

Rye City Planning Commission Minutes

June 9, 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
-
-
-
-

I. HEARINGS

1. Rye Town Park – Beach Access Ramps

- Mr. Gary Zuckerman, Rye Town Park Commission Chairman; Mr. James Natarelli, engineer; and Ms. Beth Evans, wetland scientist, were present for the application.
- Mr. Natarelli described the application, stating that the two existing beach access ramps will be replaced to conform to ADA slope requirements. He stated that the south ramp will result in a 350-sf increase in impervious area, while the middle ramp will result in a 910-sf increase. He noted that the middle ramp would avoid the existing drainage opening in the wall.
- Mr. Natarelli stated that in response to comments at the May 26th Planning Commission meeting concerning the layout of the middle ramp, he wanted to present several conceptual plans that had been developed a few years ago to show how they arrived at the current plan. He stated that three plans were developed with a 1:12 slope, but they chose to move to a 1:13 slope to be more conservative. He also noted that the 1:13 slope works better with the more accurate topographical data they now have. Mr. Natarelli stated that any of these three conceptual plans would require even longer runs and would extend further onto the beach.
- Mr. Natarelli stated that they developed another plan, Concept 5, that shortens the extent onto the beach and continues to avoid the drainage opening, but requires additional switchbacks. He stated that this plan results in an increase in impervious area of 940 sf.
- Mr. Natarelli stated that they were not satisfied with Concept 5 and considered the Commission's comments about whether it was necessary to avoid the drainage opening. As a result they developed Concept 6, which the applicant believes is a much better plan. He stated that the ramp runs to a landing that spans the drainage opening. There is another concrete run to another landing and then it turns to exit onto the beach. Mr. Natarelli stated that this is now the applicant's preferred plan.

Rye City Planning Commission Minutes (Cont.)

June 9, 2020

Page 2 of 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- The Commission agreed that it is a much better plan. They asked why the ramp needs to make the turn toward the beach instead of continuing straight along the wall. Mr. Natarelli stated that they thought the users would be in a more central location of the beach by having the ramp turn, but he said that he is open to extending it further along the wall.
 - The Commission asked Mr. Natarelli to explain the condition of the culvert and pipe and how the ramp will be constructed over the drainage opening. Mr. Natarelli stated that drainage pipe to the culvert and from the culvert under the wall to the beach are in need of repair, but no changes are proposed to the culvert or pipe as part of this project. He stated that the head walls supporting the landing will be far enough back that they would not interfere with any flow coming out of the culvert.
 - The Commission noted that the landing is essentially acting as a bridge over the drainage opening, and if any work is needed on the culvert or pipe in the future, the ramp would not be impacted. Mr. Natarelli agreed.
 - The Commission stated that several years ago the Rye Town Park Commission had an architect create plans for a ramp to run along the existing wall and asked whether those plans were reviewed when developing the proposed project. Mr. Natarelli stated that the earlier ramp plan included other things such as a new ticket booth, and there were also issues with the topographic data at that time. He stated that the current plan was developed with better topographic data.
 - The Commission asked for clarification about whether the wetland buffer was shown on the site plan. Ms. Evans stated that the wetland buffer begins at the wall and extends 100 feet inland from there. She stated that the entire project is considered to be in a wetland because it is in a coastal area.
 - The Commission asked for the net increase in impervious area with the preferred site plan for the middle ramp. Mr. Natarelli stated that it is a 718-sf increase. The Commission noted that that is approximately 200 sf less than the previous site plan.
 - There were no comments from the public.
 - The CC/AC asked what kind of fill would be used between the ramp and the wall. Mr. Natarelli stated that it would be a clean granular fill with a few inches of concrete on top. He stated that it would not be load-bearing but they just wanted to fill in the gap. He confirmed that the area had been included in the impervious calculations.
 - Mr. Zuckerman thanked the Commission for its comments and said he felt that the plan is much better because of the review and comment process. He asked

Rye City Planning Commission Minutes (Cont.)

June 9, 2020

Page 3 of 8

1 whether Planning Commission approval would be required if they decided to
2 eliminate the L-shaped return and instead go straight out along the wall. The
3 Commission stated that both options could be approved and if the applicant
4 decides to eliminate the L, the City Planner could handle that administratively.
5

6 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to close the
7 public hearing for Wetland Permit Application Number WP#473, which was
8 carried by the following vote:
9

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

17
18
19 **II. ITEMS PENDING ACTION**

20
21 **1. Rye Town Park – Beach Access Ramps**

- 22
- 23 • The Commission reviewed the draft resolution. It was noted that the CC/AC
24 considered the application to be unacceptable and the resolution therefore needs
25 to address the CC/AC's concerns. The Commission noted that the applicant
26 clarified the extent of the 100-foot wetland buffer and submitted a revised plan for
27 the middle ramp that the CC/AC would have deemed acceptable had they been
28 able to review it prior to the meeting. The CC/AC noted that there were also
29 concerns about the potential for future work on the culvert to disrupt the ramp, but
30 the applicant confirmed that the ramp would not be affected.
31
 - 32 • The Commission noted that the requirement for wetland mitigation is being waived
33 in this instance because the project is being done to comply with ADA
34 requirements imposed by the State. The Commission also confirmed that the total
35 increase in impervious area was 1,068 sf.
36
 - 37 • The Commission commented that the requirement to use clean fill had not been
38 added to the site plan. Mr. Ntarelli stated that the technical specifications would
39 typically include that type of requirement. The City Planner stated that he would
40 revise the resolution to add a condition that clean fill be required.
41
 - 42 • The City Planner suggested that a two-year approval period may be reasonable in
43 this case considering the seasonal restrictions required by the NYSDEC for the
44 Common Tern. The Commission agreed to a two-year approval.
45

Rye City Planning Commission Minutes (Cont.)

June 9, 2020

Page 4 of 8

1 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to approve as
2 amended Wetland Permit Application Number WP#473, which was carried
3 by the following vote:

4
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 Aye
11 Steven Secon Aye
12
13

14 **2. 21 Island Drive**

- 15
16 • Leo Napior, attorney, was present for the application. Mr. Napior stated that the
17 application includes a small, 65-sf addition to an existing terrace and installation
18 of a second underground propane tank in the wetland buffer. He stated that he
19 needs to correct the application as it references replacement of the propane
20 tank, rather than installation of a second one. He noted that the second tank is
21 required to handle the generator and other systems at the house, which were
22 upgraded after an electrical fire in 2016.
23
24 • The Commission asked why the new propane tank could not be moved uphill
25 out of the wetland buffer. Mr. Napior stated that there are setback requirements
26 for the underground tank so its proposed location is essentially the only place
27 it can go.
28
29 • Mr. Napior noted that the proposed mitigation planting equals approximately
30 5,300 sf, far exceeding what is required.
31
32 • The Commission confirmed that all members visited the site on June 6th.
33

34 **ACTION:** Martha Monserrate made a motion, seconded by Richard Mecca, to set the
35 public hearing for Wetland Permit Application Number WP#474, which was
36 carried by the following vote:

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

Rye City Planning Commission Minutes (Cont.)

June 9, 2020

Page 5 of 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

3. Ruby’s Oyster Bar – Outdoor Dining (Item taken out of order)

- The Commission noted that a revised outdoor dining approval process was to be implemented beginning this year, where approvals would be given for a three-year period instead of one year. However, given the circumstances with the Coronavirus and requirements for social distancing, it was noted that this year’s applications will only be given a one-year approval period.
- Lisa McKeirnan was present for the application. The City Planner noted that the plan shows four tables in the rear of the restaurant, as opposed to the front where three tables had been in the past. The City Planner confirmed that all tables are on the applicant’s property.

ACTION: Steven Secon made a motion, seconded by Laura Brett, to approve Outdoor Dining Application Number OD#01-2020, 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

4. Rye Grill & Bar – Outdoor Dining (Porch)

- Lisa McKiernan was present for the application. The City Planner noted that the plan includes fewer tables than last year because of social distancing requirements. He stated that two tables are proposed on one side of the porch and three on the other side.

ACTION: Martha Monserrate made a motion, seconded by Richard Mecca, to approve Outdoor Dining Application Number OD#02-2020, 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

5. Rye Grill & Bar – Outdoor Dining (Parking Lot)

- Lisa McKiernan was present for the application. The City Planner described the plan for outdoor dining tables in the paved area adjacent to Second Street, with 20 36” tables and four picnic tables. He noted that the plan includes planters to separate the dining area from the parking lot, which it was noted are already in place. He stated that social distancing requirements will be confirmed in the field, but this plan is intended to comply with those requirements.
- Ms. McKiernan confirmed that the only lighting will be market lights that hang above the tables.

ACTION: Laura Brett made a motion, seconded by Steven Secon, to approve Outdoor Dining Application Number OD#02A-2020, 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

6. Rye Roadhouse – Outdoor Dining

- Mr. Jonathan DeMarco was present for the application. He stated that they are requesting approval of eight four-seat outdoor dining tables. He noted that five would be on the sidewalk in front of the restaurant within the property line and the other three would be in the rear of the property. Mr. DeMarco noted that the tables would occupy three parking spaces, which the landlord has approved.
- Mr. DeMarco stated that the rear three tables would be cordoned off with some lattice with a bench and flower pots to segregate the area from the parking lot. He noted that the rear tables would probably be temporary until they can resume indoor dining, but they hope to keep the front tables longer.
- The Commission asked how the rear tables would be accessed from High Street. Mr. DeMarco said they would come in the front and walk through the restaurant. He noted that the tables in the front of the building would have partitions between them with an aisle for people to walk through.

Rye City Planning Commission Minutes (Cont.)

June 9, 2020

Page 7 of 8

- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - 10
 - 11
 - 12
 - 13
 - 14
 - 15
 - 16
 - 17
 - 18
 - 19
 - 20
 - 21
 - 22
 - 23
 - 24
 - 25
 - 26
 - 27
 - 28
 - 29
 - 30
 - 31
 - 32
 - 33
 - 34
 - 35
 - 36
 - 37
 - 38
 - 39
 - 40
 - 41
 - 42
 - 43
- The Commission asked whether there is enough space on the sidewalk in the front to allow people to walk past the tables. Mr. DeMarco stated that they may need to ask people to walk on the other side of the street if there is not enough space to pass by. He stated that there is very little foot traffic so they do not anticipate it being an issue.

ACTION: Andrew Ball made a motion, seconded by Martha Monserrate, to approve Outdoor Dining Application Number OD#21-2020, 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

7. Town Dock – Outdoor Dining

- Mr. Anthony DeLuca and Mr. Michael Caiati were present for the application. The City Planner showed several photos of tables set up on the rear deck at the Town Dock restaurant. Mr. Caiati stated that most of the tables are two-tops that can be combined to seat four people, which makes the seating very flexible. He noted that people can enter the building to access the bathrooms but flow would be restricted to one-way only.
- The Commission noted that the outdoor dining application mentions the front sidewalk. Mr. Caiati stated that they were planning to include two two-top tables on the front sidewalk and noted that there are also two on Second Street. The Commission clarified that they are seeking approval for 10 tables, not six as the application says. Mr. Caiati said that was correct. He stated that he realizes the discussion of Second Street will take place with the City Council, so they can hold off on those tables until the Council’s decision.
- The City Planner also noted that the front tables could be problematic because the traveling public will be within six feet of diners at those tables. He stated that that may also need to wait until the City Council’s decision. The Commission agreed that the only approval being given at this time would be for the six tables on the rear deck.

Rye City Planning Commission Minutes (Cont.)

June 9, 2020

Page 8 of 8

1 **ACTION:** Martha Monserrate made a motion, seconded by Laura Brett, to approve as
2 modified Outdoor Dining Application Number OD#04-2020, which was
3 carried by the following vote:

4
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 Aye
11 Steven Secon Aye
12

13
14 **8. Minutes**

- 15
16 • The Commission reviewed the draft minutes from the May 26, 2020 meeting and
17 made minor revisions.
18

19 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to approve as
20 amended the minutes from the May 26th meeting, which was carried by the
21 following vote:

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

31
32 **9. Planning Department Updates**

- 33
34 • The City Planner stated that the Council would be considering the closure of
35 Purchase Street for outdoor dining at its meeting on June 10th. If approved, City
36 staff would be involved in approving outdoor dining applications in the CBD area
37 in particular, but possibly also in other areas of the City.