

Rye City Planning Commission Minutes
February 3, 2015

MEETING ATTENDANCE:

Planning Commission Members:

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

Other:

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

1. 56 Intervale Place

- Richard Horsman (applicant’s landscape architect) provided an overview of the application noting that it involved the removal of an existing residence and the construction of a new residence, a portion of which would be located in a 100-foot wetland buffer. He stated that the plan results in a net reduction in impervious area as compared to the existing condition.
- Mr. Horsman stated that the plan also includes mitigation measures including the removal of bamboo on the applicant’s property and the installation of root barriers to prevent the expansion of bamboo from the neighboring property. He stated that trees would be planted in the rear yard.
- Colleen Powers (58 Intervale property owner) questioned the location of the proposed trees on the plan noting that many trees were recently removed in the rear yard. She also questioned the pink flags she observed off the property.
- A neighbor at 54 Intervale questioned the location of the proposed residence.
- Mr. Horsman noted the location of the proposed trees. The Commission stated that the flags represented the location of the off-site wetland, which the Commission required to be staked based on it’s site inspection of the property.
- The City Planner noted to neighbors in attendance at the meeting that the application would also remove yard waste in the paper street immediately off the property.

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1 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to close the
2 public hearing for Wetland Permit application number WP#386, which was
3 carried by the following vote:
4

5	Nick Everett, Chair:	Aye
6	Martha Monserrate, Vice-Chair:	Aye
7	Laura Brett:	Aye
8	Barbara Cummings:	Aye
9	Hugh Greechan:	Absent
10	Peter Olsen:	Absent
11	Alfred Vitiello:	Absent

12
13 **2. 753 Boston Post Road**
14

15 • Larry Nardecchia (applicant's engineer) stated that the application involved the
16 installation of a catch basin and drain line in the wetland buffer. He stated that
17 the drain would be located at the low point in the rear yard and connect to an
18 existing City storm drain in Boston Post Road. He stated that the applicant's
19 property is frequently inundated with stormwater, including three events in the
20 last ten months. Mr. Nardecchia stated that larger storm events result in the
21 accumulation of sediment on the applicant's property, which reduces the
22 permeability of the soil to allow for the infiltration of runoff. Mr. Nardecchia stated
23 that the plan also proposed to bury on-site an existing pile of rocks in the rear
24 yard. There would be only a modest 1-2-inch change in grade associated with
25 the burying of the rocks and that the plan would not alter the flow of water from
26 neighboring properties on to the applicant's property.
27

28 • The Commission noted concern with any potential change in grade and its
29 impact on neighbors.
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31 • Don Reifsnyder stated that he supported the project, but that he wanted
32 assurances that the project would not impede the flow of stormwater, which
33 would cause ponding on his property.
34

35 • Mr. Nardecchia responded that the grade is not proposed to change and that the
36 applicant's property is lower than the abutting neighbors property. He stated that
37 during storm events area properties may flood as they do now, but that the water
38 would drain away more quickly after storm events.
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41 **ACTION:** Laura Brett made a motion, seconded by Barbara Cummings, to close the
42 public hearing for Wetland Permit application number WP#387, which was
43 carried by the following vote:
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45	Nick Everett, Chair:	Aye
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1 Martha Monserrate, Vice-Chair: Aye
2 Laura Brett: Aye
3 Barbara Cummings: Aye
4 Hugh Greechan: Absent
5 Peter Olsen: Absent
6 Alfred Vitiello: Absent
7

8 **3. 190 Stuyvesant Avenue**
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- 10 • Nick Everett stated that since he is recusing himself from this matter the
11 Commission lacked a quorum to conduct the hearing. The hearing was continued
12 to the Commission's February 24, 2015 meeting.
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15 **II. ITEMS PENDING ACTION**
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18 **1. 56 Intervale Place**
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- 20 • Richard Horsman reviewed the planting plan. The Commission discussed and
21 concurred with the type and location of trees shown on the plan. The
22 Commission confirmed for the CC/AC that the application results in a net
23 reduction in impervious area.
24
25 • The Commission reviewed the draft resolution prepared for its consideration and
26 found it acceptable.
27

28 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to approve
29 Wetland Permit application number WP#386 which was carried by the
30 following vote:
31

32 Nick Everett, Chair: Aye
33 Martha Monserrate, Vice-Chair: Aye
34 Laura Brett: Aye
35 Barbara Cummings: Aye
36 Hugh Greechan: Absent
37 Peter Olsen: Absent
38 Alfred Vitiello: Absent
39

40 **2. 753 Boston Post Road**
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- 42 • The Commission reiterated its concern with any potential fill or change in grade
43 on the property that would result in potential adverse stormwater runoff impacts
44 on adjacent properties. The Commission stated that burying the rock in the rear

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1 yard has the potential to change the grade and should be removed from the site.
2 Mr. Nardecchia stated that the applicant was trying to eliminate the cost of such
3 removal. He agreed to amend the plan to indicate that the rocks will be removed
4 from the site.

- 5
6 • The Commission reviewed the draft resolution prepared for its consideration and
7 agreed that it should be amended to require the plan to be revised to indicate
8 that the rock pile in the rear yard will be removed from the site.

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11 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to approve
12 Wetland Permit application number WP#387 which was carried by the
13 following vote:

14		
15	Nick Everett, Chair:	Aye
16	Martha Monserrate, Vice-Chair:	Aye
17	Laura Brett:	Aye
18	Barbara Cummings:	Aye
19	Hugh Greechan:	Absent
20	Peter Olsen:	Absent
21	Alfred Vitiello:	Absent
22		

23 3. 190 Stuyvesant Avenue

- 24
25 • Nick Everett stated that since he is recusing himself from this matter the
26 Commission lacked a quorum to conduct the hearing. The hearing was continued
27 to the Commission's February 24, 2015 meeting.

28 29 4. 12 Pine Island Road

- 30 • Jonathan Kraut (applicant's attorney) stated that the plan was revised based on
31 the comments the Commission raised at its January 20, 2015 meeting. He
32 stated that the revised plan reduced the amount of impervious area previously
33 proposed in the wetland buffer to an increase of 212 square feet.
- 34
35 • Alan Pilch (applicant's engineer and landscape architect) stated that the
36 calculation of impervious area was based on Planning Commission's guidelines
37 and calculates all semi-pervious areas at 50% of the area. He stated that based
38 on those guidelines that actual impervious area was less than the existing
39 condition, but that other semi-pervious areas included in the calculation resulted
40 in a 212 square foot increase in impervious area in the buffer.
- 41
42 • Mr. Kraut added that the plan continues to propose the same amount of
43 landscape mitigation in the wetland buffer resulting in a 20:1 square foot ratio of
44 plantings to impervious area.

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- Leo Napior (applicant's attorney) confirmed that the current plan requires a front yard setback variance and a story variance from the City Zoning Code.
 - The Commission and CC/AC revised the breakdown of square footage of the existing residence and driveway. The Commission questioned how a reduction in impervious area was achieved since there was no change in the footprint of the residence. Mr. Pilch explained that as requested by the Commission at its last meeting the reduction was achieved by incorporating a front-loaded driveway in the plan. This modification reduced the amount of driveway.
 - The Commission stated that further reductions in impervious area in the wetland buffer are required. The Commission stated that additional plan modifications could result in a no net increase in impervious area. Mr. Kraut responded that changes to the plan were possible, but that the current plan meets the decision-making criteria under the City's Wetlands Law. The Commission stated the concerns of area neighbors regarding stormwater runoff and that further reductions are possible. The Commission noted that the Wetlands Law requires impacts to the buffer be minimized to the maximum extent practical and that the plan has not met that standard.
 - There was consensus by the Commission that the house location shown on the plan was acceptable but that the amount of impervious area should be reduced so that there was no net reduction over existing conditions.
 - Dan Richmond (attorney for 14 Pine Island Road neighbors) and their consultants questioned the appropriateness of giving 50% reductions for the use of semi-pervious pavers since over time they can be changed to an impervious material. The Commission and City Planner explained that allowing reductions is a long standing practice of the Commission since it encourages the use of a more environmentally sensitive product. If no such credit was given most applications would not use such materials.
 - Kathryn Woodard (10 Pine Island Road property owner) stated that she has lived through many storms over the years and has witness a lot of flooding in the area and on the applicant's property. She stated that given these floods the project should be reduced.
 - The Commission reviewed the application review process for the benefit of the public in attendance at the meeting and stated that the application would proceed to the Board of Appeals for the variances. If the variances are granted the Commission stated that a more detailed plan would be reviewed by the Commission regarding the stormwater drainage and other measures. The

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1 Commission encouraged the applicant to begin that required percolation tests as
2 soon as possible.

- 3
- 4 • Representatives from Daniel S. Natchez's office representing the property
5 owners of 14 Pine Island Road requested that the residence be moved closer to
6 Pine Island Road.

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9 **5. 77 Wappanocca Avenue**

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- 11 • David Mooney (applicant's architect) stated that the project involved elevating an
12 existing residence to be compliant with the City's Floodplain Management Law.
13 He stated that the project would result in a 156 square-foot increase in
14 impervious area in the wetland buffer. Most of that increase was associated with
15 construction of new front steps and driveway.

- 16
- 17 • The Commission requested that the plan be revised to add a deciduous tree in
18 the rear yard as mitigation.

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21 **ACTION:** Barbara Cummings made a motion, seconded by Martha Monserrate, to
22 set the public hearing for Wetland permit approval application number
23 WP#389, which was carried by the following vote:

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25	Nick Everett, Chair:	Aye
26	Martha Monserrate, Vice-Chair:	Aye
27	Laura Brett:	Aye
28	Barbara Cummings:	Aye
29	Hugh Greechan:	Absent
30	Peter Olsen:	Absent
31	Alfred Vitiello:	Absent

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