

**Rye City Planning Commission Minutes**  
February 25, 2020

**MEETING ATTENDANCE:**

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**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. 97 Oakland Beach Avenue**

- Mr. Jonathan Kraut, the applicant’s attorney, and Mr. Obedah Abdulla, applicant’s engineer, were present for the application. Mr. Kraut stated that this is a continuation of the public hearing. He described the variance required for the front yard setback on the rear lot and noted that the Zoning Board of Appeals recently granted the variance, which allows for less rock removal and better alignment with the house next door.
  
- Mr. Kraut stated that several neighbors expressed concern at the last hearing about tree removal. He stated that a landscaping plan was developed and updated with input from the Commission to address screening and privacy. He noted that plants were added adjacent to the rear lot’s driveway and additional screening is proposed at the rear and side of the site to screen the house and yard from the neighbors. He noted that proposed trees include red maple, spruce, and arborvitae.
  
- Mr. Abdulla described the drainage plan. He noted that neighbors were concerned about water flowing down Thorne Place but stated that the water is not coming from the subject property. He stated that runoff from the proposed dwellings and driveways will be captured in Cultec units with an overflow connected to the City’s storm drain in Oakland Beach Avenue. He stated that a small area of the rear yard is not captured in Cultecs but flows overland to the catch basin.
  
- The Commission asked about the swale. Mr. Abdulla stated that the runoff flows in sheet flow from the rear and then on to 99 Oakland Beach Avenue. The Commission asked if all of the runoff could be captured and directed to the catch basin. Mr. Abdulla stated that it would have to be piped. The Commission stated that the issue would be discussed in the work session.

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- 1 • Mr. Marc Alimena, 15 Thorne Place – Mr. Alimena stated that he is skeptical that  
2 the applicant’s stormwater plan will work and is concerned about how to ensure  
3 that it functions over the long term.  
4
- 5 • Ms. Ann Gold, 89 Oakland Beach Avenue – Ms. Gold asked how much rock  
6 removal would be required. The Commission noted that rock removal is considered  
7 by the Board of Architectural Review (BAR), not the Planning Commission, and  
8 noted that there will be an opportunity for public comment at the BAR hearing.  
9

10 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to close the public  
11 hearing for Subdivision Application Number SUB#354, which was carried  
12 by the following vote:  
13

14	Nick Everett, Chair:	Aye
15	Martha Monserrate, Vice-Chair:	Absent
16	Andrew Ball:	Aye
17	Laura Brett:	Aye
18	Richard Mecca:	Aye
19	Rick Schaupp	Aye
20	Steven Secon	Aye

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22

23 **2. 1037 Boston Post Road**

- 24
- 25 • Mr. Jonathan Kraut, the applicant’s attorney, and Mr. Rex Gedney, applicant’s  
26 architect, were present for the application. Mr. Kraut gave an overview of the  
27 history of the project, noting that the City Council granted a zoning text amendment  
28 to allow the proposed physical fitness use in the B-1 zone. He stated that the  
29 application is now before the Planning Commission for site plan approval.  
30
- 31 • Mr. Kraut noted that the City hired a traffic and parking consultant, BFJ Planning,  
32 to review the application’s potential impact. BFJ directed the applicant to conduct  
33 a study of the availability of parking in off-site public parking lots and on nearby  
34 streets. Mr. Kraut stated that this information was provided to the BFJ, who  
35 reviewed it and stated that there is sufficient off-site parking to handle excess  
36 parking demand from the proposed facility.  
37
- 38 • Mr. Gedney described the proposed site plan. He stated that half of the first floor  
39 will be removed to allow for the ceiling height required for gymnastics, which will  
40 be on the lower level. Also on the lower level will be two offices and multipurpose  
41 space. On the main floor, there will be two fitness studios, bathrooms, and a  
42 viewing area for the gymnastics area below.  
43
- 44 • Mr. Gedney stated that there will be no changes to impervious area and no  
45 changes to exterior lighting.

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- The Commission asked how garbage will be handled. Mr. Gedney stated that trash will be brought out and placed in the existing outdoor refuse enclosure, which is anticipated to be more than adequate in size.
- There were no comments from the public.

**ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to close 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:	Absent
Andrew Ball:	Aye
Laura Brett:	Aye
Richard Mecca:	Aye
Rick Schaupp	Aye
Steven Secon	Aye

**3. 720 Milton Road**

- Mr. Benny Salanitro, applicant's engineer, was present for the application. He stated that the applicant is installing a five-foot-wide concrete walkway to surround the existing pool as required by the Westchester County Department of Health, who issued a violation to the Harbor House. Mr. Salanitro stated that the pool is located on a point that juts into the Milton Harbor and is within the 100-foot wetland buffer. He stated that the increase in impervious area is 715 sf and there are 1,430 sf of existing plantings in place.
- There were no questions from the Commission and no comments from the public.

**ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to close the public hearing for Wetland Permit Application Number WP#470, which was carried by the following vote:

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

1 **II. ITEMS PENDING ACTION**

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3 **1. 97 Oakland Beach Avenue**

- 4
- 5 • The Commission reviewed the planting plan and had no comments.
  - 6
  - 7 • The Commission reviewed the revised drainage plan. It was noted that at the  
8 previous meeting the Commission asked the applicant to consider a swale in the  
9 rear property to move the water from the back and out to the road as quickly as  
10 possible. Mr. Kraut stated that his recollection was that the Commission wanted  
11 the swale so that water would not flow over the top of the wall. The Commission  
12 stated that the applicant should consider creating a swale to get the water out to  
13 the street. The applicant's engineer stated that he will consider it and make sure it  
14 can be accommodated. He noted that the watersheds will change if a swale is put  
15 in place.
  - 16
  - 17 • Mr. Kraut stated that the applicant would like to avoid having an easement of one  
18 property over the other. The Commission noted that the drainage on each lot  
19 should be kept separate so no easement would be needed.
  - 20

21  
22 **2. 1037 Boston Post Road**

- 23
- 24 • The Commission stated that it is comfortable with the applicant's review of off-site  
25 parking availability.
  - 26
  - 27 • The City Planner asked if the Commission wanted to consider the suggestions of  
28 its consultant to limit employee parking and/or implement time limits on on-site  
29 parking. The Commission discussed limiting employee parking but noted that it  
30 would not be enforceable. Mr. Gregg Howells of the YMCA stated that all full-time  
31 employees currently park off-site and he expects the same at this facility.
  - 32
  - 33 • The Commission discussed a two-hour time limit for patrons of the YMCA. Mr.  
34 Howells stated that a two-hour limit could be a problem on weekends when there  
35 are events. The City Planner stated that the time limit only really applies when  
36 parking demand requires it.
  - 37
  - 38 • The Commission reviewed the draft resolution and agreed to add a two-hour time  
39 limit as a condition.
  - 40

41 **ACTION:** Steven Secon made a motion, seconded by Richard Mecca, to approve as  
42 amended Site Plan Application Number SP#380, which was carried by the  
43 following vote:  
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1	Nick Everett, Chair:	Aye
2	Martha Monserrate, Vice-Chair:	Absent
3	Andrew Ball:	Aye
4	Laura Brett:	Aye
5	Richard Mecca:	Aye
6	Rick Schaupp	Aye
7	Steven Secon	Aye

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10 **3. 720 Milton Road**

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- 12 • The City Planner gave Mr. Salanitro a copy of the CC/AC comment memo. The  
13 Commission stated that Mr. Salanitro should consider giving the letter to the  
14 groundskeeper with respect to limiting the use of pesticides and fertilizers.  
15
- 16 • The Commission noted that existing plants within the fenced-in area are being  
17 counted as mitigation for the increase in impervious area. The Commission noted  
18 that the concrete pool deck is not being proposed at the applicant's request but is  
19 being required by the County Department of Health, which differentiates this  
20 application from most other wetland applications. The Commission also  
21 commented that some lawn area is being removed, which is beneficial. The  
22 Commission asked Mr. Salanitro to speak to the management company about  
23 reducing the lawn area as much as possible.  
24
- 25 • The Commission reviewed the draft resolution and made no revisions.

26

27 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to approve  
28 Wetland Permit Application Number WP#470, which was carried by the  
29 following vote:

30

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

38

39

40 **4. 100-130 Kirby Lane**

41

- 42 • Mr. Jonathan Kraut, applicant's attorney, and Ms. Margie Barts, applicant's  
43 landscape architect, were present for the application. Mr. Kraut stated that the  
44 wetland buffer and wetland have been added to the plan and the fence is now  
45 shown with a gap at the bottom. The Commission questioned why the gap was not

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1 maintained along the entire length of the fence. Mr. Kraut stated that they thought  
2 it was only desired within the wetland buffer, but it can be provided along the entire  
3 fence. The Commission also noted that the applicant is showing a 6” gap but only  
4 a 4” gap is required.

5  
6 • The Commission discussed whether the fence would have an impact on the  
7 wetland. It was noted that the gap allows animals to pass underneath, the  
8 hydrology will not be affected, and plants will still be able to grow in the wetland  
9 and the buffer.

10  
11 • Ms. Barts noted that the extent of the wetland offsite is unknown, but since the  
12 topography of the site rises quickly near the property line it may not extend offsite  
13 at all. She stated that the holes for the fence posts will be hand-dug to limit  
14 disturbance to the wetland.

15  
16 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to set the  
17 public hearing for Wetland Permit Application Number WP#469, which was  
18 carried by the following vote:

19

20	Nick Everett, Chair:	Aye
21	Martha Monserrate, Vice-Chair:	Absent
22	Andrew Ball:	Aye
23	Laura Brett:	Aye
24	Richard Mecca:	Aye
25	Rick Schaupp	Aye
26	Steven Secon	Aye

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29 **5. 12 Purdy Avenue**

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31 • Mr. Jonathan Kraut, applicant’s attorney, and Mr. Rex Gedney, applicant’s  
32 architect, were present for the application. Mr. Kraut stated that the subject site is  
33 the old Wells Fargo building. He stated that the proposed project is zoning  
34 compliant, with the possible exception of the FAR. He stated that there is some  
35 interpretation needed about whether the bulkhead of the elevator counts as FAR,  
36 but he noted that the applicant will discuss this with the Building Inspector and City  
37 Planner. The Commission stated that they are not comfortable setting a public  
38 hearing until it is known whether a variance is needed.

39  
40 • Mr. Gedney described the application. He stated that it involves a two-story  
41 addition to create residential units on the upper floors with retail space at the  
42 ground level. He stated that right now an addition is proposed, but depending on  
43 the structure of the building it may be demolished and rebuilt. He noted that the  
44 only change in footprint is for the elevator and stair tower. He stated that the site  
45 plan is compliant with the parking requirements. He also noted that the interior

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- 1 partitions on the lower level will be removed to allow for the possibility of a lower  
2 level retailer.  
3
- 4 • Mr. Gedney noted that Mr. Pilch was unable to attend the meeting, but he prepared  
5 a stormwater plan showing the utilization of a green roof.  
6
  - 7 • The Commission asked how pedestrian circulation would be accommodated  
8 during construction. Mr. Gedney stated that there would probably be a bridge over  
9 the sidewalk on Purdy Avenue and the applicant may request use of the parking  
10 spaces adjacent to the building.  
11
  - 12 • Mr. Gedney stated that an ADA-compliant walkway will be provided from the front  
13 of the building to the back and all residential units will be ADA-accessible.  
14
  - 15 • Mr. Gedney stated that the elevator and stairs go to the roof where there will be a  
16 1,400-sf green area utilizing a 4"-5" deep tray. He stated that there will be a center  
17 area for seating and an area with access to utilities. He noted that there will be six  
18 units operating with heat pumps and there will be condensing units for the air  
19 conditioning. Mr. Gedney stated that there is enough gas for cooking but  
20 everything else will be electric.  
21
  - 22 • The Commission discussed the proposed layout for the trash enclosure. The  
23 Commission stated that the trash area may be inadequate in size and inconvenient  
24 for both retail and residential tenants. The Commission discussed potential  
25 designs to allow tenants to access the trash area from either inside the building or  
26 providing access from a two-sided elevator or other modifications in the building  
27 design.  
28

## 6. Minutes

- 29
- 30 • The Commission reviewed the draft minutes from the January 28, 2020 and  
31 February 11, 2020 meetings and made minor revisions.  
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35 **ACTION:** Laura Brett made a motion, seconded by Steven Secon, to approve as  
36 amended the minutes from the January 28<sup>th</sup> and February 11<sup>th</sup> meetings,  
37 which was carried by the following vote:

38

39 Nick Everett, Chair:	Aye
40 Martha Monserrate, Vice-Chair:	Absent
41 Andrew Ball:	Aye
42 Laura Brett:	Aye
43 Richard Mecca:	Aye
44 Rick Schaupp	Aye
45 Steven Secon	Aye

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1        **7. Planning Department Updates**  
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- The City Planner noted that the Shenorock Shore Club has requested a continuance until the March 24<sup>th</sup> meeting. The City Planner also informed the Commission of two public meetings being proposed by the City Council for the Nursery Field Improvement Project, to which the Commission will be invited.