

Rye City Planning Commission Minutes
February 11, 2020

MEETING ATTENDANCE:

Planning Commission Members:

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

Other:

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

1. Shenorock Shore Club – Proposed Dock Expansion

- Ms. Jennifer Gray, applicant’s attorney; Ms. Azure Dee Sleicher, applicant’s engineer; and Mr. Michael Brooks, Yachting Governor of the Shenorock Shore Club, were present for the application. Ms. Gray stated that the applicant appreciates the comments from the Commission, the CC/AC, and members of the public and has submitted written responses to many of the comments. She stated that the reduced plan meets industry standards for dock design and the Club’s needs, while reducing impacts. She noted that the plan reduces the number of docks on the north side and reduces the width between them, allowing for smaller boats. She stated that the reduced plan minimizes impacts to the greatest extent possible and is consistent with the LWRP.
- Ms. Gray stated that as noted in her written submission, the applicant believes the application is a Type II Action under SEQRA, but in case the Commission determines the action is Unlisted, she also provided a written explanation of the project’s consistency with applicable LWRP policies.
- The Commission stated that the application is not considered to be a Type II action because it requires a wetland permit; therefore, the Commission considers it an Unlisted Action under SEQR, requiring consistency with the LWRP. Ms. Gray thanked the Commission for the clarification. She stated that she would not discuss each point, but reiterated that her letter outlines the project’s LWRP consistency.
- Ms. Sleicher summarized the additional information requested by the Commission at its February 11th meeting. She stated that there are 37 moorings, three of which are privately maintained by Club members. Of the 34 moorings registered to the Club, 27 of them are occupied (16 with boats and 11 as emergency moorings) and 7 are open. She stated that 32 Club members are on the waitlist for dock space. She stated that to the Club’s knowledge, 19 of those members own boats, five do not, and eight are unconfirmed.

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- 1 • Ms. Sleicher stated that aerial photos were provided showing the approximate
2 location of the channel for reference, as well as the original dock expansion plan
3 and the reduced plan. She noted that the aerial photos show a significant number
4 of boats in the harbor but also show considerable room in the harbor.
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- 6 • Ms. Sleicher described the reduced plan, stating that the expansion on the north
7 side was reduced from 111' to 77' and the width between finger floats was reduced
8 from 34' to 27'. She stated that this reduces the allowable maximum length of boats
9 from 35' to 30'. She noted that the reduction reduces by two the number of boats
10 that will be accommodated and also reduces the size of boats directly within Mr.
11 Kane's viewshed. She stated that this plan meets the objectives of the Club and
12 balances the environmental impacts.
13
- 14 • Ms. Sleicher stated that photometrics had not been prepared but the applicant did
15 provide cut sheets of the proposed light fixtures. The Commission asked if the
16 proposed fixtures will be the same as the existing ones. Ms. Sleicher replied yes.
17
- 18 • Ms. Sleicher stated that at the last Commission meeting, there was some concern
19 that Row America had misunderstood the project. She stated that she had a
20 subsequent conversation with Row America and they do understand the project
21 and are supportive of it.
22
- 23 • There were no questions from the Commission.
24
- 25 • Mr. Josh Verleun, attorney with Zarin & Steinmetz – Mr. Verleun stated that his
26 concerns about the SEQR classification of the project have been addressed, but
27 he stated that the project still does not meet several policies of the LWRP. He
28 stated that he submitted a letter addressing those concerns.
29
- 30 • Ms. Libby Alexander, 290 Stuyvesant Avenue – Ms. Alexander stated that the
31 project will put the City on an irreversible path to the commercialization of the entire
32 harbor. She stated that the project will affect the neighbors' quiet enjoyment of their
33 properties, is unnecessary, and benefits only the members of the Club. She stated
34 that the project will result in boats being shifted from the Rye Boat Basin, which
35 will increase the financial burden on the facility. She stated that the February 3rd
36 letter from Row America is disingenuous because it states that the water near the
37 docks is too shallow for a shell, yet it is deep enough for large boats.
38
- 39 • Ms. Alexander stated that the Club has violated its agreement from January 2010
40 about the number of moorings. She stated that the project will add to congestion
41 in the harbor.
42
- 43 • Mr. Gibb Kane, 350 Stuyvesant Avenue – Mr. Kane stated that the reduced plan
44 presented by the applicant is not a significant reduction in scope. He also noted
45 that the applicant did not address the potential noise impacts of the project. Mr.

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1 Kane stated that the Club has expanded the docks slowly over the years and
2 handed out an aerial photo with previous expansions marked. He also questioned
3 the aerial photos presented by the applicant with respect to the number of
4 moorings shown.

5
6 • Mr. Kane described a dock facility from the Royal Bermuda Yacht Club with a
7 smaller footprint and questioned why the applicant could not have a similar
8 configuration. He also noted that he is concerned about the potential lighting
9 impacts of the project.

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11 • Ms. Sleicher stated that with respect to the alternate layout Mr. Kane showed, it
12 ignores the Club's existing infrastructure. She also noted that there is zero water
13 at low tide that close to the shore. She noted that the project is an expansion of an
14 existing facility, but changes to the existing facility were not contemplated.

15
16 • Ms. Gray discussed the need for the project. She stated that the Club has a waitlist
17 of 32 people, only one or two of whom have boats at the City's Boat Basin. She
18 stated that having more slips available allows more people to have access to the
19 waterfront, which is consistent with LWRP policies. She stated that as discussed
20 previously, there was no written mooring agreement. Ms. Gray also noted that the
21 aerial photographs presented by the applicant were taken on September 25, 2019,
22 when many boats would have already been taken out of the water.

23
24 **ACTION:** Martha Monserrate made a motion, seconded by Steven Secon, to close
25 the public hearing for Wetland Permit Application Number WP#465, which
26 was carried by the following vote:

27

28	Nick Everett, Chair:	Aye
29	Martha Monserrate, Vice-Chair:	Aye
30	Andrew Ball:	Aye
31	Laura Brett:	Aye
32	Richard Mecca:	Aye
33	Rick Schaupp	Absent
34	Steven Secon	Aye

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37 **2. 97 Oakland Beach Avenue**

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39 • The Commission noted that the public hearing for this application was continued
40 from the last meeting to allow the applicant to appear before the Zoning Board of
41 Appeals for consideration of a front yard setback variance. The Commission stated
42 that the public hearing will be continued without discussion to the February 25th
43 Planning Commission meeting.

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1 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to continue the
2 public hearing for Subdivision Application Number SUB#354, which was
3 carried by the following vote:

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5	Nick Everett, Chair:	Aye
6	Martha Monserrate, Vice-Chair:	Aye
7	Andrew Ball:	Aye
8	Laura Brett:	Aye
9	Richard Mecca:	Aye
10	Rick Schaupp	Absent
11	Steven Secon	Aye

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II. ITEMS PENDING ACTION

1. Shenorock Shore Club – Proposed Dock Expansion

- The Commission discussed the potential noise impacts from the dock expansion. Ms. Gray stated that the applicant would be subject to the City’s noise regulations. She noted that the applicant seeks to be a good neighbor and if any noise complaints are received from the neighbors, the Club will address those with its members.
- The Commission asked if the Club had any rules or restrictions pertaining to noise at the docks or moorings. Mr. Brooks stated that there are no rules or restrictions pertaining to noise. He noted that boats sometimes leave early in the morning to go fishing and it would be difficult to regulate that. The Commission stated that the concern is more about noise on boats while docked or on moorings, not noise from the boats coming and going. The Commission suggested that the Club consider imposing its own noise restrictions for activities on boats at the dock.
- The Commission discussed the applicability of the City’s LWRP to the project. Kristen Wilson, Corporation Counsel, stated that the LWRP does apply to the project because the Commission considers the proposed action an Unlisted Action under SEQRA. She noted, however, that not every policy within the LWRP is applicable to the project.
- The Commission discussed the scope of the project. It was noted that the proposed docks extend 100’ closer to the channel, which represents roughly a 25% reduction in distance between the docks and the channel. The Commission also questioned the need for so many additional docks and for docks that can accommodate such large boats. It was noted that docks in the harbor are typically quite tight.

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- 1 • The Commission also discussed the need to balance the applicant's desire to
2 expand its dock facilities and the neighbors' use and enjoyment of the harbor. The
3 Commission noted that docks have been granted to residents in the past, including
4 some of the applicant's neighbors.
5
6 • The Commission stated that the applicant needs to provide a photometric study of
7 the existing and proposed lighting, including the existing lighting on the gangway.
8 Ms. Gray noted that the applicant offered to shut off the lights on the railing on the
9 fixed pier in the off-season and reduce the intensity of those lights.
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11 • The Commission also stated that the applicant should consider a plan that is
12 further reduced in scope, as well as self-imposing noise restrictions on activities at
13 the docks and moorings.
14

2. 97 Oakland Beach Avenue

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18 • Mr. Jonathan Kraut, the applicant's attorney, was present for the application. Mr.
19 Kraut stated that he had just received the enhanced landscaping plan and would
20 like to present it to the Commission. He stated that the intent of the landscaping
21 plan is to screen the proposed development from the sides and the rear of the site.
22 He noted that there is an existing 14" pine tree on the west wide of the site so there
23 are some gaps in planting around it. Mr. Kraut stated that they are proposing some
24 giant arborvitae trees because they are fast-growing, as well as other trees and
25 shrubs.
26
27 • The Commission requested that landscaping be added to the western property line
28 adjacent to the proposed driveway, since the driveway is so close to the
29 neighboring property. The Commission also requested additional deciduous trees.
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31 • The Commission reviewed the draft memo to the Zoning Board of Appeals and
32 made minor revisions.
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3. 1037 Boston Post Road

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37 • Mr. Leo Napior, applicant's attorney, stated that as requested, the applicant
38 conducted an inventory of available on-street parking within an 800-foot radius of
39 the project site. He stated that the inventory indicates that there is sufficient on-
40 street parking during the peak hours of 9:00 AM and 11:00 AM.
41
42 • Mr. Napior stated that he spoke to Mr. Jacquemart, the City's traffic consultant,
43 about the on-street parking findings prior to the meeting, but noted that Mr.
44 Jacquemart had not yet submitted his written comments to the Commission.
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- The Commission was comfortable setting the public hearing and stated that it would review any comments from Mr. Jacquemart prior to the next meeting.

ACTION: Richard Mecca made a motion, seconded Laura Brett, to set the public hearing for Site Plan Application Number SP#380, 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
Rick Schaupp	Absent
Steven Secon	Aye

4. 100-130 Kirby Lane

- Mr. Leo Napior, applicant’s attorney, was present for the application. Mr. Napior stated that Beth Evans, wetland consultant, flagged the wetland recently but the surveyor has not yet marked them. He stated that he does not yet have revised plans showing the wetland and 100-foot buffer, but he wanted to ask if the Commission had any questions after the site walk on Saturday.
- The Commission stated that a gap will be required at the bottom of the fence to allow small animals to pass underneath. The Commission stated that without plans showing the wetland buffer, it is not possible to further evaluate the application. Mr. Napior stated that revised plans would be submitted as soon as the surveyor finished marking the flags.

5. 720 Milton Road

- Mr. Benny Salanitro, applicant’s engineer, was present for the application. Mr. Salanitro stated that the project involves installation of a five-foot-wide concrete pool deck around the existing pool in order to comply with Westchester County Department of Health requirements. He noted that the 100-foot wetland buffer cuts through the pool. He stated that stormwater management is proposed, consisting of an underdrain leading from the pool deck to a Cultec system. Mr. Salanitro noted that photos were included in the application showing the existing landscaping in the vicinity, including a 2-foot-wide planting strip along the fence and a planting bed with shrubs and grasses.
- The Commission asked Mr. Salanitro to quantify the increase in impervious area related to the proposed pool deck. Mr. Salanitro stated that it is 715 sf, as noted

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1 on the plan. He noted that the existing landscaping is approximately 1,700 sf,
2 including 450 sf in the planting strip and 1,300 sf in the planting bed.

- 3
4 • The Commission requested that the applicant submit full-size plans for the next
5 meeting.

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7 **ACTION:** Martha Monserrate made a motion, seconded by Steven Secon, to set the
8 public hearing for Wetland Permit Application Number WP#470, which was
9 carried by the following vote:

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Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Rick Schaupp	Absent
Steven Secon	Aye

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20 **6. Minutes**

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22 • There were no minutes available for review.