

**Rye City Planning Commission Minutes**  
September 24, 2019

**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
- Tracy Stora, CC/AC
- Melissa Johannessen, AICP, LEED AP
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**I. HEARINGS**

**1. Apawamis Club (Continued from July 16, 2019)**

- Mr. Jonathan Kraut, attorney; Mr. Rex Gedney, architect; and Ms. Jamie Loguidice, landscape architect, were present for the application. Mr. Kraut stated that this hearing is a continuation of the July public hearing. He noted that the applicant has worked to address many of the comments that were received at that meeting, including revisions to the stormwater management plan and landscaping plan.
- Mr. Kraut also stated that at the July meeting, the Commission asked the applicant to provide the following additional information: results of ground-penetrating radar studies to determine the depth to groundwater; NYS Building and Fire code compliance; and details on the revised landscaping plan. Mr. Kraut stated that the project architect confirmed that the proposed tennis enclosure will comply with all applicable NYS Building and Fire Code requirements. He noted that the ground-penetrating radar studies indicated that there is sufficient depth to groundwater to accommodate the proposed drainage system. He also stated that the revised landscaping plan presented at the July public hearing had been submitted to the Commission for its review.
- There were no questions from the Commission and no comments from the public.

**ACTION:** Steven Secon made a motion, seconded by Martha Monserrate, to close the public hearing for Site Plan Modification SP#376/Wetland Permit Application Number WP#452, which was carried by the following vote:

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

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**2. 221 Kirby Lane**

- Mr. Richard Horsman, landscape architect, was present for the application. Mr. Horsman stated that the application involves installation of an in-ground pool and associated mitigation plantings. He noted that the pool location was shifted closer to the house. He stated that there will be 2,120 sf of wetland mitigation planting. Mr. Horsman confirmed that the pool and terrace will be out of the FEMA flood zone.
- There were no questions from the Commission and no comments from the public.

**ACTION:** Steven Secon made a motion, seconded by Birgit Townley, to close the public hearing for Wetland Permit Application Number WP#460, which was carried by the following vote:

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

**3. Midland Avenue**

- Mr. Whitney Singleton, attorney; Mr. Steve Marino, wetland scientist; and Mr. Jack Karell, engineer, were present for the application. Mr. Singleton stated that the project consists of a new single-family home on an approximately 0.6-acre lot. He stated that there will be no disturbance to the wetland but there will be disturbance to the wetland buffer. He noted that the home is a permitted use and will be zoning compliant. He also stated that the mitigation plan will include removing invasive species and adding native wetland plantings.
- Mr. Marino stated that the site is 0.57 acres, all of which is either wetland or wetland buffer area. He stated that the footprint of the home will be 1,200 sf and it will have two floors. He stated that a tributary to the Blind Brook is located to the rear of the site within the right-of-way of a paper street and noted that the wetlands are associated with the tributary and the flood plain.
- Mr. Marino stated that approximately 9,000 sf of wetland buffer area out of 10,000 sf will be impacted by the project. Mr. Marino stated that the home will be elevated above the flood plain elevation and will require 2,000 sf of fill, while 3,000 sf will be excavated to more than offset the quantity of fill.

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- Mr. Marino stated that approximately 4,000 sf of new plantings and rain gardens will be provided, while 3,000 sf of area will be re-planted. He noted that the site allows for minimal backyard area; therefore, two decks are proposed that will be cantilevered over the wetland buffer.
  - Mr. Marino noted that 66 trees are proposed to be removed, 64 of which are non-native trees. He also noted that over 50% of the trees to be removed are small (less than 6" bdh). He stated that 12 new trees and 66 shrubs will be planted.
  - The Commission asked how close to the wetland the decks will be. Mr. Marino stated that the wetland is 8' from the house and the deck extends to the wetland, but is elevated above it.
  - The Commission asked Mr. Marino to describe how impacts will be minimized during construction. Mr. Marino stated that a 10-point construction sequence plan had been submitted to the Commission. He summarized the plan, stating that a gravel driveway will be installed at the site entrance; organic material will be removed; no soil will be stockpiled at the site; the driveway will be used for staging; concrete will be poured from the driveway rather than Midland Avenue; a forklift will be used to bring in materials for construction of the house; and construction workers will park their personal vehicles on Midland Avenue, which is allowed.
  - The Commission asked whether the applicant had any correspondence from Westchester County denying them permission to have vehicles back out onto Midland Avenue. Mr. Singleton stated that they did receive approval for the curb cut but did not apply for relief from the County requirement that vehicles are prohibited from backing out of a driveway onto a County-owned road (such as Midland Avenue). The Commission explained for the public's benefit that it has been the County's practice to prohibit vehicles from backing out onto a County-owned roadway, which then necessitates a vehicular turn-around area for properties along such roadways. This tends to result in increased disturbance and creation of impervious areas to accommodate the additional space required for a turn-around.
  - Mr. Marino noted that previous versions of the proposed project included a three-car garage and a larger driveway, so the applicant has made changes to reduce the impervious area related to the driveway.
  - The Commission opened the floor to public comments.
  - Mr. Frank Culross, 40 Intervale Place – Mr. Culross stated that he lives 550' from the site and will be negatively impacted by the project. He stated that the 2020-2024 Capital Improvement Plan prepared by the City of Rye includes a recommendation to hire a consultant to evaluate the Red Maple Swamp and

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- 1 analyze whether the City should consider buying the properties within it. Mr.  
2 Culross stated that the Red Maple Swamp would more appropriately be called “the  
3 Midland Avenue drainage retention system” as it functions to capture runoff from  
4 Midland Avenue. He noted that this is especially important in times when the water  
5 table is high.  
6
- 7 • Mr. Culross stated that the flood elevation on the site is 12.5’ to 13’ feet, but the  
8 flood level exceeds 16’ at times. He stated that his backyard floods 4-6 times a  
9 year, particularly when there is a high tide. He stated that he recommends that the  
10 project be denied and the matter be referred to the City Council for possible  
11 purchase of the property.  
12
  - 13 • Ms. Linda Wells, 27 Radcliff Avenue – Ms. Wells stated that she has lived here for  
14 20 years and there has always been a water issue. She stated that new homes in  
15 the area have jeopardized streets such as Intervale and Radcliff. She stated that  
16 she did not understand how homes could be built on a cliff with walls and not affect  
17 how the water flows in the area.  
18
  - 19 • Ms. Katie Shields, 14 Radcliff Avenue – Ms. Shields stated that she had to remove  
20 a tree on her property, which exacerbated flooding in her basement. She stated  
21 that with the concerns about climate change and increasing flooding, she is  
22 concerned how tree removal will add to even more flooding.  
23
  - 24 • Ms. Caitlin Goth, 50 Intervale Place - Ms. Goth stated that she has only lived at  
25 her address for four weeks. She stated that she is concerned about losing trees  
26 and wonders if there are any studies about how much water the existing trees hold  
27 and whether the new trees will hold an equivalent amount. She stated that she  
28 would also like to know the size of the new trees to be planted.  
29
  - 30 • Ms. Yvette Pignato, 10 Radcliffe Avenue – Ms. Pignato stated that she is  
31 concerned about how the invasive species will be removed without pesticides and  
32 chemicals. She stated that she and several other women in the area have battled  
33 breast cancer and they do not need more chemicals getting into the runoff.  
34
  - 35 • Mr. Keith McRedmond, 57 Intervale Place – Mr. McRedmond stated that a wetland  
36 buffer is an area that is established to protect the wetland and questioned how  
37 removing 90% of the buffer will protect the wetland. He stated that removing trees  
38 will not protect the property. He noted that water problems have gotten worse over  
39 time and this project will exacerbate the problem. He stated that only the land  
40 owner will benefit while other property owners will be worse off.  
41
  - 42 • Mr. Chris Bevino, 4 Fernwood Avenue – Mr. Bevino stated that it is not possible to  
43 do any improvements to properties in this area without the use of a sump pump.  
44 He stated that he would like to know how much water is being absorbed now and  
45 how much will be once the project is developed.

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- Mr. D'Andrade, 12 Radcliff Avenue – Mr. D'Andrade questioned how the applicant could bring in as much fill as needed to address the change in elevation between the project site and the County property along Playland Parkway. He stated that he was concerned about the impact of new earth being brought in. He also stated that he had to remove a 70' silver maple from his property and noticed a considerable increase in hydraulic pressure on his basement just from the removal of that one tree.
  - Mr. Singleton stated that he wanted to address several of the comments. He stated that since 2013, he has had discussions with the Commission about taking the property under eminent domain [see later comment by the Commission]. He stated that he was assured by the City that they would not take the property. He stated that the applicant has spent a considerable amount of money moving through the development approval process. He stated that there will be a net increase in the capacity of the site to hold water and there will be no impact to the wetland. Mr. Singleton also stated that he has had discussions with the City for more than six years and there has been no response.
  - Mr. Marino explained the way stormwater calculations are done. He stated that an analysis is done to determine how much water falls on the site, where it goes, and what to do to accommodate it. He stated that there will be no direct discharge of stormwater to the wetland; instead, there will be infiltration basins to allow the water to soak into the ground. He stated that the stormwater analysis meets State and City requirements and the City Engineer has not commented on the plan.
  - Mr. Marino reiterated that there will be no tree loss in the wetland, but non-native trees within the buffer will be removed and replaced with native species.
  - Mr. Marino stated that the flood elevation is 13' and the first floor elevation will be 22'. He stated that the site will be excavated to provide additional flood storage capacity. He noted that the entire watershed is much larger than the site and although there may be other issues, the applicant can only manage stormwater on this site.
  - Mr. Marino stated that herbicide is not the first choice in managing invasive species. He stated that they will cut and remove invasives, and if after two growing cycles they are still persisting, herbicide may be used as a last resort. He stated that phragmites are present in the area where the sewer line was installed. Mr. Marino stated that any herbicides will not be sprayed on the site, but will be painted on with a sponge and applied directly to the plants. He noted that a licensed operator would apply it and any required permits would be obtained.

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- 1 • The City Planner stated that the City Engineer has not provided a review letter yet,  
2 but he encouraged the applicant to contact the City Engineer to discuss the tidal  
3 conditions and flooding impacts raised by several of the public commenters.  
4
- 5 • Mr. Karell stated that groundwater is not affected by the impact of tides. The  
6 Commission stated that it may help to obtain groundwater elevations over time,  
7 which would show whether tidal effects are occurring. Mr. Karell stated that test  
8 pits were done in April 2016, which is during high groundwater season.  
9
- 10 • Mr. Karell noted that 1,700 cubic feet of storage is provided, which exceeds the  
11 required capacity. He noted that in flood conditions the rain gardens will not  
12 function, but function will resume once the water recedes.  
13
- 14 • Mr. Singleton noted that the applicant has requested comments from the City  
15 Engineer but none have been received.  
16
- 17 • The Commission noted that Mr. Singleton's statement about eminent domain was  
18 misleading. The Commission stated that it has never received any correspondence  
19 from the applicant regarding the possibility of eminent domain. Mr. Singleton stated  
20 that his comments regarding eminent domain were addressed to the Corporation  
21 Counsel and he had misspoken when saying that he had had discussions with the  
22 Commission.  
23

24 **ACTION:** Andrew Ball made a motion, seconded by Birgit Townley, to continue the  
25 public hearing for Wetland Permit Application Number WP#345, which was  
26 carried by the following vote:  
27

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

## 35 36 37 **4. 4 Kirby Lane North**

- 38
- 39 • Mr. Alan Pilch, engineer, and Mr. Rex Gedney, architect, were present for the  
40 application. Mr. Gedney stated that the project involves the construction of a  
41 detached garage, a small portion of which is located within the wetland buffer. Mr.  
42 Gedney stated that based on comments from the Commission, the size of the  
43 garage and the width of the driveway were reduced to minimize impacts within the  
44 wetland buffer.  
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- There were no questions from the Commission and no comments from the public.

**ACTION:** Steven Secon made a motion, seconded by Martha Monserrate, to close the public hearing for Wetland Permit Application Number WP#462, which was carried by the following vote:

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

**5. 20 Harbor Lane**

- Mr. Richard Horsman, landscape architect, was present for the application. Mr. Horsman stated that the project includes a second-floor addition, as well as a new rear deck and enclosed front porch, which will add 195 sf of impervious area within the wetland buffer. He noted that the property is almost entirely within the wetland buffer. Mr. Horsman stated that 392 sf of mitigation planting is proposed.
- There were no questions from the Commission.
- Mr. David Rossoff, 17 Harbor Lane – Mr. Rossoff stated that he is concerned about the impact of the additional impervious area on flooding in the neighborhood. He also requested that construction equipment and vehicles not be stored in the cul de sac, since it has been misused in the past and needs to remain clear for vehicles to be able to turn around. He also wanted to ensure that construction activities at the site will conform to the City’s requirements with respect to noise and hours of operation.
- Mr. Horsman stated that there will be no impact on flooding. He noted that the site drains to the wetland on the adjacent property (Marshlands Conservancy).

**ACTION:** Martha Monserrate made a motion, seconded by Birgit Townley, to close the public hearing for Wetland Permit Application Number WP#464, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Absent

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1	Richard Mecca:	Absent
2	Steven Secon	Aye
3	Birgit Townley	Aye

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6 **II. ITEMS PENDING ACTION**

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8 **1. Apawamis Club**

- 9
- 10 • The Commission noted that it requested a code compliance analysis from the  
11 applicant at the last meeting. Mr. Gedney stated that it had been submitted to the  
12 Commission and noted that the tennis bubble is in compliance with the Building  
13 Code. He stated that placing the paddle court heaters 20' away from the bubble  
14 will not be a problem. The Commission asked if they could be moved to the other  
15 side of the paddle court and Mr. Gedney responded that there is sufficient space.  
16
  - 17 • Ms. Loguidice summarized the changes to the landscaping plan that were  
18 presented at the last public hearing. She stated that arbor-vitae were added to the  
19 plan in various locations to provide additional visual screening of the tennis bubble.  
20 She also noted that three (3) rhododendron are proposed along Dogwood Lane.  
21 The Commission asked how tall the trees would be expected to get. Ms. Loguidice  
22 stated that they will grow 2-3' per year and will be between 15' and 16' at planting.  
23 She stated that the rhododendrons will be 7'-8' at planting and will grow to 15'.  
24
  - 25 • The Commission stated that there are two primary considerations for a decision:  
26 the wetland permit and the appropriateness of the application in a residential  
27 district per Section 197-10 of the City Code. The Commission members discussed  
28 their thoughts on each consideration and generally felt that the tennis bubble was  
29 not appropriate in the proposed location. Planning Commission member Birgit  
30 Townley disclosed that she is a member of the Apawamis Club but feels that she  
31 can make an impartial decision on this application. The Commission directed the  
32 City Planner to prepare a resolution for review at its October 15<sup>th</sup> meeting.  
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35 **2. 221 Kirby Lane**

- 36 • Ms. Stora of the CC/AC noted that there was an error in the square footage of the  
37 proposed mitigation in the CC/AC's comment memo. She noted that the CC/AC  
38 would submit a revised memo to the Commission.  
39
- 40 • Mr. Horsman stated that no changes have been made to the site plan since the  
41 last Commission meeting.  
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- 1 • The City Planner pointed out that although a portion of the property is in a flood  
2 zone, the location of the proposed pool is outside of the flood zone. He noted that  
3 this will be stated in the draft resolution.  
4
- 5 • The Commission questioned how many trees would be removed and Mr. Horsman  
6 confirmed that only one tree at the corner of the pool location will be removed. The  
7 Commission requested that Mr. Horsman revise the site plan to clearly show the  
8 trees being kept and the tree to be removed and it will be reviewed at the October  
9 15<sup>th</sup> meeting.

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**3. Midland Avenue**

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- 14 • Mr. Marino stated that he will discuss with the City Engineer the potential for tidal  
15 influence in the wetland.  
16
- 17 • The Commission asked Mr. Marino how the rain gardens will be maintained to  
18 remove sediment. Mr. Karell stated that it would be done by hand, since there is  
19 no room for anything else. The Commission stated that the City Engineer should  
20 review the planned maintenance of the stormwater system to ensure that it is  
21 adequate.  
22
- 23 • The Commission pointed out that there were inconsistencies between the invasive  
24 species monitoring plan shown on Sheet 5 of the plan set and what Mr. Marino  
25 explained at the last Commission meeting about how invasive species would be  
26 removed. It was noted that the invasive species monitoring plan calls for the use  
27 of herbicides, while Mr. Marino stated that use of herbicides would be a last resort  
28 if other means fail. Mr. Marino stated that the Commission could impose a  
29 condition prohibiting the use of herbicides if it desired.  
30
- 31 • The Commission noted that the public hearing is continued to October 15<sup>th</sup>.

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**4. 4 Kirby Lane North**

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- 36 • The Commission reviewed the CC/AC memo, noting that the CC/AC found the  
37 application to be acceptable. The Commission reviewed the draft resolution and  
38 made no changes.  
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**ACTION:** Martha Monserrate made a motion, seconded by Birgit Townley, to approve  
42 Wetland Permit Application Number WP#462, which was carried by the  
43 following vote:

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

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

**5. 20 Harbor Lane**

- Mr. Horsman stated that the application includes mitigation planting along the edge of the property, as well as additional planting along the rear and side property lines. He noted that the hot tub and concrete strip will be removed and the deer fence has already been removed.
- The Commission reviewed the draft resolution and noted that the date of the CC/AC memo should be added.

**ACTION:** Martha Monserrate made a motion, seconded by Steven Secon, to approve as amended Wetland Permit Application Number WP#464, which was carried by the following vote:

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

**6. 65 High Street/70 Maple Avenue – Extension of Time**

- The Commission noted that the applicant wished to extend the site plan approval for a period of one year from the original approve date, until May 8, 2020.

**ACTION:** Martha Monseratte made a motion, seconded by Steven Secon, to approve a one-year extension for Site Plan Application Number SP#372/Subdivision Application Number SUB#349, which was carried by the following vote:

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

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**7. 22-46 Locust Avenue**

- The City Planner stated that the applicant’s flood analysis indicated that there would be no rise in flood elevations resulting from the proposed development, and a “no rise” certificate had been provided.
- The CC/AC commented that it still considers the application to be unacceptable and noted that the 1985 City Master Plan recommends no development in the flood plain. The Commission stated that it is a balancing act and the applicant has property rights. The Commission noted that the applicant has worked diligently to reduce flooding-related impacts.
- The Commission reviewed the draft resolution. The City Planner noted that the resolution references the lot line reconfiguration, but the resolution is essentially a wetland permit resolution. The City Planner also noted that the resolution includes findings regarding the Commission’s decision despite the CC/AC’s findings.

**ACTION:** Birgit Townley made a motion, seconded by Steven Secon, to approve a one-year extension for Wetland Permit Application Number WP#420/Subdivision Application Number SUB#355, which was carried by the following vote:

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

**8. Shenorock Shore Club – Proposed Dock Expansion Project**

- Azure Dee Sleicher (applicant’s coastal engineer) providing an overview of the project noting that it involved providing additional boat berths within the U-shaped portion of the docks at the club. Ms. Sleicher noted that the proposed docks would include the extension of existing utilities and that the docks would be removed in the winter season. Ms. Sleicher stated that the applicant received NYSDEC permit approval and is awaiting Army Corps of Engineer’s approval pending a sign-off from NYSDOS, which is waiting on the Planning Commission’s coastal consistency determination.
- The Commission noted concern with the proximity of the proposed dock extension to the adjacent American Yacht Club (AYC). In order to avoid interference with

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1 boaters in the area, the Commission requested that the plan be revised and  
2 submitted to the Planning Commission to include a note that prohibits docking of  
3 craft on the south side of the southern-most proposed dock section.  
4

- 5 • The Commission questioned the ownership of the land underwater. Ms. Sleicher  
6 explained that the club does not own the underwater, but that it has a land lease  
7 from New York State.  
8
- 9 • The Commission questioned whether any moorings would be lost by the expansion  
10 of the dock. Ms. Sleicher stated that some moorings may be lost, but that she was  
11 not sure how many.  
12

13 **ACTION:** Martha Monserrate made a motion, seconded by Birgit Townley, to set a  
14 public hearing on Wetland Permit Application Number WP#465 for its next  
15 meeting on October 15, 2019, which was carried by the following vote:  
16

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

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25  
26 **9. 289 Grace Church Street**  
27

- 28 • Steven Wrabel, Esq. (applicant’s attorney) provided an overview of the application  
29 noting that it involved the subdivision of an existing 3.35-acre property to create  
30 one additional building lot. He noted that the proposed lots comply with the  
31 requirements of the City Zoning Code.  
32
- 33 • Mike Fine (project engineer) provided an overview of conceptual plans showing a  
34 potential house design with related improvements including grading, drainage  
35 measures, tree removal and driveway access and alignment. He reviewed how  
36 the driveway and house location was designed to manage the change in elevation  
37 from Grace Church Street downward through the proposed building lot. Mr. Fine  
38 noted that the proposed development would avoid any disturbance within the  
39 mapped 100-foot wetland buffer on the rear portion of the site, but would require  
40 the removal of five existing trees.  
41
- 42 • The Planning Commission noted that the second lot with the existing residence  
43 would exceed two acres in area and appears to have additional subdivision  
44 potential. The Commission discussed with the City Planner the existing zoning

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1 requirements that might make a future subdivision possible. It was noted that to  
2 achieve a subdivision would likely require the removal of the existing residence.  
3

- 4 • The Commission stated that it would need to consider the potential ramifications if  
5 there was a potential future subdivision of this lot. The Commission noted that  
6 there could be access, driveway, drainage or other considerations that may require  
7 modifications or conditions on the current proposed subdivision. The Commission  
8 noted that these considerations would not be relevant if the applicant were willing  
9 to consent to a deed restriction on the proposed oversized lot prohibiting future  
10 subdivision. Mr. Wrabel responded that he would discuss that request with his  
11 client, but that the applicant was only creating one additional lot at this time and  
12 that any issues related to a potential future subdivision would need to be  
13 considered by the Commission at that time. The Commission requested that the  
14 applicant provide a plan of a three-lot subdivision so that it could review potential  
15 impacts.  
16
- 17 • The Commission discussed the proposed lot configuration and noted that it would  
18 result in a proposed residence closer to Grace Church Street than other lots in the  
19 area. The Commission requested that the applicant provide a map showing the  
20 prevailing front yard setbacks for residences on Grace Church Street between  
21 Forest Avenue and Kirby Lane North.  
22
- 23 • The Commission requested that the applicant provide a vehicle sight-distance  
24 analysis from the proposed driveway location and other locations of the properties'  
25 frontage along Grace Church Street.  
26  
27

28 **10. Discussion of Kuder Island Colony, Inc. Proposed Mosquito Control Pilot**  
29 **Program**  
30

- 31 • David Spader (a Kuder Island Board member) presented a letter submitted to the  
32 Planning Commission seeking to implement a mosquito control pilot program.  
33 Members of Hen Island are increasingly concerned about mosquito-borne  
34 diseases and were hoping to implement the program in October. Mr. Spader stated  
35 that it has investigated a number of organic mosquito control strategies from local  
36 companies and Westchester County. He noted that many natural products have  
37 some short-term benefits, but are less effective over the long term.  
38
- 39 • Mr. Spader stated that the proposed application of cedar wood oil is exempt from  
40 federal regulations (Section 25B) and has been reviewed by the NYSDEC, which  
41 does not require any notification prior to application. He noted that the Board is  
42 seeking to reduce potential impact, but that some members are opposed to  
43 applying any chemicals on Hen Island.  
44

**Rye City Planning Commission Minutes (Cont.)**

September 24, 2019

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- 1       • The City Planner stated that he is not aware of any request of this nature in the  
2       past and requested that it be put on for discussion by the Commission to see how  
3       the request should be processed. The Commission agreed that the activity  
4       appeared to be regulated and that a permit would be required. Mr. Spader agreed  
5       given the full permitting process it would be more realistic to consider the program  
6       for next season.  
7
- 8       • The Commission stated that the full application should include mapping showing  
9       the location of the intertidal zone and where the spraying would occur. The  
10      application should also indicate the time, temperature and maximum wind  
11      velocities when the product would be applied.  
12
- 13     • The Commission suggested working with the CC/AC regarding the types of  
14      chemicals that would be appropriate and other details of a mosquito control  
15      program that should be considered.  
16
- 17     • The Commission suggested that the applicator be available to discuss the process  
18      and potentially where it has been done in other locations in the area.  
19  
20

21      **11. Minutes**  
22

- 23     • The Commission reviewed the draft minutes from the September 10, 2019 meeting  
24      and made minor revisions.  
25

26      **ACTION:**     Martha Monserrate made a motion, seconded by Birgit Townley, to approve  
27                    as amended the minutes from the September 10<sup>th</sup> meeting, which was  
28                    carried by the following vote:  
29

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

37