted that it will take a long time for
13 the proposed arborvitae to grow.
14
- 15 • Mr. Bruffett stated that the existing use is more of a fast-food restaurant than a deli
16 and as such, the separation distance should be even greater than what exists. He
17 also noted that the proposed circulation is very tight and it will be difficult for
18 vehicles to get out of some of the parking spaces. He asked that the Commission
19 reject the 4' variance at the rear of Building B, because doing so will actually make
20 the buildings more palatable from a business perspective. Mr. Bruffett stated that
21 he is concerned about people having to walk through a major circulation area for
22 vehicles where there is no sidewalk.
23
- 24 • The Commission stated that the current use does not meet the definition of a fast-
25 food establishment under the City Code. The Commission further noted that a
26 considerable amount of thought was put into the proposed circulation pattern,
27 including moving the handicap parking space, and the Commission feels that it
28 works fine.
29
- 30 • Mr. Mooney showed sections through the proposed building adjacent to Mr.
31 Bruffett's property. The Commission noted that there is an approximate 10-12'
32 height difference between the ridge of the existing building and the proposed
33 building. The Commission asked Mr. Bruffett if he would prefer that screening be
34 planted on his property. Mr. Bruffett said no.
35
- 36 • The City Planner noted that the side of the property closest to Mr. Bruffett's
37 property could be filled and screening could be planted on top of the fill, but that
38 would require a considerable amount of fill.
39
- 40 • The Commission asked Mr. Bruffett to explain his comment that a rejection of the
41 rear yard encroachment would be better for the applicant. Mr. Bruffett stated that
42 larger is not always better from a financial perspective and rejecting the
43 encroachment would force the applicant to redesign the project, possibly resulting
44 in one building that would be more cost-effective for the applicant. The
45 Commission noted that they did direct the applicant to consider one building but it

City Planning Commission Minutes (Cont.)

June 19, 2018

Page 3 of 6

1 would not meet the applicant’s objectives. Further, the Commission concluded that
2 the property could support two separate buildings.
3

- 4 • Ms. Carol D’Angelo, resident of 110 Wappanocca Avenue, stated that she is in
5 support of the applicant and the application and feels that the redevelopment of
6 the site will be a good thing for Rye.
7

8 **ACTION:** Martha Monserrate made a motion, seconded by Andrew Ball, to continue
9 the public hearing for Site Plan Application Number SP#367 to July 17,
10 2018, which was carried by the following vote:
11

12	Nick Everett, Chair:	Aye
13	Martha Monserrate, Vice-Chair:	Aye
14	Andrew Ball:	Aye
15	Laura Brett:	Aye
16	Richard Mecca:	Absent
17	Steven Secon	Aye
18	Birgit Townley	Absent

19
20
21 **II. ITEMS PENDING ACTION**
22

23 **1. 280 Purchase Street**
24

- 25 • No further discussion of this item. See discussion above.
26
27

28 **2. Church of the Resurrection**
29

- 30 • Mr. Justin Seeney, applicant’s engineer, was present for the application. The
31 Commission asked Mr. Seeney to clarify the proposed construction phasing. Mr.
32 Seeney stated that the project is intended to be done in two phases, not three as
33 originally proposed.
34

- 35 • Mr. Seeney noted that the variance was received at the last Zoning Board of
36 Appeals meeting. The Commission reviewed the draft resolution and requested
37 that the City Planner add a reference to the variance. The resolution was also
38 revised to include a condition allowing modification of the requirements for
39 issuance of a certificate of occupancy based on the project phasing.
40

41 **ACTION:** Laura Brett made a motion, seconded by Steven Secon, to approve Site
42 Plan Application Number SP#373, which was carried by the following vote:
43

44	Nick Everett, Chair:	Aye
45	Martha Monserrate, Vice-Chair:	Aye

City Planning Commission Minutes (Cont.)

June 19, 2018

Page 4 of 6

1	Andrew Ball:	Aye
2	Laura Brett:	Aye
3	Richard Mecca:	Absent
4	Steven Secon	Aye
5	Birgit Townley	Absent

6
7
8 **3. 2 Warriston Lane**

- 9
- 10 • Nick Everett recused himself from the discussion of this application.
 - 11
 - 12 • Mr. Richard Horsman, landscape architect, was present for the application. Mr.
13 Horsman stated that the site plan now shows spot grades and two existing trees.
14 He stated that the idea of the plan is to create a basin for the surface water to drain
15 into and the overflow will be piped from Warriston into a catch basin. He stated
16 that the overflow now drains out to the surface. Mr. Horsman noted that the site
17 has a high water table, so the percolation will vary. He noted that wetland shrubs
18 and small groundcover wetland plants are proposed to enhance the basin.
 - 19
 - 20 • The Commission questioned why there was no typical stormwater analysis and
21 why gravel was not proposed in the basin. The City Planner noted that City staff
22 has reviewed the plans, there is likely to be adequate capacity in the pipe, and the
23 path of the drainage is known. It was also noted that the application seeks to
24 improve drainage where there is a known problem; it is not adding to the problem.
25 The Commission asked for additional stormwater calculations to be provided.

26
27 **ACTION:** Andrew Ball made a motion, seconded by Laura Brett, to set the public
28 hearing for Wetland Permit Application Number WP#441, which was carried
29 by the following vote:

30		
31	Nick Everett, Chair:	Recuse
32	Martha Monserrate, Vice-Chair:	Aye
33	Andrew Ball:	Aye
34	Laura Brett:	Aye
35	Richard Mecca:	Absent
36	Steven Secon	Aye
37	Birgit Townley	Absent

38
39
40 **4. 63 Midland Avenue**

- 41
- 42 • Mr. Michael Mastrogiacomo, applicant's engineer, and Mrs. Echlov, the applicant,
43 were present for the application. Mr. Mastrogiacomo stated that the application
44 involves removal of the existing patio and two sets of stairs and landings, and
45 raising the grade by 22-23" to allow for the creation of a new patio.

City Planning Commission Minutes (Cont.)

June 19, 2018

Page 5 of 6

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- The Commission asked why the applicant wants to elevate the patio. Mr. Mastrogiacomo stated that the stairs take up usable area of the patio, and the stairs make it more difficult for the applicant to make use of the patio. The Commission asked if the applicant considered a deck rather than a patio. Mr. Mastrogiacomo said yes, but a deck is probably more difficult to approve because of the variances that would be required. He stated that the lot is an existing non-conforming lot.
 - The Commission stated that at some point in the past fill was brought in, and now the applicant is asking for two more feet of fill. It was noted that this is highly unusual for a property in the wetland buffer. Mrs. Echlov stated that the yard is not currently usable.
 - The CC/AC chair stated that the application is considered to be unacceptable. It was noted that no impervious calculations were provided. The CC/AC also suggested that the applicant consider a deck and a semi-pervious driveway. Mr. Mastrogiacomo noted that the stormwater calculations were on the plan but a printing error caused them not to print.
 - The City Planner noted that wetland mitigation is required and creativity will be needed because the site is so small. He also noted that the proximity of the proposed patio to the neighbors was also a concern.
 - Mr. Mastrogiacomo asked whether less fill would be preferable. The Commission stated that any amount of fill in the wetland buffer is not ordinarily permitted and noted that even 12" of fill would set a precedent. Mrs. Echlov stated that what is proposed is much better than what previously existed on the site, so the neighbors should be happier. The Commission noted again that what the applicant is seeking is normally not permitted at all in the wetland buffer.
 - The Commission stated that the applicant should provide the impervious calculations, show mitigation, and consider doing a deck instead of the patio.

36 5. 330 Stuyvesant Avenue

- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- Mr. Larry Engle, applicant's attorney, was present for the application. The Commission noted that the applicant is seeking a fourth extension of time of the wetland permit.
 - Mr. Engle stated that the contractor began bringing equipment to the site for work on the seawall, but work was stopped pending the outcome of the extension request. The Commission asked why it has taken so long for anything to happen at the site, considering that this is the fourth time the applicant has requested an

City Planning Commission Minutes (Cont.)

June 19, 2018

Page 6 of 6

- 1 extension. Mr. Engle responded that there were delays with selecting contractors
2 and with the Board of Architectural Review process. He stated that there is now a
3 construction schedule and the applicant is expecting that construction of the
4 seawall will be substantially complete by October 2018.
5
- 6 • The Commission expressed concern about the condition of the site over the past
7 five years since the wetland permit was originally approved. The Commission
8 noted that the site has been an eyesore.
9
 - 10 • The Commission asked when construction of the house could be expected to start.
11 Mr. Engle stated that he would expect it to begin within six months. The
12 Commission noted that six months from now would be almost winter and
13 construction of the house would not be occurring during winter. The Commission
14 asked whether it could be expected that the foundation would be poured by next
15 June. Mr. Engle said yes and noted that contractors for both the seawall and the
16 house construction are on board with signed contracts.
17
 - 18 • The Commission agreed to conditionally approve the time extension request,
19 subject to the applicant cleaning up the site and proving that the seawall is
20 underway, the contractor for the house is on board, and there is a schedule for
21 completion of both the seawall and the house. Mr. Engle agreed to provide the
22 requested information prior to the August 7, 2018 Planning Commission meeting.
23