

Rye City Planning Commission Minutes
October 16, 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
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1 **I. HEARINGS**

2
3 **None.**

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6 **II. ITEMS PENDING ACTION**

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8 **1. Rye Town Park Seawall (WP#447)**

- 9
- 10 • Ms. Beth Evans, professional wetland scientist, was present for the application.
11 Ms. Evans stated the DEC permit had not yet been received, but she expected to
12 receive it prior to the Board of Architectural Review meeting scheduled for Monday,
13 October 22nd.
 - 14
 - 15 • The Commission noted that consistency with the Local Waterfront Revitalization
16 Program (LWRP) is required for this application. The Commission reviewed the
17 applicant's submission and determined that the project is consistent with the
18 policies of the LWRP.
 - 19
 - 20 • The Commission reviewed the draft resolution. The City Planner noted that there
21 is no need to provide a mitigation planting bond for this project or to delineate the
22 wetland boundary. The Commission directed the City Planner to amend the
23 resolution to remove these unnecessary conditions.

24
25 **ACTION:** Andrew Ball made a motion, seconded by Richard Mecca, to approve as
26 amended Wetland Permit Application Number WP#447, which was carried
27 by the following vote:

28

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

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2. 21 Johnson Place (WP#448)

- Mr. Michael Colagiovanni, applicant, was present for the application. Mr. Colagiovanni stated that as discussed at the last meeting, to avoid potential loss of the mitigation plantings to deer, the mitigation plan was revised to show three eastern redbud trees instead of shrubs. The Commission indicated that it was satisfied with the revised mitigation plan.
- The Commission informed Mr. Colagiovanni that because the house was built after the Wetlands Law was enacted in 1991, the use of fertilizers and pesticides is prohibited on the property.
- The Commission reviewed the draft resolution and made no changes.

ACTION: Laura Brett made a motion, seconded by Birgit Townley, to approve Wetland Permit Application Number WP#448, which was carried by the following vote:

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

3. Summit Avenue (WP#440)

- Mr. Paul Dumont, the applicant’s engineering representative; Mr. Daniel Tartaglia, applicant’s attorney; and Mr. Joseph Mutino, applicant, were present for the application. Mr. Dumont stated that revisions to the site plan were made based on comments from the Commission and the City Planner. He stated that stormwater runoff will now be retained onsite in Cultec chambers. He also noted that changes were made to the first floor elevation of the house to comply with City requirements.
- The Commission noted that the project is still a major intrusion into the wetland buffer, with 10,000 sf of disturbance proposed. It was noted that the conservation easement is a distinguishing feature of the application and attempts to offset the impacts to the buffer.
- Mr. Tartaglia noted that the disturbance is necessary in order to access the site; otherwise, the property is rendered unusable. The Commission noted that the

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- 1 proposed house is very large and the applicant could be asked to construct a
2 smaller house and use less fill.
3
4 • The Commission also noted that the conservation easement as currently drawn is
5 not optimally delineated. It was suggested that the conservation easement could
6 be modified to run along the riprap so that there is a visual delineation of where
7 the easement begins.
8
9 • The Commission asked whether the water table might affect the performance of
10 the Cultecs. Mr. Dumont stated that the Cultecs will be well above the water table
11 and will sit on fill. He noted that they will likely be lined as well. The Commission
12 noted that in the area of the Cultecs there will be over 5' of fill.
13
14 • The City Planner asked if the cut and fill quantities will be balanced onsite. Mr.
15 Dumont stated that fill will need to be brought in and estimated the additional
16 quantity to be approximately 300 cubic yards. The City Planner noted that
17 according to the plans, 6' of fill is required for the driveway.
18
19 • The Commission noted that the site requires a considerable amount of fill and
20 nearly the entire property is located within the wetland buffer. The Commission
21 also noted that the conservation easement will be an enduring benefit to the
22 community, and the removal of the structures in the southern portion of the site is
23 also beneficial.
24
25 • The Commission asked the applicant to submit a more definitive cut and fill
26 analysis and to relocate the conservation easement so that its southern margin
27 aligns with the proposed riprap feature.
28

29 **ACTION:** Laura Brett made a motion, seconded by Steven Secon, to set the public
30 hearing for Wetland Permit Application Number WP#440, which was carried
31 by the following vote:
32

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

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42 **4. 111 Wappanocca Avenue (WP#446)**
43

- 44 • Mr. Richard Horsman, landscape architect, was present for the application. Mr.
45 Horsman stated that the site plan was revised to move the house forward to the

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1 front yard setback line, which reduces the amount of impervious area in the
2 wetland buffer. He noted that there is an overall reduction in impervious area of 42
3 sf within the buffer compared to the existing condition, so mitigation planting is no
4 longer required. He noted that the house will require variances for steps within the
5 front yard setback and the number of stories.
6

7 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to set the public
8 hearing for Wetland Permit Application Number WP#446, which was carried
9 by the following vote:

10		
11	Nick Everett, Chair:	Aye
12	Martha Monserrate, Vice-Chair:	Absent
13	Andrew Ball:	Aye
14	Laura Brett:	Aye
15	Richard Mecca:	Aye
16	Steven Secon	Aye
17	Birgit Townley	Aye
18		
19		

20 **5. 22-46 Locust Avenue (SUB#355 and WP#420)**

- 21
- 22 • Mr. Leo Napior, applicant's attorney; and Mr. Michael Stein, applicant's engineer,
23 were present for the application. Mr. Napior stated that in the time since the last
24 appearance before the Commission, the plan has undergone some revisions. He
25 stated that the project now includes only six lots, not seven, and consists of the
26 development of four two-family residences. He stated that the driveway will be
27 made of a semi-pervious material, which results in an overall net reduction of
28 impervious area on the site compared to the existing condition. He noted that a
29 planting buffer along the brook is still proposed, even though mitigation is not
30 required. Mr. Napior stated that the residential space will be elevated above the
31 flood elevation and the ground floor will contain garages and empty space for
32 storage.
33
 - 34 • The Commission suggested that a site walk might be helpful since the last site
35 walk was quite a while ago. The Commission stated that the main concern is where
36 the floodway is located compared to the development areas. It was noted that the
37 bridge causes flooding backup upstream from the site. Mr. Napior stated that the
38 applicant is working with a flood engineer.
39
 - 40 • The Commission also noted that the visual impacts of the project need to be
41 considered because of the site's proximity to the Central Business District and the
42 fact that the structures will be elevated. Mr. Napior noted that a variance for the
43 number of stories will be required.
44

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- 1 • The Commission discussed the location of the building closest to the brook and
2 whether it could be moved forward. Mr. Napior stated that Elm Place is the frontage
3 for that building, so the building was sited to comply with the rear yard setback
4 requirements. The Commission indicated that a rear-yard setback variance could
5 allow the structures to be sited further away from the brook.
6
- 7 • The City Planner stated that nearly the entire site is located within the floodway,
8 which is a concern despite the reduction in the amount of impervious surface area
9 in the buffer. The Commission discussed the FEMA flood elevations and the City
10 Planner stated that based on previous flooding history in the area, the minimum
11 elevation for the finished floor of the buildings should be 25'.
12
- 13 • Mr. Napior asked the Commission how much of a rear yard setback variance would
14 be supported. The Commission stated that it is too early in the process to know
15 that level of detail, but the applicant should investigate moving the building.
16
- 17 • The City Planner stated that there are plans to reconstruct the sewer in Locust
18 Avenue and the applicant should show the future connection to the manhole for
19 the planned City sewer improvements. He stated that the applicant should continue
20 to discuss the project with the City Engineer.
21
- 22 • The Commission discussed that the buildings seem to be higher than is necessary
23 to get the finished floor above the flood elevation, and higher than needed for a
24 garage. It was noted that the visual impact of the project could be reduced if the
25 buildings were not as high. The Commission also requested sections through the
26 site from the brook to Locust Avenue.
27
- 28 • Mr. Stein briefly described the proposed grading concept for the site. He stated
29 that the goal is to get water off the site, rather than hold it onsite. He stated that a
30 small improvement in storage capacity will be realized, but the main goal is not to
31 increase storage.
32
- 33 • The Commission also stated that it would be helpful to have the existing buildings
34 shown on the plan with the proposed improvements.
35

6. 3 Club Road (SUB#347 Modification)

- 36
- 37
- 38
- 39 • Mr. Leo Napior, applicant's attorney, was present for the application. Mr. Napior
40 stated that a three-lot subdivision was previously approved for the subject property
41 earlier this year and now the applicant is returning for a modified approval for a
42 two-lot subdivision. He stated that the existing house on the property will remain
43 as is and a second flag lot will be created, with both lots sharing the existing
44 driveway. Mr. Napior noted that both lots will be zoning compliant.
45

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- 1 • The Commission noted that shared driveways sometimes become an issue
2 between neighbors and recommended that the flag portion of the new lot be
3 widened to 40' to allow for the creation of a separate driveway in case it is needed
4 in the future. The Commission also stated that a wider flag portion would allow the
5 utilities to be located further from the existing vegetation. Mr. Napior noted that the
6 property is in contract, contingent on approval, so instead of changing the plan at
7 this point, there could be a subdivision restriction noted on the plat that requires
8 future approval in case a separate driveway is wanted at some point.
9
- 10 • The City Planner noted that in order to provide adequate sight distance, the two
11 potential driveways would need to be far enough apart. He also noted that requiring
12 a common driveway would be an effective means of preserving certain significant
13 characteristics of the site and the road, such as the existing curved stone walls.
14

15 **ACTION:** Richard Mecca made a motion, seconded by Birgit Townley, to set the
16 public hearing for Modified Subdivision Application Number SUB#347,
17 which was carried by the following vote:
18

19	Nick Everett, Chair:	Aye
20	Martha Monserrate, Vice-Chair:	Absent
21	Andrew Ball:	Aye
22	Laura Brett:	Abstain
23	Richard Mecca:	Aye
24	Steven Secon	Aye
25	Birgit Townley	Aye

26
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28 **7. Coveleigh Club – Pier Foundation Repairs (WP#450)**
29

- 30 • Ms. Eileen Ciampini, applicant’s engineer, was present for the application. Ms.
31 Ciampini stated that the main pier at the Coveleigh Club is supported by 28 piles,
32 with another four piles supporting the timber platform (32 piles in total). She stated
33 that the steel piles are encased in concrete, which is cracked and in need of repair.
34 She indicated that the cracking is likely caused by corrosion of the steel piles within
35 the concrete encasements.
36
- 37 • Ms. Ciampini stated that the proposed work includes removal of the 32 concrete
38 encasements, cleaning the steel piles, installing steel reinforcements and
39 watertight fiberglass formwork around the piles, and construction of new concrete
40 encasements. She stated that the watertight formwork is intended to prevent the
41 concrete from leaching into the water. She noted that the permit has already been
42 obtained from the NYSDEC.
43
- 44 • The Commission asked how debris will be controlled during the removal of the
45 existing concrete. Ms. Ciampini stated that the concrete will be removed by

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1 workers by hand and will be disposed of at a location to be determined by the
2 contractor. She noted that all work will be performed in accordance with the
3 NYSDEC permit.
4

- 5 • The Commission asked if the NYSDEC imposed any restrictions on the timing of
6 the proposed work. Ms. Ciampini said no, but the work will only occur during
7 periods of low tide. She stated that the work will take place over a four-year period
8 and will probably begin in the spring of 2019. She stated that most likely, the piles
9 furthest from shore will be replaced first, as they are in the worst condition. Ms.
10 Ciampini confirmed that no changes are proposed to any other part of the pier,
11 gangway, or dock.
12
- 13 • The Commission determined that it was not necessary to visit the site, since they
14 visited the site several months ago in association with two other wetland permit
15 applications.
16

17 **ACTION:** Laura Brett made a motion, seconded by Steven Secon, to set the public
18 hearing for Wetland Permit Application Number WP#450, which was carried
19 by the following vote:
20

21	Nick Everett, Chair:	Aye
22	Martha Monserrate, Vice-Chair:	Absent
23	Andrew Ball:	Aye
24	Laura Brett:	Aye
25	Richard Mecca:	Aye
26	Steven Secon	Aye
27	Birgit Townley	Aye

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29
30 **8. Rye Golf Club (WP#449)**
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- 32 • Mr. Steven Coleman, applicant's wetlands consultant; Mr. Jim Buonaiuto, Rye Golf
33 Club General Manager; and Mr. Chip Lafferty, Rye Golf Club Superintendent, were
34 present for the application. Mr. Coleman stated that the project consists of Phase
35 2 of planned golf course improvements within the regulated wetland buffer area,
36 including work on 11 holes (#3, 5, 8, 10, 11, 13, 14, 15, 16, 17, 18). He stated that
37 work involves drainage improvements that allow for less use of treatments to
38 control disease; the enlarging of certain tee boxes; and installation of Belgium
39 block curbing to reduce water accumulation on some of the cart paths. Mr.
40 Coleman stated that some of the work has begun, but the intent is for work in the
41 wetland areas to begin this fall. He noted that from an environmental standpoint,
42 there will be very little exposed soil because the sod will be lifted off, the drainage
43 will be installed, and the sod will be replaced.
44

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- 1 • Mr. Coleman noted that portions of the work are located within both City of Rye
2 regulated wetland buffer area and the NYSDEC-regulated 300' tidal wetland buffer
3 near the Sound shore. He noted that work at hole #9 includes removing phragmites
4 and restoring the wetland to an open water feature, as it is currently only a remnant
5 wetland. Mr. Coleman stated that at hole #11, the pond will be expanded to
6 increase water retention capacity. He noted that this work is not intended to be
7 completed until 2019. He noted that 2,600 cy of material is to be removed from the
8 existing pond.
9
- 10 • The Commission planned to visit the site at its site walk on Saturday, October 20,
11 2018.
12

13
14 **9. Minutes**

- 15
- 16 • The Commission reviewed the draft minutes from the September 25, 2018 meeting
17 and made minor revisions.
18

19 **ACTION:** Richard Mecca made a motion, seconded by Birgit Townley, to approve as
20 amended the minutes from the September 25th meeting, which was carried
21 by the following vote:
22

23	Nick Everett, Chair:	Aye
24	Martha Monserrate, Vice-Chair:	Absent
25	Andrew Ball:	Aye
26	Laura Brett:	Aye
27	Richard Mecca:	Aye
28	Steven Secon	Aye
29	Birgit Townley	Aye