Rye City Planning Commission Minutes
March 10, 2015

MEETING ATTENDANCE:

Planning Commission Members:	**Other:**
☒ Nick Everett, Chair	☒ Christian K. Miller, AICP, City Planner
☒ Martha Monserrate, Vice-Chair	☒ Carolyn Cunningham, CC/AC Chair
☒ Andrew Ball	☐ Melissa Johannessen, AICP, LEED AP
☒ Laura Brett	☐
☒ Barbara Cummings	☐
☐ Hugh Greechan	☐
☒ Alfred Vitiello	☐

I. HEARINGS

1. 99 Greenhaven Road

- John Hilt (applicant's representative) provided an overview of the application, noting that it involved the replacement of a pier damaged by Super Storm Sandy. He stated that the new pier would be elevated to be more resistant to future storm events. A new open-grid ramp would be provided to access the pier. In addition, Mr. Hilt stated that the existing timber groin/wall would be reconstructed to prevent beach erosion. All construction work and dock materials would be from barge. He stated that the submission of the wetland permit application to the City includes approval from New York State Department of Conservation, New York State Department of State and Army Corps of Engineers. Mr. Hilt noted that the underwater license from New York State is pending.

- Jordan Seaman (abutting neighbor) questioned whether the floating dock attached to the pier would be replaced. Mr. Hilt stated that it would be replaced in the same location and angle as the existing floating dock and would not be closer to Mr. Seaman's property.

ACTION: Barbara Cummings made a motion, seconded by Laura Brett, to close the public hearing for Wetland Permit application number WP#388, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball	Aye
Laura Brett:	Aye
Barbara Cummings:	Aye
Hugh Greechan:	Absent
Alfred Vitiello:	Aye

II. ITEMS PENDING ACTION

1. 99 Greenhaven Road

- John Hilt explained the location of the piers and floating dock and its relationship to other docks and properties in the area. He stated that the plan includes the dimensions of the dock to Mr. Seaman's property. The Commission stated that applicant will be responsible for maintaining those dimensions as part of its approval of the application.

- The Commission reviewed and found acceptable a draft resolution of approval prepared by the City Planner.

ACTION: Laura Brett made a motion, seconded by Barbara Cummings, to approve Wetland Permit application number WP#388 which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball	Aye
Laura Brett:	Aye
Barbara Cummings:	Aye
Hugh Greechan:	Absent
Alfred Vitiello:	Aye

2. 12 Pine Island Road

- The Planning Commission noted that it has received correspondence from the CC/AC finding the application acceptable based on the fact that the proposed residence would result in no net increase in impervious area in the wetland buffer over existing conditions.

- Leo Napior (applicant's attorney) provided an overview of changes made to the plan. He stated that as requested by the Commission at its previous meeting the driveway alignment was straightened and the steps to the proposed deck were removed from the rear yard setback. He stated that floor plan and footprint of the proposed residence was also changed, but that the plan has no increase in impervious area in the wetland buffer. He stated that these plan changes were included in the applicant's submission to the Board of Appeals and the same plan was being shown to the Planning Commission.

- The Planning Commission reviewed the required variances for the application and noted that it did not result in an increase in impervious area in the wetland buffer. The Commission stated that it would review a more detailed drainage plan after the Board of Appeals took action on the required variances. The Commission preliminarily noted that based on its experience with the area that as the applicant prepares the drainage plan it should consider using more traditional sub-surface drainage measures if the soils are suitable for such measures based on percolation tests. The Commission noted that the soils may be suitable for such measures based on the septic system on the property, which is to be removed.

- The Commission noted that the plan being shown to them that evening by the applicant had not been reviewed by the City Planner to confirm the calculations.

- David Venditti (attorney for 10 Pine Island Road property owners) expressed concern about not having the opportunity to review the most recent plan. He also expressed concern that the previously proposed landscape mitigation plantings had been removed from the plan. He requested that they be put back on the plan. The Commission explained that based on its consistent practice where there is no increase in impervious area mitigation plantings are sometimes not required. Plantings may be required as the Commission continues its review of the application. The original plan proposed an increase in impervious area in the wetland buffer hence the need for the mitigation plantings.

- Mr. Venditti stated that the plan should not be considered by the Board of Appeals until a complete drainage plan had been prepared and reviewed by the Planning Commission. He stated that the drainage information and design may cause a change in the plan. He noted a history of flooding in the area including the evacuation of residents in boats.

- Dan Richmond (attorney for 14 Pine Island Road property owners) stated that the applicant should prepare a drainage plan based on actual percolation rates.

3. Planning Commission's Review of the Petition of Old Post Road Associates, LLC to amend the City Zoning Code and Zoning Map to Change the Zoning Designation of a property at 120 Old Post Road from the B-4, *Office Building,* District to a New RA-6, *Active Senior Residence*, District.

- Jonathan Kraut (petitioner's attorney) provided an overview of the additional information and analysis submitted by the petitioner in response to the Planning Commission's request. He noted modifications to the proposed RA-6 District, an analysis comparing the proposed project density to other multi-family development in the City and other similar age-restricted communities in the

region and supplemental information regarding office market conditions in the area and within the City.

- The Commission discussed its responsibility in providing comments to the City Council that it evaluate the proposed zoning district based on its full development potential based on the proposed use as compared to the full development potential under existing zoning. Jerry Schwalbe (petitioner's engineer) stated that the most recent submission was revised to include the potential full build-out of the site based on the proposed zoning and not just the specific project proposed by the petitioner. He reviewed the proposed standards of the RA-6 District, noting a comparison of the maximum floor area and housing unit density of the proposed zoning to other multi-family communities in the City and region. He stated that a lot or building coverage standard was not provided, but that the proposed RA-6 District requires that 80% of the required parking be located below grade, which will reduce overall impervious area on the site as compared to the existing B-4 District, which has no maximum lot coverage standard.

- Mr. Schwalbe reviewed the proposed setbacks and compared them to the minimum required building setbacks in the existing B-4 District. He stated that building height in the RA-6 District would be limited to 45 feet, consistent with the existing B-4 District, but that the proposed district would allow four stories as compared to three stories in the B-4 District. Mr. Schwalbe noted that the petitioner's analysis shows that based on a potential project valuation of $34 Million that the proposed district could substantially increase tax revenue to the City and Rye City School District as compared to the existing tax revenue from the vacant office building.

- The Commission discussed the office market in the City, noting that it appeared to have a relatively low vacancy rate and that the existing building may support a viable office use. Mr. Kraut responded that those office buildings in the City and area have had modest success in reducing vacancy rates by re-adapting the building to multi-tenant use. He stated that the petitioner's existing office building was originally designed for a single tenant and that it could not be effectively re-configured for multiple tenants. The City Planner noted that office use has impacts, such as traffic generation, that the Commission or City may not find desirable as compared to the proposed use. Mr. Kraut noted that medical office, similar to that as recently approved on the adjacent One Theall Road property could be considered as an example for the Commission to consider. The Commission requested that the petitioner provide an inventory of Rye office buildings, including their floor area.

- The Commission discussed the appropriateness of the proposed age-restricted multi-family use. The Commission questioned the petitioner's target market. Mr. Kraut stated that the proposed development would target empty-nesters seeking to sell their large single-family homes who desire moving to a smaller residence

that provides the services and amenities that a single-family home does not provide. He stated that the proposed development would be rental, would have higher end finishes and would provide a variety of services to tenants. The Commission noted that the use would serve a need in the community and would expand housing options for those seeking to stay within the City, but wanting to move from their current homes. The Commission also noted that the use appeared viable based on the market analysis and that a new development would provide needed stability in the tax base.

- The Commission discussed the proposed bulk and density standards in the proposed RA-5 District. Mr. Schwalbe discussed the proposed design of the building and its residential character. He stated that a 100-foot setback would be provided opposite the residential homes on Old Post Road, consistent with existing zoning setback requirements. He noted that setbacks lesser than currently required by the B-4 District would be allowed under the proposed zoning for property lines abutting the adjacent office building, Osborn Home properties and Playland Parkway Access Drive properties.

- The project architect reviewed the proposed building noting that it would be approximately 220,000 square feet. Given the target market he noted that the project would consist of one and two bedroom units with an average of 1.5 parking spaces per unit. The Commission reviewed and discussed the proposed plans and how the building would relate to the varied topography on the site. The Commission noted concern with the increase in bulk and scale allowed by the proposed RA-6 District. The Commission suggested that the petitioner provide better drawings that show the relationship of the maximum permitted development and changes in setbacks of the existing and proposed zoning districts. The Commission requested that the applicant provide a comparison of the proposed development with other multi-family developments in the City to better assess the project scale.

- The Commission reviewed the other potential impacts associated with the proposed district. Michael Galante (petitioner's traffic consultant) stated that the proposed use would result in less vehicle trips in the peak hour than the existing office building. The Commission recommended that the petitioner provide an analysis of potential police and fire service calls, which may be higher for development permitted under the proposed zoning than the existing district.

- The Commission requested that the petitioner provide a comparison of the bulk, dimensional and parking standards for the proposed district to other similar districts in other communities.