

# Rye City Planning Commission Minutes

June 9, 2015

## MEETING ATTENDANCE:

### Planning Commission Members:

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

### Other:

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

### 1. Wainwright House

- Tony Piscionere (Wainwright Counsel and Board Member) that the applicant is seeking to amend its prior approval for the use of the seasonal tent so that it may shift the use of the tent from mid-May to mid-October. He stated that those seeking weddings prefer them later in the season and do not desire early May weddings. Mr. Piscionere also requested that the term of the current Planning Commission approval be extended from its current expiration of 2016 to 2021 so that it could better plan for future weddings.
- The Commission reviewed existing restrictions governing the use of the seasonal tent.
- Rob Alexander (290 Stuyvesant Avenue) stated his opposition to the applicant's request. He stated that October is the only mild month where they can enjoy the outdoors without the disruption of the amplified music and weekend wedding activities. He stated that the adjacent Fonrose cottage is a hotel that is used for after parties that are loud and that this should be restricted by the Commission.
- A resident of 230 Stuyvesant Avenue also complained of the noise and activity associated with after parties at the Fonrose cottage.
- Mr. Piscionere stated that use of the Fonrose cottage has been discontinued and that music is required to be turned off. He stated that May is not a desirable month for weddings and that Wainwright has only been able to book one wedding in May.
- Elizabeth Alexander (290 Stuyvesant) stated that October is a beautiful New England month and that it shouldn't be disturbed by wedding activities. She suggested Wainwright do a better job of marketing to attract more May weddings.
- The Commission discussed when the applicant proposed to install the tents and what season the applicant intended to start the shift in the tent use. Mr. Piscionere

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1           stated that the tent would not be installed until mid-May and that Wainwright would  
2           like to start next season.

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5 **ACTION:**    Laura Brett made a motion, seconded by Andy Ball, to close the public  
6           hearing on site application number SP#317, which was carried by the  
7           following vote:

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

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18 **2. 28 Walnut Street**

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- Rex Gedney (applicant’s architect) provided an overview of the subdivision noting that it involved the subdivision of a 29,000 square-foot property into two building lots. He stated that the existing residence would be preserved, but that an FAR variance from the Board of Appeals is required for this structure. Mr. Gedney provided an overview of the plan and tree preservation plan.

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- Tony Piscionere (Board of Appeals member) and Planning Commission discussed with the applicant what the total permitted FAR is for both lots combined under existing zoning restrictions. It was agreed that if additional FAR is permitted for the existing residence that the second lot should be limited in FAR so as to not exceed the maximum permitted for the entire property.

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- Mr. Vernace (52 Central Avenue) questioned the drainage plan, environmental plan and the specifics of the site development on the proposed building lot. Mr. Gedney explained that the site topography drains away from his property. He reviewed the proposed plan and stormwater mitigation measures.

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- The City Planner provided an overview of the process noting that the future residence would be subject to review by the Board of Architectural Review and that he could review the plans at the time a building permit is submitted.

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41 **ACTION:**    Laura Brett made a motion, seconded by Andy Ball, to close the public  
42           hearing on subdivision application number SUB#338, which was carried by  
43           the following vote:

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Nick Everett, Chair:	Aye
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1	Martha Monserrate, Vice-Chair:	Aye
2	Andy Ball	Aye
3	Laura Brett:	Aye
4	Barbara Cummings	Absent
5	Hugh Greechan	Aye
6	Alfred Vitiello	Aye

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9 **3. 330 Stuyvesant Avenue**

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11 • The applicant's engineer provided a review of the application noting that it involved  
12 the reconstruction of an existing failing seawall and installation of a new dock. He  
13 stated that the plans were revised to show the extent of development associated  
14 with the previously approved residence.  
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16 • There was no public comment.

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19 **ACTION:** Laura Brett made a motion, seconded by Andy Ball, to close the public  
20 hearing on wetland permit application number WP#393, which was carried  
21 by the following vote:

22		
23	Nick Everett, Chair:	Aye
24	Martha Monserrate, Vice-Chair:	Aye
25	Andy Ball	Aye
26	Laura Brett:	Aye
27	Barbara Cummings	Absent
28	Hugh Greechan	Aye
29	Alfred Vitiello	Aye

30  
31 **II. ITEMS PENDING ACTION**

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33 **1. Wainwright House**

- 34  
35 • The Commission noted the challenges and length of its previous review to  
36 establish the existing restrictions for the use. The Commission discussed why it  
37 should consider amending those restrictions now. The Commission noted that it  
38 may have considered a shift in the months if it had been part of the original request.  
39 The Commission noted that it did not address the use of Fonrose Cottage for  
40 overnight stays.  
41  
42 • The Wainwright Executive Director confirmed that the use of Fonrose Cottage had  
43 been discontinued this year. She provided an overview of the other buildings and  
44 their use on the property.  
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- 1 • Mr. Alexander objected to the extension noting that it will extend through the  
2 Columbus Day weekend, which will be disruptive to neighbors.  
3
- 4 • The Commission struggled with the request noting that it was not their  
5 responsibility to guarantee the applicant a certain number of weddings each  
6 season. The Commission agreed that the modification to its original approval  
7 appeared reasonable and that the balance between the needs of the applicant  
8 versus the concerns of the neighbors. The Commission noted that all other  
9 conditions of approval would remain in effect, which would provide safeguards to  
10 the neighborhood.  
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12 **ACTION:** Laura Brett made a motion, seconded by Andy Ball, to approve site  
13 application number SP#317, which was carried by the following vote:

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

## 23 **2. 28 Walnut Street**

- 24
- 25 • The Planning Commission found the application complete and reviewed the draft  
26 resolution of approval provided for its consideration.  
27

28 **ACTION:** Laura Brett made a motion, seconded by Martha Monserrate, to approve  
29 subdivision application number SUB#338, which was carried by the  
30 following vote:

31		
32	Nick Everett, Chair:	Aye
33	Martha Monserrate, Vice-Chair:	Aye
34	Andy Ball	Aye
35	Laura Brett:	Aye
36	Barbara Cummings	Absent
37	Hugh Greechan	Aye
38	Alfred Vitiello	Aye
39		

## 40 **3. 330 Stuyvesant Avenue**

- 41
- 42
- 43 • The Planning Commission found the application complete and reviewed the draft  
44 resolution of approval provided for its consideration.  
45

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1  
2 **ACTION:** Laura Brett made a motion, seconded by Alfred Vitiello, to approve wetland  
3 permit application number WP#393, which was carried by the following  
4 vote:

5  
6 Nick Everett, Chair: Aye  
7 Martha Monserrate, Vice-Chair: Aye  
8 Andy Ball Aye  
9 Laura Brett: Aye  
10 Barbara Cummings Absent  
11 Hugh Greechan Aye  
12 Alfred Vitiello Aye  
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16 **4. 13 Sunset Lane**  
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- 18 • Richard Horsman (applicant’s landscape architect) reviews changes to the plans  
19 since the last submission to the Commission. He confirmed that the gas line could  
20 not be extended to the residence and that the required propane tanks are in located  
21 in the only possible location on the property. He stated that an alternative location  
22 outside the buffer was not available. Mr. Horsman confirmed that there is no pipe  
23 within the proposed headwall for the brook crossing.  
24
- 25 • The Commission expressed concern for the propane tank safety measures, but  
26 agreed that the application had been modified to address their concerns under the  
27 City’s wetlands law.  
28  
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30 **ACTION:** Laura Brett made a motion, seconded by Martha Monserrate, to approve  
31 wetland permit application number WP#391, which was carried by the  
32 following vote:

33  
34 Nick Everett, Chair: Aye  
35 Martha Monserrate, Vice-Chair: Aye  
36 Andy Ball Aye  
37 Laura Brett: Aye  
38 Barbara Cummings Absent  
39 Hugh Greechan Aye  
40 Alfred Vitiello Aye  
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43 **5. Theodore Fremd Affordable Housing**  
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- 1 • The Commission reviewed the lighting plan and noted concern with the number of  
2 lights proposed.  
3
- 4 • Lou Larizza (applicant) stated that the plan should be considered a maximum and that  
5 he may not install all the lights based on actual field conditions.  
6

7 **ACTION:** Laura Brett made a motion, seconded by Alfred Vitiello, to approve site plan  
8 and wetland permit application number SP#350, which was carried by the  
9 following vote:

10		
11	Nick Everett, Chair:	Aye
12	Martha Monserrate, Vice-Chair:	Aye
13	Andy Ball	Aye
14	Laura Brett:	Aye
15	Barbara Cummings	Absent
16	Hugh Greechan	Aye
17	Alfred Vitiello	Aye
18		

### 19 6. 980 Forest Avenue

- 20
- 21 • The Commission reviewed the proposed plan and requested that it be revised to shift  
22 the wall closer to the residence and further from the wetland. The Commission noted  
23 that the fence in the wetland buffer did not seem necessary.  
24
- 25 • Rex Gedney (applicant's architect) stated that the plan will be revised to eliminate the  
26 fence around the pond. He stated that the location of the wall was revised and that  
27 the new location reduces the amount of fill in the wetland buffer.  
28

29 **ACTION:** Martha Monserrate made a motion, seconded by Laura Brett, to set a public  
30 hearing for its next meeting on modified wetland permit application number  
31 SP#375, which was carried by the following vote:

32		
33	Nick Everett, Chair:	Aye
34	Martha Monserrate, Vice-Chair:	Aye
35	Andy Ball	Aye
36	Laura Brett:	Aye
37	Barbara Cummings	Absent
38	Hugh Greechan	Aye
39	Alfred Vitiello	Aye
40		

### 41 7. Midland Avenue

- 42
- 43 • Whitney Singleton (applicant's attorney) stated that the plan was revised to show  
44 the amount of upland area and that the size of the residence complied with the  
45 floor area ratio (FAR) requirements of the City Zoning Code.

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- Steve Marino (applicant's environmental consultant) provided an overview of the plan reviewing for the Commission the stormwater report, drainage plan and proposed grading.
  - The Commission discussed the details of the stormwater system, the implications of the proposed development in the flood zone and the extent of tree removal. Mr. Marino confirmed for the Commission the minimal setback of the residence of 3-4 feet from the wetland edge at its closest point to approximately 20 feet at its furthest point from the wetland edge.
  - The Commission noted concern with the minimal setback of the residence from Midland Avenue and stated that the residence would be inconsistent with the front yard setback of other residences in the area.
  - The Commission stated that it is familiar with the review of wetland permit applications for development on pre-existing lots that are encumbered with wetland and wetland buffer including recent applications on Pine and Kirby Lanes. The Commission stated that this application is unique in that the three-foot setback of proposed structures is significantly closer to the wetland edge than other applications and that the extent of wetland buffer disturbance is substantial. The Commission noted that additional site disturbance is required to provide compensatory storage pursuant to the flood law and that there is little buffer remaining to provide mitigation.
  - The Commission reviewed the wetland mitigation plan with Mr. Marino. He noted the location and amount of wetland plants and the proposed invasive species removal within the wetland itself. The Commission questioned the intention for the second lot owned by the applicant and shown on the plans, which is substantially encumbered with wetland. The Commission discussed with the Mr. Marino the possibility of enhancing his mitigation plan by offering this lot for dedication to the City for preservation. The Commission noted that this second lot could be added to the collection of lots the City has acquired in the Red Maple Swamp over the years. The Commission stated that the plan should include measures to better define the wetland edge to prevent future encroachment. Mr. Marino responded that the plan does not include any useable rear yard, which necessitates the need for the proposed second floor decks to provide some outdoor space for the residence.
  - The Commission noted concern with the proposed residence given the limited amount of wetland buffer available for construction. The Commission stated that the large residence, two decks, three-car garage and other development elements is too big for the constrained site. The Commission requested that the applicant consider a smaller footprint that is more appropriate for the site.

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## 8. 69 Theodore Fremd Avenue

- Leo Napair (applicant's attorney) provided a review of the application noting the changes in the existing curb-cuts serving the gas station property. He provided a review of the site lighting and the proposed rain garden to capture and treat runoff from the existing impervious site located adjacent to Blind Brook.
- The Commission agreed that the application was complete for the setting of a public hearing.

**ACTION:** Laura Brett made a motion, seconded by Alfred Vitiello, to set a public hearing for its next meeting on site plan number SP#365 and wetland permit application number WP#394, which was carried by the following vote:

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

## 9. 600 Midland Avenue

- The applicant's engineer provided an overview of the site plan noting the location of the perimeter fencing, which is required for security reasons since the intended building tenant is the FBI. The engineer noted the relationship of the visitor and handicapped parking located on the outside of the controlled access security gate. The engineer noted that the gate would operate in such a fashion so that vehicle queuing would not spill out onto Midland Avenue causing vehicle delays. The landscape plan was reviewed. The engineer noted that a pervious paver system was proposed to be used for the sidewalk in the wetland buffer.
- The Commission noted concern with the security gate system and wanted greater assurances that there was adequate on-site vehicle queuing during peak periods of use. The Commission stated that since the project is located on a County road that it should be reviewed by Westchester County.

## 10. Shenorock Shore Club

- Rex Gedney (applicant's architect) provided an overview of the project noting that the club was constructing an addition what was in the same location as a portion of the building that was damaged by a fire in the 1970s and never rebuilt. He

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1 stated that the area of the addition is the “gap” between the bath house and  
2 clubhouse. The area would be used for additional office space for the club. Mr.  
3 Gedney also reviewed the changes in the cabana area.  
4

- 5 • Mr. Gedney provided an overview of the floor elevation of the existing structure  
6 noting that they are below the FEMA flood elevations on the site as shown on the  
7 existing flood insurance rate maps as compared to the pending preliminary maps.  
8
- 9 • Azure Dee Sleicher (applicant’s coastal engineer) reviewed the location of the  
10 NYSDEC wetland line and stated that the project is consistent with coastal  
11 consistency policies.  
12
- 13 • .The Commission requested that the plan show zoning compliance, the location of  
14 the NYSDEC and City wetland buffer and that the plan calculate the amount of  
15 construction area in the wetland buffer. The Commission suggested that the  
16 applicant consider potential locations for wetland mitigation plantings.  
17

### 18 11.16 Pine Island Road

- 19
- 20 • Linda Whitehead (applicant’s attorney) stated that the application involved the  
21 extension of a dock and landing float for recreational use by the property owner.  
22 Ms. Whitehead stated that the application received NYSDEC and ACOE  
23 approvals.  
24
- 25 • Azure Dee Sleicher (applicant’s coastal engineer) provided a more detailed review  
26 of the application noting the size and dimensions of the gangway, float and dock.  
27 She reviewed the location of the anchored piles and noted that the design  
28 provides 18-inches of clearance above mean low water. She reviewed NYSDEC  
29 requirements and how those requirements dictated the size, length, height and  
30 other design elements of the proposed dock.  
31
- 32 • The Commission questioned why the proposed design is different from other docks  
33 in the cove area, which appear less intrusive. Ms. Sleicher stated that those docks  
34 appear to pre-date NYSDEC jurisdiction and would likely not be approvable today  
35 given current standards. The Commission confirmed with Ms. Sleicher the low tide  
36 depths in the area.  
37
- 38 • Ms. Whitehead stated that she would provide copies of the recorded easement  
39 giving the applicant the right to access and install the dock.  
40

41 **ACTION:** Laura Brett made a motion, seconded by Alfred Vitiello, to set a public  
42 hearing for its next meeting on wetland permit application number WP#397,  
43 which was 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	Andy Ball	Aye
3	Laura Brett:	Aye
4	Barbara Cummings	Absent
5	Hugh Greechan	Aye
6	Alfred Vitiello	Aye
7		
8		