

**Rye City Planning Commission Minutes**  
August 11, 2015

**MEETING ATTENDANCE:**

**Planning Commission Members:**

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett
- Barbara Cummings
- Hugh Greechan
- 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. Shenorock Shore Club**

- Barbara Cummings recused herself from the discussion of this application.
- Ms. Danielle Devino and Ms. Aleksandra Moch represented the applicant. Ms. Devino stated that the application consists of rebuilding a portion of the clubhouse building that was destroyed by fire and replacing five cabanas that were lost in Superstorm Sandy. She stated that a mitigation plan has been developed and the variance required for the flood elevation has already been received.
- 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#358/Wetland Permit application number WP#396, which was carried by the following vote:

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

**2. 57 Midland Avenue**

- Mr. David Mooney represented the applicant. Mr. Mooney stated that the project consisted of the installation of a 63-foot length of 4-foot-high wood picket fence.

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- 1  
2       • There were no questions from the Commission and no comments from the  
3       public.  
4

5 **ACTION:** Martha Monserrate made a motion, seconded by Laura Brett, to close the  
6       public hearing for Wetland Permit application number WP#398, which was  
7       carried by the following vote:  
8

9               Nick Everett, Chair:                               Aye  
10              Martha Monserrate, Vice-Chair:                Aye  
11              Andrew Ball:                                       Absent  
12              Laura Brett:                                        Aye  
13              Barbara Cummings:                             Aye  
14              Hugh Greechan:                                  Aye  
15              Alfred Vitiello:                                 Absent  
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18 **II. ITEMS PENDING ACTION**

19  
20 **1. Shenorock Shore Club**  
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- 22       • The Commission asked about the specific location of the proposed purple martin  
23       nesting structures. Ms. Moch pointed out their location on the plan and stated  
24       that the location will be indicated on the final plans. Ms. Moch noted that a  
25       maintenance plan for the nesting structures had been provided.  
26  
27       • The Commission asked for an overview of how the nesting structures function.  
28       Ms. Moch explained how the purple martins are expected to use the nesting  
29       structures. The Commission commented that the Club might want to consider  
30       implementing an educational program for children around the nesting structures,  
31       which could assist the Club with maintenance and monitoring. It was also  
32       suggested that the Club educate its members about what the nesting structures  
33       are and why they are there.  
34  
35       • The Commission asked that the Club update the Commission in a period of two  
36       years on how the structures are functioning and what kind of use they are getting  
37       from the purple martins. Ms. Moch stated that she would be happy to assist the  
38       Club with monitoring.  
39  
40       • The Commission reviewed the draft resolution and made minor edits.  
41

42 **ACTION:** Laura Brett made a motion, seconded by Martha Monserrate, to approve  
43       as amended Site Plan application number SP#358/Wetland Permit  
44       application number WP#396, which was carried by the following vote:

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1  
2 Nick Everett, Chair: Aye  
3 Martha Monserrate, Vice-Chair: Aye  
4 Andrew Ball: Absent  
5 Laura Brett: Aye  
6 Barbara Cummings: Recuse  
7 Hugh Greechan: Aye  
8 Alfred Vitiello: Absent  
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10  
11 **2. 57 Midland Avenue**

- 12  
13 • The Commission noted that the CC/AC reviewed the application and found it  
14 acceptable. The Commission reviewed the draft resolution and made minor edits.  
15

16 **ACTION:** Martha Monserrate made a motion, seconded by Barbara Cummings, to  
17 approve as amended Wetland Permit application number WP#398, which  
18 was carried by the following vote:  
19

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

28  
29 **3. 49 Midland Avenue**

- 30  
31 • Mr. Richard Horsman, landscape architect, was present for the applicant. The  
32 Commission asked for clarification about the amount of construction being  
33 proposed in the wetland buffer. Mr. Horsman stated that the existing wood deck  
34 was being replaced and wooden steps were being added. He stated that there  
35 would be no increase in impervious area in the buffer. The Commission  
36 requested that the amount of existing and proposed impervious area be noted on  
37 the site plan.  
38

39 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to set the  
40 public hearing for Wetland Permit application number WP#399, which was  
41 carried by the following vote:  
42

43 Nick Everett, Chair: Aye  
44 Martha Monserrate, Vice-Chair: Aye  
45 Andrew Ball: Absent

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1	Laura Brett:	Aye
2	Barbara Cummings:	Aye
3	Hugh Greechan:	Aye
4	Alfred Vitiello:	Absent

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**4. 309 Grace Church Street**

- 9 • Mr. Richard Horsman, landscape architect, was present for the applicant. Mr.  
10 Horsman briefly described the application, stating that the project consists of a  
11 new patio at the rear of the house, part of which is in the wetland buffer. Mr.  
12 Horsman stated that the patio will be composed of bluestone on top of a pervious  
13 paver system and the drainage will be contained in the gravel below in all but  
14 extreme conditions. He also noted that there were two options for mitigation: the  
15 existing bamboo could be removed and replaced with new plantings, or the  
16 existing wetland plants could be supplemented with additional plants.  
17
- 18 • The Commission inquired about the extent of development that was approved in  
19 a 2004 application. The Commission also asked about the mitigation that had  
20 been required at that time, whether it had been implemented, and what the status  
21 of it was now. Mr. Horsman stated that the plants and trees near the wetland  
22 could have been mitigation plants from the previous application. He noted that  
23 some of the existing plants are not in good condition. Mr. Horsman stated that  
24 removing and replacing the bamboo could be a long process of a year or more.  
25 The Commission stated that removing the bamboo is a good idea.  
26
- 27 • The Commission asked if the house was still on septic and Mr. Horsman replied  
28 that it was. Mr. Horsman stated that the plan was to connect to the Kirby Lane  
29 sewer in a few years.  
30
- 31 • The Commission noted that the CC/AC reviewed the application in its August 11<sup>th</sup>  
32 memo and found the application unacceptable as proposed. It was noted that the  
33 CC/AC would support the use of pervious pavers and implementation of both  
34 options for wetland mitigation. Carolyn Cunningham noted that the patio could be  
35 reduced in size.  
36
- 37 • The Commission asked for clarification of the increase in impervious surface  
38 area. Mr. Horsman stated that the increase is 737 square feet as drawn, but it  
39 would be calculated as less with the 50% reduction allowed for use of pervious  
40 pavers. The Commission noted that it would be helpful to have a summary of the  
41 increase on the plan and Mr. Horsman replied that he will add the summary from  
42 his cover letter to the plan.  
43

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- 1 • Mr. Horsman noted that the previous owner did all of the previously approved  
2 work, not this present applicant. It was also noted that there was one application  
3 in 2012 that was never approved. The Commission asked that Mr. Horsman  
4 return with the planting plan as well as an identification of what had been done  
5 previously and where, and a status of the condition of the previous wetland  
6 mitigation.  
7

8 **ACTION:** Barbara Cummings made a motion, seconded by Martha Monserrate, to  
9 set the public hearing for Wetland Permit application number WP#400,  
10 which was carried by the following vote:  
11

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

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21 **5. 19 Richard Place**  
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- 23 • Mr. Richard Horsman, landscape architect, was present for the applicant. Mr.  
24 Horsman briefly described the application. He stated that the project includes  
25 construction of a two-story addition to the rear of the house, a deck off the rear of  
26 the house, and a covered front porch. Mr. Horsman stated that beneath the deck  
27 would be crushed stone or gravel. A concrete walkway will also be removed.  
28
- 29 • Mr. Horsman stated that the wetland is located adjacent to the property and the  
30 entire property is within the wetland buffer. He stated that there are two options  
31 for locating the required wetland mitigation. He described the options as follows:  
32 Option 1 is in the right rear corner of the property adjacent to the wetland area  
33 and Option 2 is in the left rear corner of the property. Mr. Horsman stated that  
34 Option 1 makes the most sense because it's adjacent to the wetland, but the  
35 area is quite shady and close to deer that inhabit the wetland. Mr. Horsman  
36 stated that Option 2 gets more sun and is farther away from the deer, and also  
37 noted that Option 2 would benefit the neighboring property as well.  
38
- 39 • The Commission asked about access to the basement. Mr. Horsman stated that  
40 there will be no outside basement doors. He stated that access to the basement  
41 will be through the garage and through the house.  
42
- 43 • The Commission inquired about the existing wood pile that is located on City  
44 property. Mr. Horsman stated that it would be relocated. The Commission  
45 indicated that this will be a condition of approval.

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- Mr. Horsman confirmed that the removal of the existing concrete pad is accounted for in the impervious calculations. The Commission requested that a chart of the impervious calculations be included on the plan and also requested a plant list and planting plan.

**6. 979 Forest Avenue**

- Barbara Cummings recused herself from the discussion of this application.
- Ms. Linda Whitehead, attorney, and Mr. David Mooney, architect, were present for the application. Ms. Whitehead stated that the applicant constructed a flagpole and a kayak storage rack in the wetland buffer without a permit, and the applicant is now seeking the proper permit. She stated that this is a *de minimus* application, with a 3.62-square-foot increase in impervious surface area in the wetland buffer.
- Ms. Whitehead stated that the kayak rack is constructed of wood posts with rope, with wood chips underneath to allow for drainage. She stated that the flagpole is 40 feet high and wind rated to 100 mph with the flag raised. She also stated that the flagpole is foldable in cases of severe weather. Ms. Whitehead noted that the base of the flagpole is screened by shrubs.
- The Commission asked if the flagpole required a building permit and Mr. Mooney replied that it was not required.
- The Commission asked about the lights on the flagpole. Ms Whitehead stated that lights are required if the flag is to be kept out at night. She stated that the lights are low voltage with subterranean fixtures and they are adjusted to the lowest wattage.
- The Commission discussed the aesthetic impacts of the flagpole. Ms. Whitehead stated that the wetland impacts are *de minimus* and noted that the code exempts flagpoles from height restrictions. The Commission stated that the lights could have an adverse impact on wildlife. Ms. Whitehead stated that the lights are very low wattage and offered to provide details on the fixtures and wattage.
- The Commission asked if other locations were considered for the flagpole. Ms. Whitehead responded that it was located where there was some ground-level screening and trees along the neighboring property. She noted that there is no room in the front yard.

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- 1       • The Commission recommended that the application appear before the Board of  
2       Architectural Review for comment.

3  
4 **ACTION:**     Laura Brett made a motion, seconded by Hugh Greechan, to set the public  
5     hearing for Wetland Permit application number WP#402, which was  
6     carried by the following vote:

7  
8             Nick Everett, Chair:                     Aye  
9             Martha Monserrate, Vice-Chair:        Aye  
10            Andrew Ball:                            Absent  
11            Laura Brett:                            Aye  
12            Barbara Cummings:                    Recuse  
13            Hugh Greechan:                        Aye  
14            Alfred Vitiello:                       Absent  
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