

# Rye City Planning Commission Minutes

May 26, 2020

\*Meeting held virtually via Zoom Video Conferencing due to COVID-19\*

## 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
- Kristen K. Wilson, Esq., Corporation Counsel

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## I. HEARINGS

- None.

## II. ITEMS PENDING ACTION

### 1. 12 Guelisten Place

- Mr. John Scarlato, architect; Mr. Chris Utschig, engineer; and Mr. Dan Sherman, landscape architect, were present for the application. The Commission noted that there were several revisions the applicant was asked to make after the 5/12/20 meeting. Mr. Scarlato stated that the fence was added to the landscape plan and the drainage was revised to tie the roof leaders from the house. Mr. Utschig explained that the location of the Cultecs was adjusted so that the drainage from the roof leaders could be piped across the building and into the Cultecs. He stated that this eliminates runoff from going across the rear of the property. The Commission asked whether there would be more water recharged and less going directly to the wetland than there is currently. Mr. Utschig said that was correct.
- The Commission asked whether the fence images shown were a general representation of what is proposed. Mr. Sherman said yes. He also noted that the fence will have a 4" gap at the bottom to allow small animals to pass underneath.
- The Commission noted that the matter of the PVC pipe (raised at the 5/12 meeting) is something that the neighbors will need to resolve. The Commission stated that if the pipe is intended at any time to be used to convey drainage, a drainage easement and a wetland permit would be required.
- The Commission reviewed the draft resolution. The Commission noted that the CC/AC considered the application to be unacceptable, but the applicant had since addressed the majority of the CC/AC's concerns. Ms. Stora noted that the CC/AC would review the application again and she anticipated that the application would

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1 be considered acceptable. The Commission agreed to continue with the resolution  
2 as prepared, but went through each point the CC/AC raised to state how the  
3 applicant had addressed it.  
4

- 5 • The Commission noted that:
  - 6
  - 7 ○ The driveway is gravel;
  - 8 ○ Portions of the stone wall are being removed to make way for the walkway  
9 and the deck at the rear of the house;
  - 10 ○ The Cultecs are sized for the 100-year storm event;
  - 11 ○ The PVC pipes have been addressed as discussed;
  - 12 ○ The large tree to be removed is outside of the wetland buffer;
  - 13 ○ The concrete washout has been relocated outside of the wetland buffer;
  - 14 ○ The fence design has been shown; and
  - 15 ○ The fence is adjacent to the stone wall along the perimeter of the property.
  - 16

17 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to approve as  
18 amended Wetland Permit Application Number WP#471, which was carried  
19 by the following vote:  
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21	Nick Everett, Chair:	Aye
22	Martha Monserrate, Vice-Chair:	Aye
23	Andrew Ball:	Aye
24	Laura Brett:	Aye
25	Richard Mecca:	Aye
26	Rick Schaupp	Aye
27	Steven Secon	Aye
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30 **2. Rye Town Park – Beach Access Ramps**  
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- 32 • Mr. Gary Zuckerman, Rye Town Park Commission Chairman; Mr. James Ntarelli,  
33 engineer; and Ms. Beth Evans, wetland scientist, were present for the application.  
34 Mr. Zuckerman stated that the project involves installing ADA-compliant ramps to  
35 provide beach access in place of the existing beach ramps. He stated that the Rye  
36 Town Park Commission received grants from New York State and the County to  
37 construct the improvements.  
38
- 39 • Mr. Ntarelli stated that the two existing beach access ramps do not meet the slope  
40 requirements for handicap accessibility. He noted that the south ramp near  
41 Dearborn Avenue is two times the permitted slope. He stated that the plan includes  
42 demolishing the ramp and part of the sidewalk and constructing a new, longer ramp  
43 that will end a few feet from the existing rock outcrop in front of the building.  
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- 1       • Mr. Natarelli stated that the middle ramp would begin with a landing at the same  
2       level as the promenade, then extend along the wall to a switchback and return  
3       toward the stairs. It would then extend out onto the beach. He stated that several  
4       landings are necessary and hand rails are proposed that will mimic the existing  
5       wrought iron fence. He stated that brushed concrete will be used for a non-slip  
6       finish.  
7
- 8       • The Commission asked what type of backfill will be required. Mr. Natarelli stated  
9       that a select granular fill will be used, likely taken from the excavation for the  
10      footings. The Commission stated that the site plan should note that only clean fill  
11      will be used.  
12
- 13     • Ms. Evans stated that to avoid potential impacts to the Common Tern, a State-  
14      listed threatened species, the project will avoid its nesting season (early May  
15      through September). She stated that the plans include a note that all construction  
16      is required to take place between September 1 and April 14.  
17
- 18     • Ms. Evans noted that erosion control measures will be similar to those used for the  
19      Dearborn Avenue wall reconstruction project and will include a silt fence. She  
20      noted that all work will be conducted landward of the 7' elevation.  
21
- 22     • The Commission asked about the status of required State approvals. Ms. Evans  
23      stated that NYSDEC approval is pending and is expected in the near future. She  
24      stated that the NYSDOS has issued its approval.  
25
- 26     • The Commission discussed whether one ramp would be more preferable than two.  
27      Mr. Zuckerman stated that the Rye Town Park Commission only considered  
28      replacing the existing ramps, not changing the locations of beach access. He also  
29      noted that the New York State Historic Preservation Office could take issue with  
30      any significant changes because of the historic nature of the park.  
31
- 32     • The Commission noted that the middle ramp extends quite far out onto the beach  
33      and suggested additional switchbacks to limit its extent. Mr. Zuckerman stated that  
34      it would be a much longer length for people to have to travel, and there is a cost  
35      consideration. He noted that grant funds only cover 50% of the project with the  
36      applicant funding the rest.  
37
- 38     • The Commission asked if the middle ramp could cause scour at the base of the  
39      wall and asked that the applicant examine the drainage closely. The Commission  
40      also asked that the increase in impervious area be provided.  
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- 42     • The Commission asked whether the middle ramp could extend over the culvert.  
43      Mr. Natarelli stated that they thought it best to stay clear of it because of the need  
44      for footings. Mr. Zuckerman also noted that the drainage in the area should be  
45      redone, but there are insufficient funds to do so.

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- The Commission set a site walk for Saturday, May 30<sup>th</sup>, with Commission members attending on their own between the hours of 9 AM and 11 AM. The Commission asked the applicant to stake out the extent of both ramps.

**ACTION:** Rick Schaupp made a motion, seconded by Richard Mecca, to set the public hearing for Wetland Permit Application Number WP#472, 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	Aye
Steven Secon	Aye

**3. 50 Kirby Lane – Extension of Time**

- Mr. Leo Napior, attorney, was present for the application. Mr. Napior explained that due to litigation, the application was administratively tolled to run concurrent with the building permit, which was issued on June 5, 2019. He stated that work has not yet been started and the applicant is seeking a one-year extension of wetland permit approval until June 4, 2021. Mr. Napior stated that there have been no changes to the application since it was approved in 2013.
- The Commission noted that the granted variances run with the land and there have been no changes to zoning or the wetlands law since the application was approved.

**ACTION:** Richard Mecca made a motion, seconded by Martha Monserrate, to approve a one-year extension of time for Wetland Permit Application Number WP#356, 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	Aye
Steven Secon	Aye

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1       **4. Minutes**

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- The Commission reviewed the draft minutes from the May 12, 2020 meeting and made minor revisions.

**ACTION:** Steven Secon made a motion, seconded by Martha Monserrate, to approve as amended the minutes from the May 12<sup>th</sup> meeting, 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	Aye
Steven Secon	Aye

**5. Planning Department Updates**

- The City Planner stated that rock chipping was temporarily suspended through June to limit disturbance to children in school at home. He noted that construction is allowed to resume, per the Governor. He also noted that outdoor dining is still on hold and since timing is uncertain, as well as the amount and type of restrictions that will be required. He stated that staff is examining the possibility of closing Purchase Street to allow more space for outdoor dining to occur.