

Rye City Planning Commission Minutes (Cont.)

June 23, 2015

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- The Planning Commission received a letter from the applicant’s representatives requesting an adjournment of the public hearing to the next meeting on July 21, 2015. Therefore, there was no hearing, public comment, or discussion of this application.

3. 600 Midland Avenue

- The applicant’s representative stated that the proposed project will increase the floor area of the building, but will be contained within the existing roof line of the building.
- There were no questions from the Commission and no comments from the public.

ACTION: Martha Monserrate made a motion, seconded by Laura Brett, to close the public hearing for Site Plan application number SP#357/Wetland Permit application number #WP395, 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:	Aye
Alfred Vitiello:	Absent

4. 16 Pine Island Road

- Barbara Cummings recused herself from the discussion of this application.
- Ms. Linda Whitehead, attorney, was present for the applicant. Ms. Whitehead stated that the application is for an easement to use a portion of the property at 7 Pine Island for a boat dock. She noted that the easement was granted in 1962 when the lots were originally subdivided and created. Ms. Whitehead stated that the project includes a 3’ by 50’ aluminum gangway, a 4’ by 22’ landing float, and an 8’ x 20’ main float that would be supported by six 12” diameter timber piles. She also stated that the NYSDEC required a reduction in the dock size from a previous plan, and also required the pilings in order to elevate the dock to keep it off of the mud flat. She noted that the pilings were not part of the original application but were added at the requirement of the DEC.

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1 • The Commission asked whether the applicant considered reducing the size of
2 the float, given that there are aesthetic considerations to the addition of the float.
3 Ms. Whitehead stated that the float had already been reduced in size from 32'
4 and is the minimum size that would be adequate for a 25' boat such as that of
5 the applicant.

6
7 • There were no comments from the public.

8
9 **ACTION:** Laura Brett made a motion, seconded by Martha Monserrate, to close the
10 public hearing for Wetland Permit application number #WP397, which was
11 carried by the following vote:

12

13	Nick Everett, Chair:	Aye
14	Martha Monserrate, Vice-Chair:	Aye
15	Andrew Ball:	Aye
16	Laura Brett:	Aye
17	Barbara Cummings:	Recuse
18	Hugh Greechan:	Aye
19	Alfred Vitiello:	Absent

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21

22 **II. ITEMS PENDING ACTION**

23
24 **1. 980 Forest Avenue**

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26 • The Commission noted that the CC/AC reviewed the application and found it
27 unacceptable. However, upon discussion it was clarified that the CC/AC does not
28 object to the current application, which involves only extension of the retaining
29 wall and installation of the split rail wood fence. The City Planner noted that he
30 will amend the draft resolution to reflect the CC/AC's opinion.

31
32 • The Commission further reviewed the draft resolution and made minor edits.

33
34 • The Commission discussed the potential impact of the proposed project on water
35 storage capacity on the site. Mr. Pilch noted that the site's stormwater system will
36 capture the additional runoff created by the increase in impervious surface area
37 (previously approved) and will not change the hydrology of the site. He also
38 noted that the stormwater system provides treatment of the runoff, which is a
39 benefit over the existing condition.

40
41 **ACTION:** Laura Brett made a motion, seconded by Martha Monserrate, to approve
42 as amended Wetland Permit application number #WP375
43 (MODIFICATION), which was carried by the following vote:

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

8
9

10 **2. 69 Theodore Fremd Avenue**

11

- 12 • As noted previously, per the applicant's request this item will be placed on the
13 agenda for the next Commission meeting on July 21, 2015. Therefore, it was not
14 discussed.

15
16

17 **3. 600 Midland Avenue**

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- 19 • The applicant left the meeting subsequent to the public hearing and therefore
20 was not present for the discussion of the application.

21

- 22 • The Commission noted that the CC/AC reviewed the application and found it
23 conditionally acceptable and had recommended the use of pervious pavers. The
24 City Planner noted that the applicant is proposing concrete.

25

- 26 • The Commission discussed the use of the gate for traffic control and the
27 possibility that it could result in offsite traffic impacts. The Commission stated
28 that traffic concerns had previously been noted. The City Planner stated that a
29 condition could be added to the resolution specifying that if offsite traffic queuing
30 becomes a persistent problem, the applicant shall be required to submit an
31 alternate plan showing a relocated driveway. The City Planner noted that this
32 would be consistent with what had previously been discussed regarding potential
33 traffic and safety concerns.

34

35 **ACTION:** Barbara Cummings made a motion, seconded by Martha Monserrate, to
36 approve as amended Site Plan application number SP#357/Wetland
37 Permit application number #WP395, which was carried by the following
38 vote:

39

40	Nick Everett, Chair:	Aye
41	Martha Monserrate, Vice-Chair:	Aye
42	Andrew Ball:	Aye
43	Laura Brett:	Aye
44	Barbara Cummings:	Aye

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1 Hugh Greechan: Aye
2 Alfred Vitiello: Absent
3
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5 **4. 16 Pine Island Road**
6

- 7 • Barbara Cummings recused herself from the discussion of this application.
8
9 • The Commission stated that it was desirable to have the float be as modest as
10 possible given the size of the applicant's boat, and noted that it appeared as if
11 that were the case in the present application.
12
13 • The Commission confirmed with the applicant that the gangway and floats would
14 be seasonal and would not be in the water year-round. The Commission also
15 confirmed with the applicant that they would not be stored on the easement
16 property. Ms. Whitehead noted that they may be stored on the property at 14 or
17 16 Pine Island Drive.
18
19 • The Commission discussed the dates during which the dock and floats would be
20 allowed in the water. The dates chosen were from April 1 to October 31. The City
21 Planner stated that he would add the dates to the Resolution.
22

23 **ACTION:** Laura Brett made a motion, seconded by Andrew Ball, to approve as
24 amended Wetland Permit application number #WP397, which was carried
25 by the following vote:
26

27 Nick Everett, Chair: Aye
28 Martha Monserrate, Vice-Chair: Aye
29 Andrew Ball: Aye
30 Laura Brett: Aye
31 Barbara Cummings: Recuse
32 Hugh Greechan: Aye
33 Alfred Vitiello: Absent
34
35

36 **5. Shenorock Shore Club**
37

- 38 • It was noted that Barbara Cummings is a member of the Shenorock Shore Club,
39 but it was not necessary for her to recuse herself from the discussion of this
40 application.
41
42 • The Commission and Mr. Gedney discussed whether the mean high water line or
43 the tidal wetland boundary line was the appropriate line to use for determining

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- 1 the 100-foot wetland setback. After some discussion, the Commission agreed
2 that the wetland setback should be determined from the mean high water line.
3
- 4 • The Commission asked if any alternatives to the cabanas had been considered.
5 The Commission questioned the decision to replace them in the same location
6 after they were destroyed in Hurricane Sandy. Mr. Gedney replied that other
7 alternatives had not been considered. He noted that there is really no other
8 location to put cabanas, but the project incorporates better design, such as
9 fortifying the substructure. Mr. Gedney did note that perhaps the cabanas could
10 be moved back some.
11
 - 12 • The Commission commented that the cabanas were going to continue to be
13 destroyed by future storms and sea level rise and the Club would continue to
14 have to replace them. It was discussed that the Club should consider something
15 other than cabanas and that the applicant needs to consider ways to reduce the
16 project's impact. The City Planner noted that nothing can be done to get the
17 project out of the flood zone.
18
 - 19 • The City Planner stated that the proposed mitigation planting is not meaningful
20 because it is so scattered on the site. Mr. Scott Blakely stated that different
21 mitigation would be explored.
22
 - 23 • The Commission discussed the insurance implications of property destruction at
24 the Club. The City Planner noted that there is nowhere on the site to build that
25 would be compliant with FEMA regulations. The Commission expressed concern
26 over the debris that is generated from property destruction during a storm, and
27 noted that the impact of debris is a public concern. The City Planner noted that if
28 the cabanas are destroyed again in the future, the Club can rebuild them without
29 going through the approval process again.
30
 - 31 • The Commission suggested that the size of the clubhouse addition and the
32 number of cabanas could be reduced. Mr. Gedney stated that this had not been
33 discussed with the applicant. The Commission stated that the impacts of the
34 project need to be minimized to the maximum extent possible and they are not
35 comfortable with the impacts of the project. The Commission directed Mr.
36 Gedney to discuss possible changes in the plan with the applicant.