

**Rye City Planning Commission Minutes**  
November 13, 2018

**MEETING ATTENDANCE:**

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**Planning Commission Members:**

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett (arrived late)
- 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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**I. HEARINGS**

**1. 63 Midland Avenue (WP#443)**

- Mr. Leo Napior, applicant’s attorney, was present for the application. Mr. Napior stated that the application involves construction of an elevated deck to replace the existing stone patio. He stated that no changes were made to the plan since the application was last before the Commission.
- There were no questions from the Commission and no comments from the public.

**ACTION:** Andrew Ball made a motion, seconded by Steven Secon, to close the public hearing for Wetland Permit Application Number WP#443, which was carried by the following vote:

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

**II. ITEMS PENDING ACTION**

**1. 63 Midland Avenue (WP#443)**

- The Commission noted that the City Planner had sent a letter of support from the Commission to the ZBA in advance of the 11/15/18 ZBA meeting.
- The Commission reviewed the draft resolution. The Commission revised the resolution to reference its memo to the ZBA supporting the rear yard variance, and

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1 to state that approval of the wetland permit application is subject to ZBA approval  
2 of the requested variances.  
3

4 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to approve as  
5 modified Wetland Permit Application Number WP#443, which was carried  
6 by the following vote:  
7

8 Nick Everett, Chair:	Aye
9 Martha Monserrate, Vice-Chair:	Aye
10 Andrew Ball:	Aye
11 Laura Brett:	Aye
12 Richard Mecca:	Aye
13 Steven Secon	Aye
14 Birgit Townley	Absent

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17 **2. Christ Church Christmas Tree Sales**  
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- 19 • The Commission reviewed the proposal for Christmas tree sales and had no  
20 comments or questions.  
21

22 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to approve the  
23 Use Permit for Christmas tree sales, which was carried by the following  
24 vote:  
25

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

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35 **3. 337 Park Avenue (WP#445)**  
36

- 37 • Mr. Larry Bennett, applicant's architect, Mr. Larry Nardecchia, applicant's  
38 engineer, and Mr. Alan Pilch, applicant's landscape architect, were present for the  
39 application. Mr. Bennett stated that the project includes raising the left side of the  
40 house to an elevation of 38.03' to be even with the existing first floor elevation of  
41 the right side. He noted that there is an increase in FAR due to the change in pitch  
42 of the roof. He stated that breakaway foundation walls are proposed and noted  
43 that the sunroom will be demolished and rebuilt because it cannot be raised.  
44

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- 1       • The Commission noted that with the increased height, the house will stand out  
2       compared to other existing homes on the street. The Commission requested that  
3       the applicant provide either photos or a drawing of the proposed house in relation  
4       to the surrounding houses to provide visual context.  
5
- 6       • The Commission stated that the proposed project involves a considerable amount  
7       of work within the wetland buffer. It was noted that the proposed deck could be  
8       eliminated to reduce impervious within the buffer. Mr. Bennett stated that the deck  
9       could be made flush with the sunroom and the stairs could possibly be oriented  
10      differently.  
11
- 12     • The City Planner questioned the need for the house to be raised to an elevation of  
13     38' when the required minimum elevation is 36'. Mr. Bennett stated that the  
14     elevation of 38' allows the entire first floor to be at the same level so that no interior  
15     steps are needed.  
16
- 17     • Mr. Nardecchia described the drainage analysis prepared for the application. He  
18     stated that the water table is very high and dry wells may not function properly, so  
19     a rain garden is proposed. He stated that it would be served by 4-inch roof leaders.  
20     Mr. Nardecchia explained that the rain garden will be enclosed by a stone curb  
21     that will be flush to the surrounding grade, with a depressed area approximately 6"  
22     below in the center to capture the runoff. He stated that the rain garden will be  
23     sized to accommodate the 100-year storm.  
24
- 25     • The Commission discussed whether the rain garden would essentially become a  
26     wetland. Mr. Nardecchia said that there are no hydric soils, but it would have the  
27     appropriate vegetation and there is a high water table. Mr. Pilch stated that the rain  
28     garden is shaped to avoid impacts to the existing 21" maple tree on the site.  
29
- 30     • The Commission indicated that it is not common practice to allow the continuation  
31     of mowed lawn in the wetland itself as opposed to within the buffer. Mr. Pilch stated  
32     that if all of the lawn were removed it would essentially eliminate all outdoor space  
33     for the family. He also noted that the proposed mitigation plan enhances the  
34     wetland with plantings along the property boundary. The Commission suggested  
35     that the applicant should review the six adjacent properties with respect to how the  
36     wetland and yard have been treated and noted that the City Planner could assist  
37     Mr. Pilch with identifying the extent of the wetlands on the adjacent properties.  
38
- 39     • Mr. Nardecchia stated that cut and fill will be balanced to create the rain garden.  
40     The City Planner stated that the grading is not clear from the plans. He also stated  
41     that bringing in fill will change the floodplain, which is a concern.  
42
- 43     • Mr. Nardecchia stated that dry wells could be used as an alternative but they do  
44     not function above the 25-year storm. The City Planner stated that in a site with a  
45     wetland and a high water table, there will be very little percolation and the water

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1 will be pushed off-site. Mr. Nardecchia stated that the rain garden could be put in  
2 the front yard, but the water would need to be piped around the house. Mr.  
3 Nardecchia also stated that the depth of the rain garden could be increased to 10"  
4 instead of 6".

- 5  
6
- The Commission commented that the driveway is one place where impervious  
7 area could be reduced. The Commission also noted that the entire house could be  
8 moved closer to the street to get it further away from the wetland. Mr. Pilch noted,  
9 however, that most of the other houses on the street are aligned at approximately  
10 the same distance from the street. The Commission reiterated that a comparative  
11 streetscape analysis of the adjacent houses would be helpful.

- 12  
13
- The City Planner also advised the applicant to meet with the City Engineer  
14 because it may not be necessary to capture the 100-year storm. The Commission  
15 suggested that the applicant consider ways to reduce the amount of impervious  
16 area within the buffer, including reducing the size of the house and using a  
17 permeable pavement for the driveway. The City Planner noted that there is nothing  
18 requiring the FAR variance; it is not a result of complying with the flood  
19 requirements. He noted that with 1,300 sf of floor space in the attic, the entire  
20 house will need to have sprinklers.

- 21  
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- The Commission decided to visit the property again at the next site walk on  
23 December 1<sup>st</sup>.

- 24  
25
- The Commission asked about the location of the mechanicals and Mr. Bennett  
26 stated that they will remain in the basement in their present location. It was noted  
27 that they will need to be moved so that they are above flood elevation. The  
28 Commission noted that in light of the amount of work being proposed at this house,  
29 the applicant should evaluate whether it would be more practical to tear it down  
30 and rebuild.

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#### 33 4. 22-46 Locust Avenue (WP#420/SUB#355)

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- Mr. Jonathan Kraut and Mr. Leo Napior, attorneys, and Mr. Jeff Kazinsky, architect,  
36 were present for the application. Mr. Kraut stated that at its last meeting, the  
37 Commission was interested in knowing what the building facades would look like  
38 and requested a section through the site from the brook to Locust Avenue. He  
39 stated that before proceeding further with the design of the site, the applicant  
40 wanted the Commission to see some of the proposed architecture.

- 41  
42
- Mr. Kazinsky of Tecton Architects discussed proposed conceptual elevations for  
43 the residential building on Lot 3, which is closest to the Locust Avenue bridge. He  
44 stated that the south elevation faces Locust Avenue. The building is three stories,  
45 with 10' 6" ceilings on the ground floor and 11' 6" ceilings on the top two floors. Mr.

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1 Kazinsky stated that there are brick pilasters projecting 4" from the face of the brick  
2 wall and the stone arch is open underneath the upper stories. He pointed out that  
3 the barn doors are breakaway doors and they are an aesthetic feature to ground  
4 the building so it does not appear as if it's floating. He stated that the building is  
5 intended to have natural hues and a traditional design. He also noted that the  
6 building is within the maximum permitted height, with the midpoint of the gables at  
7 35'.  
8

- 9 • The Commission stated that the approvals required for the project are a  
10 reapportionment (from six lots to four); wetland permit approval; and a variance for  
11 the number of stories, which is consistent with other applications that involve  
12 raising homes above flood elevation.  
13
- 14 • The Commission noted that there are no exterior stairs on the buildings so that the  
15 only way out is through the building to the ground floor, which could be flooded  
16 when the brook overflows. It was also noted that providing two means of egress is  
17 not required.  
18
- 19 • The Commission stated that it requested an overlay of the proposed buildings over  
20 the existing conditions. Mr. Napior stated that the existing buildings are visible on  
21 the site plan but the applicant will submit an overlay that is easier to read.  
22
- 23 • The City Planner noted that the buildings on Lots 1 and 2 are largely outside of the  
24 wetland buffer, but almost the entire site is within the flood plain. He noted that the  
25 City's consultant is looking at the potential impacts of the development on the flood  
26 capacity of the site. He stated that the applicant will have to respond to the  
27 consultant's comments. Mr. Kraut stated that if the current site plan is acceptable  
28 to the Commission at this point, the applicant could move ahead with more detailed  
29 engineering and could provide information to the City's consultant for use in the  
30 analysis of potential flood impacts. Mr. Kraut stated that the applicant believes the  
31 proposed development is an improvement over the existing condition and is  
32 confident that the flood analysis will confirm this.  
33
- 34 • The Commission discussed the visual character of the proposed development  
35 plan. Some Commission members felt that it should look more like existing  
36 residential development in the area than a condo development. Mr. Kraut  
37 commented that the site is in a transitional area between residential and  
38 commercial development and noted that although it is not a traditional  
39 development, it is still compliant with zoning. The Commission noted that the lot  
40 reapportionment is what allows the development plan in its proposed configuration.  
41 The City Planner stated that the applicant can pursue a different lot configuration  
42 if there is one that would result in less impact to the wetland buffer. He also noted  
43 that it is common and often desirable to have increased residential density  
44 adjacent to a downtown area.  
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- 1       • The Commission stated that more open space adjacent to the brook would be  
2       beneficial, especially considering the potential impacts of water velocity at the point  
3       where the brook curves toward Locust Avenue.  
4
- 5       • Mr. Kraut stated that over 40% of the site will be open space and the project  
6       improves metrics such as impervious area compared to the existing condition. He  
7       also noted that the existing lots do not lend themselves to redevelopment. He  
8       stated that the applicant has arrived at a development plan that reduces many  
9       issues at the site and is an improvement over existing conditions.  
10
- 11       • The Commission stated that this site is very visible, considering its location  
12       adjacent to the downtown area. The Commission suggested that perhaps the  
13       buildings could be oriented parallel to Locust Avenue with the open space in the  
14       rear of the site adjacent to the brook. Mr. Kraut stated that the minimum lot widths  
15       and setbacks would be problematic. The Commission recommended that the  
16       applicant go through that exercise to demonstrate whether it is feasible or not. The  
17       Commission clarified that it would prefer to see more uniformity along the street  
18       front.  
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21       **5. Review of Proposed 2019 Planning Commission Meeting Schedule**  
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- 23       • The Commission reviewed and adopted the 2019 meeting schedule.  
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26       **6. Minutes**  
27

- 28       • The Commission reviewed the draft minutes from the October 30, 2018 meeting  
29       and made minor revisions.  
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31       **ACTION:**     Laura Brett made a motion, seconded by Richard Mecca, to approve as  
32       amended the minutes from the October 30<sup>th</sup> meeting, which was carried by  
33       the following vote:  
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35	Nick Everett, Chair:	Aye
36	Martha Monserrate, Vice-Chair:	Aye
37	Andrew Ball:	Aye
38	Laura Brett:	Aye
39	Richard Mecca:	Aye
40	Steven Secon	Aye
41	Birgit Townley	Absent