

Rye City Planning Commission Minutes
November 19, 2019

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett
- Richard Mecca
- Steven Secon
- Birgit Townley

Other:

- Christian K. Miller, AICP, City Planner
- Tracy Stora, CC/AC
- Melissa Johannessen, AICP, LEED AP
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1
2 **I. HEARINGS**

3
4 **1. Shenorock Shore Club – Proposed Dock Expansion**

- 5
6 • At the applicant's request, this item was postponed until the next meeting. There
7 was no discussion.

8
9 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to continue the
10 public hearing for Wetland Permit Application Number WP#465, 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 Richard Mecca: Aye
18 Steven Secon: Aye
19 Birgit Townley: Aye

20
21
22 **2. 27 High Street**

- 23
24 • Marc Castaldi (applicant) provided an overview of the project and the changes to
25 the site plan as requested by the Planning Commission including modifications in
26 the driveway configuration, parking stalls, shifting of the garage location and
27 stormwater design.
28
29 • There were no questions from the Commission and no comments from the public.

30
31 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to close the public
32 hearing for Site Plan Application Number SP#379, which was carried by the
33 following vote:

34
35 Nick Everett, Chair: Aye

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1 Martha Monserrate, Vice-Chair: Aye
2 Andrew Ball: Aye
3 Laura Brett: Aye
4 Richard Mecca: Aye
5 Steven Secon Aye
6 Birgit Townley Aye
7
8

9 **3. 337 Park Avenue**

- 10
11 • Alan Pilch (applicant's engineer) provided an overview of the application. He noted
12 the location of the proposed addition to the residence. He stated that
13 approximately 80% of the property is located in a wetland or wetland buffer. He
14 stated that the proposed house addition was reduced in scope from a previous
15 proposal to reduce wetland buffer impacts, which were off-set by the proposed
16 landscape mitigation plan. Mr. Pilch noted the location and design of the
17 stormwater mitigation measures.
18
19 • There were no questions from the Commission and no comments from the public.
20

21 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to close the public
22 hearing for Wetland Permit Application Number WP#445, which was carried
23 by the following vote:
24

25 Nick Everett, Chair: Aye
26 Martha Monserrate, Vice-Chair: Aye
27 Andrew Ball: Aye
28 Laura Brett: Aye
29 Richard Mecca: Aye
30 Steven Secon Aye
31 Birgit Townley Aye
32
33

34 **4. Apawamis Club – Irrigation Pump House Replacement**

- 35
36 • Zac Pearson (project engineer) provided an overview of the application. He stated
37 that the club requires new larger pumps, which necessitates the need for a new
38 pump house. He reviewed the building plan, location to the adjacent wetland and
39 flood zone and the details for the proposed rain garden to address stormwater
40 runoff. He clarified the need for the floats located in the pond by stating that the
41 floats currently exist and that their purpose is to allow for intake from the pond and
42 to prevent sediment from entering the pumps.
43
44 • Ms. Johnson (277 Locust Avenue resident) noted concern with the potential for the
45 pumps to impact flood flows within the brook during storm events. The applicant

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1 responded that the pump system would have no impact on flood flows and that the
2 system would be used for irrigation and would not operate during storm events.
3

- 4 • The Commission noted that the applicant has stated that the new replacement
5 pumps would produce less noise than the existing pumps.
6

7 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to close the public
8 hearing for Wetland Permit Application Number WP#466, which was carried
9 by the following vote:

10
11 Nick Everett, Chair: Aye
12 Martha Monserrate, Vice-Chair: Aye
13 Andrew Ball: Aye
14 Laura Brett: Aye
15 Richard Mecca: Aye
16 Steven Secon Aye
17 Birgit Townley Aye
18

19
20 **II. ITEMS PENDING ACTION**

21
22 **1. Shenorock Shore Club – Proposed Dock Expansion**

- 23
24 • There was no discussion of this item.
25

26
27 **2. 27 High Street**

- 28
29 • The Commission reviewed the draft resolution and made minor revisions.
30

31 **ACTION:** Richard Mecca made a motion, seconded by Birgit Townley, to approve as
32 amended Site Plan Application Number SP#379, which was carried by the
33 following vote:

34
35 Nick Everett, Chair: Aye
36 Martha Monserrate, Vice-Chair: Aye
37 Andrew Ball: Aye
38 Laura Brett: Aye
39 Richard Mecca: Aye
40 Steven Secon Aye
41 Birgit Townley Aye
42
43
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- 1 **3. 337 Park Avenue**
- 2
- 3 • Mr. Pilch (applicant’s engineer) confirmed for the Commission that the 100-year
- 4 storm design standard was used for the stormwater measures.
- 5
- 6 • The Commission reviewed the draft resolution and made minor revisions.
- 7

8 **ACTION:** Richard Mecca made a motion, seconded by Martha Monserrate, to
9 approve as amended Wetland Permit Application Number WP#445, which
10 was carried by the following vote:

11		
12	Nick Everett, Chair:	Aye
13	Martha Monserrate, Vice-Chair:	Aye
14	Andrew Ball:	Aye
15	Laura Brett:	Aye
16	Richard Mecca:	Aye
17	Steven Secon	Aye
18	Birgit Townley	Aye
19		
20		

21 **4. Apawamis Club – Irrigation Pump House Replacement**

- 22
- 23 • The Planning Commission reviewed the proposed planting plan and questioned
- 24 the location of certain plant materials to be installed and the preservation of
- 25 existing plants at the project site. The applicant confirmed that the existing
- 26 magnolia tree will be preserved, but that the older maple tree would be removed.
- 27
- 28 • The Commission reviewed the most recent comments of the CC/AC, which found
- 29 the application “acceptable”.
- 30
- 31 • The Commission reviewed the draft resolution and made minor revisions.
- 32

33 **ACTION:** Richard Mecca made a motion, seconded by Martha Monserrate, to
34 approve as amended Wetland Permit Application Number WP#466, which
35 was carried by the following vote:

36		
37	Nick Everett, Chair:	Aye
38	Martha Monserrate, Vice-Chair:	Aye
39	Andrew Ball:	Aye
40	Laura Brett:	Aye
41	Richard Mecca:	Aye
42	Steven Secon	Aye
43	Birgit Townley	Aye
44		
45		

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1 **5. Rockridge Christmas Tree Sales**

2
3 **ACTION:** Martha Monserrate made a motion, seconded by Richard Mecca, to
4 approve the Use Permit for Christmas tree sales, which was carried by the
5 following vote:

6
7 Nick Everett, Chair: Aye
8 Martha Monserrate, Vice-Chair: Aye
9 Andrew Ball: Aye
10 Laura Brett: Aye
11 Richard Mecca: Aye
12 Steven Secon Aye
13 Birgit Townley Aye
14
15

16 **6. Christ's Church Christmas Tree Sales**

17
18 **ACTION:** Martha Monserrate made a motion, seconded by Richard Mecca, to
19 approve the Use Permit for Christmas tree sales, which was carried by the
20 following vote:

21
22 Nick Everett, Chair: Aye
23 Martha Monserrate, Vice-Chair: Aye
24 Andrew Ball: Aye
25 Laura Brett: Aye
26 Richard Mecca: Aye
27 Steven Secon Aye
28 Birgit Townley Aye
29
30

31 **7. Midland Avenue**

- 32
- 33 • The Planning Commission reviewed the draft resolution prepared by City staff
34 presented for its consideration.
 - 35
36 • The Planning Commission reviewed each page of the resolution noting both
37 typographical and substantive changes to the draft document to provide clarity and
38 additional reasons for its decision. Some of the more substantive changes agreed
39 to by the Commission in its review of the resolution included adding a statement
40 of the Planning Commission's practice of requiring 2:1 mitigation, specifying the
41 ratio of tree loss to proposed tree planting, clarifying reasons for delay between
42 applicant submissions and identifying the number of residents that spoke at the
43 public hearing.
- 44

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- 1 • The Commission directed staff to modify the resolution consistent with its
2 discussion and comments. Based on consultation with Corporation Counsel, the
3 Commission agreed that a vote on the amended resolution would be appropriate
4 without the need for an additional review of the resolution at its next meeting. The
5 Commission agreed that the Chair and member Brett should review the revised
6 draft to confirm that it correctly captured the comments of the Commission.
7
- 8 • The Commission asked the applicant's attorney, Whitney Singleton, whether he
9 had any additional comments. Mr. Singleton inquired as to whether the Planning
10 Commission would consider any additional changes to the applicant's mitigation
11 plan and questioned whether the Commission would approve any development on
12 his client's property. The Commission responded that it can only consider
13 applications as submitted by the applicant. The Commission reiterated its previous
14 statements that the proposed development and mitigation plan as currently
15 proposed by the applicant do not satisfy the requirements of the City's Wetlands
16 Law. The Commission reminded Mr. Singleton that it had repeatedly advised the
17 applicant that any development on this property would require a sensitive approach
18 given the numerous site constraints and environmental limitations. The
19 Commission stated that the resolution under consideration will provide a rationale
20 for its decision.
21

22 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to approve a
23 resolution of denial for Wetland Permit Application Number WP#345, which
24 was carried by the following vote:

25		
26	Nick Everett, Chair:	Aye
27	Martha Monserrate, Vice-Chair:	Aye
28	Andrew Ball:	Aye
29	Laura Brett:	Aye
30	Richard Mecca:	Aye
31	Steven Secon	Aye
32	Birgit Townley	Aye
33		
34		

35 **8. Zoning Code Petition to Allow Senior Living Facilities in the R-2 Zoning**
36 **District**

- 37
- 38 • Andy Tung (applicant's planning consultant) provided an overview of the
39 adjustments made to the proposed zoning petition to modify the required building
40 setbacks as requested by the Commission at its last meeting. In particular, Mr.
41 Tung discussed the rationale for the proposed setback in the southwest corner of
42 the property. He stated that the proposal suggested by the Commission as applied
43 to the site would have resulted in a setback of between 400-500 feet, which may
44 not have been the intent of the Commission when it was suggested and it seemed

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1 unnecessarily large and indistinguishable from the 240-foot setback required for
2 other setbacks in the proposed zoning amendment.
3

- 4 • The Commission reviewed the draft memorandum presented for its consideration
5 providing its advisory opinion of the zoning petition to the City Council. The
6 Commission requested that the memorandum be revised to clarify statements as
7 to the existing and proposed floor area ratio (F.A.R.). The Commission requested
8 a statement be added to the memorandum discussing the applicant's stated need
9 for the rezoning request and that the proposed building height allows for greater
10 opportunities to preserve open space. The Commission requested that a revised
11 memorandum be presented at its next meeting.
12

- 13 • The Commission suggested that the applicant include additional information about
14 the existing and proposed impervious area on the site and other development
15 conditions to help convey to the City Council the impact of the proposed zoning
16 amendment.
17
18

19 **9. Zoning Code Petition to Allow Storage and Medical Office in the B-5 Zoning** 20 **District**

- 21
22 • The Planning Commission reviewed the draft memorandum to the City Council
23 providing its advisory opinion on the draft zoning amendment.
24

- 25 • The Commission agreed that the proposed uses and parking ratios appeared
26 acceptable, but requested that the zoning text be amended to restrict the types of
27 chemicals that can be stored on the site. Steve Wrabel (applicant's attorney)
28 stated that his client is amenable to the restriction, but would need to review the
29 specific proposal suggested by the Commission.
30

- 31 • The Commission agreed that it carry the matter over to its next meeting.
32
33

34 **10. 306 Brevoort Lane** 35

- 36 • Alan Pilch (applicant's engineer) provided an overview of the application. He
37 stated that the plan was revised based on the comments at the site walk to
38 eliminate the sidewalk extending through the proposed rain garden. He stated that
39 the elimination of this feature would reduce the impervious area on the site.
40

- 41 • Mr. Pilch reviewed the proposed drainage measures in the street. The
42 Commission noted that the street is private and may need approval from the
43 neighborhood association.
44

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- The Planning Commission reviewed the mitigation plan and proposed rain garden, noting that they provided water quality enhancements.

ACTION: Laura Brett made a motion, seconded by Richard Mecca, to set the public hearing for Wetland Permit Application Number WP#467, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Steven Secon	Aye
Birgit Townley	Aye

11.97 Oakland Beach Avenue

- Leo Napior (applicant’s attorney) reviewed his revised submission noting that as requested by the Commission the applicant provided a plan showing the relationship of the proposed residences to surrounding area properties and buildings. He stated that the applicant has received comments from the City’s consulting engineer and that it will provide a response regarding the proposed drainage plan.
- The Commission noted that the proposed house arrangement would be better if the residence on the rear lot were moved forward towards Oakland Beach Avenue. This would reduce disturbances, including rock removal, in the rear of the rear lot and allow the rear residence to be more consistent with the setback of residences on adjacent properties. The City Planner stated that the building envelope should be restricted so that the house could not be any bigger than permitted by the “as-of-right” zoning plan, but that additional rear yard disturbance could be possible for other residential amenities such as pools. The Commission agreed that this could be possible if the front yard setback were reduced by 50 feet, but the minimum rear yard setback would be required to be increased by 50 feet.
- The Commission requested that the applicant provide a revised plan for its review, but noted that the applicant must also address the comments of the City’s consulting engineer.
- The Commission reviewed the applicant’s vehicle sight-distance analysis, which showed that adequate sight distance is provided at both proposed driveway locations. The Commission discussed potentially requiring one common driveway to serve the access needs of both lots, but agreed that a common driveway was

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1 not necessary, noting that the creation of one additional driveway would not
2 adversely impact the character of the roadway.

3
4

5 **12.184 Soundview Avenue**

6

7 • The Commission reviewed the proposed plan with the applicant's consultant,
8 Aleksandra Moch, and the project architect, Paul Zaicek. The Commission
9 reviewed the proposed planting plan and requested that it include information on
10 the existing plantings in the wetland buffer.

11

12 • The Commission suggested that the plan be revised to eliminate the expanse of
13 asphalt located along the site frontage in the right-of-way of Soundview Avenue.
14 This change will reduce impervious area and improve the street character.

15

16 • The Commission stated that the plan needs to reduce and minimize incursions into
17 the wetland buffer. The Commission noted that a variance was required for the
18 proposed addition in the front of the residence.

19

20 • The Commission stated that it would conduct a site walk on December 7.

21

22

23 **13.Minutes**

24

25 • The Commission reviewed the draft minutes from the October 29, 2019 meeting
26 and made minor revisions.

27

28 **ACTION:** Martha Monserrate made a motion, seconded by Steven Secon, to approve
29 as amended the minutes from the October 29th meeting, which was carried
30 by the following vote:

31

32 Nick Everett, Chair: Aye

33 Martha Monserrate, Vice-Chair: Aye

34 Andrew Ball: Aye

35 Laura Brett: Aye

36 Richard Mecca: Aye

37 Steven Secon: Aye

38 Birgit Townley: Aye