Nick Everett, Chairman
Martha Monserrate, Vice Chair
Laura Brett
Barbara Cummings
Hugh Greechan
Peter Olsen
Alfred Vitiello

Planning Department
1051 Boston Post Road
Rye, New York 10580
Tel: (914) 967-7167
Fax: (914) 967-7185
www.ryeny.gov

CITY OF RYE
Planning Commission

Resolution **No. 07-2014**

Application Name:	**6 Westbank Road**
Approval Type:	Wetland and Watercourses Permit
Application Number:	WP# 371
Project Description:	Construction of a new-single family house.
Street Address:	6 Westbank Road
Tax Map Designation:	Sheet: 153.6 Block: 1 Lot(s): 52
Approval Date:	April 8, 2014
Expiration Date:	April 8, 2015 (one year)

WHEREAS, on December 23, 2013, William and Megan Schatz (hereinafter "Applicant") submitted an application for Wetland and Watercourses Permit approval pursuant to Chapter 195, *Wetlands and Watercourses*, of the Rye City Code for a property, located at 6 Westbank Road; and

WHEREAS, the drawings submitted in connection with the application are generally entitled, *Schatz Residence*, prepared by Paul Shainberg Architects, LLC, originally dated December 20, 2013 and having the following drawing numbers, drawing titles and revision dates:

Drawing Number:	**Drawing Title:**	**Revision Date:**
C-1	*Cover Sheet*	12/20/13
SP101	*Proposed Site Plan*	12/20/13
A100	*Proposed Basement Plan*	12/20/13
A101	*Proposed First Floor Plan*	12/20/13
A102	*Proposed Second Floor Plan*	12/20/13
A201	*Proposed Exterior Elevations*	12/20/13
A202	*Proposed Exterior Elevations*	12/20/13
SD-1	*Site Development Plan/Wetland Mitigation Plan**	04/01/14
	*Proposed Design Section/Elevation**	12/20/14

Applicant Signature Date

*Stormwater & Erosion Control Plan*** 12/18/14

* *Plan prepared by Sean Jancski, Landcape Architects*
** *Plan prepared by Larry Nardecchia, Jr., P.E.*

WHEREAS, the application involves construction of a new-single family residence, a portion of of which is proposed to be within the 100-foot wetland buffer of Blind Brook; and

WHEREAS, the property is known on the Rye City Tax Map as Sheet 153.6, Block 1, Lot(s) 52, and is located in a R-4 One-Family District, a "C" City of Rye Parking District, and appears to be located in “X” and “AE” Federally designated Flood Insurance Rate Zone; and

WHEREAS, the property is located in a coastal zone area as delineated in the City of Rye Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the application and plan were referred to the Conservation Commission/Advisory Council (hereinafter “CC/AC”) and for their review and recommendations; and

WHEREAS, the CC/AC noted in its January 21, 2014 and February 18, 2014 letters letter to the Planning Commission that the application was “unacceptable” noting that the extent of impervious increase in the buffer should be reduced, there should be greater tree protection, there should be greater use pervious paving material and that organic lawn or sod be used on the top of the slope; and

WHEREAS, as agreed to by the applicant a deed restriction will be provided on the rear portion of the property; and

WHEREAS, as required by Section 195-6 the Planning Commission provides the following responses to the CC/AC objections:

- The Planning Commission finds that the extent of wetland buffer encroachment has been reduced to the maximum extent practical and that the amount of increase in the wetland buffer was been reduced to 848 square feet from 954 square feet. The Commission notes that it did not accept the applicant’s original wetland boundary delineation resulting in a significantly greater amount of wetland buffer on the applicant’s property.

- As suggested by the CC/AC porous or semi-porous paving material was required to be used by the applicant both within and outside the 100-foot wetland buffer. The overall increase in impervious area on the property is 592 square feet and that all of this area drains towards Blind Brook.

_____ _____
Applicant Signature Date

- Tree loss has been minimized to the maximum extent practical. Only two trees within the regulated wetland buffer are proposed to be removed.

- The applicant has consented to significant improvements to mitigate for the potential impact to the wetland buffer including the imposition of a deed restriction on the rear half of the property to prevent future development or placement of structures within the wetland buffer. Properties within the area do not have this kind of additional restriction. In addition, the mitigation plan provides stormwater treatment measures where none exist on the property today.

WHEREAS, a public hearing was held on March 4, 2014 and March 18, 2014 and all members of the public wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Commission finds the proposed work will be in a wetland, watercourse or 100-foot wetlands and watercourses regulatory buffer area, and

WHEREAS, on February 22, 2014, the Planning Commission has inspected and reviewed the site, the vicinity, the application form and the complete record; and

WHEREAS, a Short Environmental Assessment Form dated December 18, 2013 was submitted by the Applicant and reviewed by the Planning Commission; and

WHEREAS, the Planning Commission determined that the action is a(n) Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, since the proposed action is a Type II Action it is considered exempt and not subject to the requirements of the SEQRA or Chapter 73, *Coastal Zone Management*, of the Rye City Code;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds that the application is consistent with the City's LWRP policies, standards and conditions identified in §73-5.D, *Coastal Zone Management*, of the City Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, as required by §195-5.D of the Rye City Code, *Standards for Permit Decisions*, makes the following findings:

Having evaluated the proposed activity with respect to wetland functions and the role of the wetlands in the hydrologic and ecological system; and having determined the impact of the proposed activity upon public health and safety, rare and endangered species, water quality and additional wetland functions listed in §195-1, the Planning Commission finds that the

impacts and losses have been avoided to the maximum extent practicable. In making this determination, the Planning Commission has considered the following factors:

(1) The impact of the proposed activity; and existing and reasonably anticipated similar activities, upon neighboring land uses and wetland functions as set forth in §195-1, including filling of a wetland or other modification of natural topographic contours, disturbance or destruction of natural flora and fauna, influx of sediments or other materials causing increased water turbidity and/or sediment build up, removal or disturbance of wetland soils, reductions in wetland water supply, interference with wetland water circulation, damaging reductions or increases in wetland nutrients, influx of toxic chemicals and/or heavy metals, damaging thermal changes in the wetland water supply; and destruction of natural aesthetic values.

(2) Existing wetland impacts and the cumulative effect of reasonably anticipated future wetland activities in the wetland subject to the application.

(3) The impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage, storm barriers; and water quality.

(4) The safety of the proposed activity from flooding, erosion, hurricane winds, soil limitations; and other hazards and possible losses to the applicant and subsequent purchasers of the land.

(5) The adequacy of water supply and waste disposal for the proposed use.

(6) Consistency with Federal, State; and County comprehensive land use plans and regulations, consistency with the Code of the City of Rye and consistency with the Rye City Development Plan.

(7) The availability of preferable alternative locations on the subject parcel or, in the case of activity that cannot be undertaken on the property without disturbance to wetlands, the availability of other reasonable locations for the activity.

AND, BE IT FURTHER RESOLVED, the Planning Commission finds that approval of a Wetlands and Watercourses Permit for the improvements shown on the aforementioned plan(s) is in keeping with the spirit and intent of the Code of the City of Rye;

_____ _____

Applicant Signature Date

AND, BE IT FURTHER RESOLVED, that the Rye City Planning Commission hereby approves Wetlands and Watercourses Permit #371 for the improvements shown on the aforementioned plans, subject to the following conditions:

A. Conditions to be Completed Prior to the Endorsement of the Plans:

1. Prior to endorsement, the site plan drawings shall be revised to include a detail of the City-approved wetland mitigation markers delineating the edge of the wetland mitigation areas and shall more clearly show the extent of fencing within the wetland buffer.

2. Prior to endorsement the site plan drawing(s) shall be revised to include the following endorsement/signature box:

   Application No. WP#371 approved by Resolution 07-2014 of the Planning Commission of the City of Rye, New York, on April 8, 2014, subject to all requirements and conditions of said Resolution. Any change, erasure, modification or revision of this plan, as approved, shall void this approval.

   Signed this _____day of _____, 20_____

   _____
   Chairman

   _____
   City Planner/Secretary

3. Prior to endorsement of the plans by the Secretary of the Planning Commission, the Applicant shall sign and return one copy of the approved resolution to the Planning Commission indicating acceptance of all conditions of approval. Failure to sign this resolution within sixty (60) days of the filing of this resolution with the City Clerk will deem this approval null and void.

4. Prior to endorsement of the plans by the Secretary of the Planning Commission, the applicant shall submit to the City Planner one (1) digital version of the plans in Adobe Acrobat .pdf format **and** two (2) assembled paper copy sets of the plans to the City Planner.

_____ _____
Applicant Signature Date

5. Prior to endorsement of the plans by the Secretary of the Planning Commission, the Applicant shall pay the required inspection fee of $550.

B. Conditions to be Completed Prior to the Issuance of a Building Permit:

1. The City Planner shall notify in writing the Building Inspector and City Engineer of the applicant's satisfactory completion of those conditions noted in Section A immediately above.

2. The applicant shall obtain and provided copies to the City of all necessary Federal, State and County permits and approvals.

C. Conditions to be Completed Prior to the Commencement of Any Construction:

1. Prior to the start of any work conducted under this permit, erosion and sedimentation control devices in accordance with *Westchester County, N.Y. Best Management Practices for Sediment and Erosion Control* (dated December 1991 or as amended, whichever is later) shall be installed to the satisfaction of the City Engineer and City Building Inspector and, thereafter, be maintained, repaired and replaced as necessary until they authorize their removal.

2. The Applicant shall notify in writing the Planning Commission, the City Planner and the City Engineer of the date on which the work is to begin, at least five (5) days in advance of such date.

3. Prior to the start of any construction an anti-tracking pad and erosion control measures shall be installed, as required and approved by City Staff. All anti-tracking pads and erosion control measures shall be properly maintained throughout the duration of construction to the satisfaction of the City Staff.

D. Conditions to be Completed Prior to the Issuance of a Certificate of Occupancy:

1. Prior to the issuance of the certificate of occupancy, all sidewalks, walkways, curbing, curb cuts, driveways and paved areas shall be installed, repaired or replaced to the satisfaction of the City Engineer.

2. No certificate of occupancy shall be issued until all improvements shown on the approved plans have been provided and applicable conditions of this approval have been complied with to the satisfaction of the City Planner, Building Inspector and Engineer.

_____ _____

Applicant Signature Date

3. The City Building department shall add the following note on the applicant's Certificate of Occupancy:

   "This property is subject to the restrictions and conditions of Wetland Permit No. WP#371, approved by the Rye City Planning Commission on April 8, 2014, in Resolution No.07 - 2014."

E. General Permit Conditions:

1. Work conducted under this permit shall be open to inspection at any time, including weekends and holidays, by the Planning Commission, Building Inspector, City Engineer and the City Planner, or their designated representative(s).

2. The applicant shall notify the City Planner in writing of the completion of the wetland improvements and plantings shown on the approved drawing(s). After such written notification, a member of the Planning Commission, City Planner and/or their designated representative(s) shall inspect all work authorized by this permit for its satisfactory implementation consistent with the approved drawing(s).

3. The applicant shall comply with the requirements of Chapter 174, *Stormwater Management*, of the Rye City Code. The applicant shall provide to the satisfaction of the City Engineer information demonstrating that the proposed drainage system is properly sized to accommodate anticipated stormwater runoff and that the soil conditions on the property can support the proposed drainage measures without adversely impacting neighboring properties. No sub-surface system shall be installed without an inspection and approval by the City Engineering Department. The applicant shall notify the City Engineering Department in writing at least five (5) days prior to the installation of any drainage system to afford the Department sufficient opportunity to inspect soil conditions and the system installation.

4. Prior to the transfer of any interest or title in or to the land subject to this permit, the permit holder shall notify the City in writing of the name and address of such transferee and such transferee shall endorse and submit to the City Planner a copy of this resolution indicating acceptance of all conditions of approval. This paragraph shall not apply to the transfer if improvements have been completed in conformity with this approval.

5. Notwithstanding paragraph E.3 above, there shall be no deviation from the approved plans and City specifications and, further, no modification may be made unless plans for the modification, prepared by the applicant, and a new application has been approved by the Planning Commission.

_____ _____

Applicant Signature Date

6. All other applicable provisions of Chapter 195, Wetlands and Watercourses, of the Code of the City of Rye and all other applicable City, County and State regulations shall be complied with.

7. This Wetlands and Watercourses Permit and Planning Commission Resolution, shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.

AND, BE IT FURTHER RESOLVED, that this permit and the right to undertake work under this permit shall expire one (1) year after the date of the approval of this resolution. In the event that the work permitted by this permit can not be substantially completed within one year after the date of the approval of this resolution, a one (1) year extension of the original permit may be granted by the Planning Commission upon written request by the original permit holder or his/her legal agent at least 90 days prior to the expiration date of the original permit. The Planning Commission may require new hearings if, in its judgment, the original scope of the permit is altered or extended by the renewal, or if the Applicant has failed to abide by the terms of the original permit in any way. The request for renewal of a permit shall follow the same form and procedure as the original application except that the Planning Commission shall have the option of not holding a hearing if the original scope of the permit is not altered or extended in any significant way;

I certify that the foregoing resolution is a correct copy of Planning Commission Resolution #07-2014, which was duly adopted on April 8, 2014.

Christian K. Miller, AICP
City Planner

04/09/14
Date

Applicant Signature

Date