

Rye City Planning Commission Minutes

August 11, 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
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I. HEARINGS

None.

II. ITEMS PENDING ACTION

1. 48 Brookdale Place

- Mr. Alan Pilch, applicant's engineer, was present for the application. Mr. Pilch stated that the work involves demolition of the existing home and construction of a new, larger home. He noted that a wetland permit was issued for the proposed work in 2018, but no work was done and the permit expired in 2019. He stated that the plans have not changed since the 2018 application.
- Mr. Pilch noted that 83% of the property is within the wetland buffer. He stated that there is an existing gravel driveway that will be replaced with a paved driveway. He stated that the new house will be elevated above the flood elevation, with the finished floor elevation at 17.5'.
- Mr. Pilch stated the wetland is the Blind Brook, which is located along the western side of the property. He stated that there would be an increase of 447 sf of impervious area in the wetland buffer and approximately 900 sf of mitigation planting is proposed. He also noted that a stormwater system is proposed, which will provide attenuation of flows and water quality treatment.

ACTION: Richard Mecca made a motion, seconded by Laura Brett, to set the public hearing for Wetland Permit Application Number WP#475, which was carried by the following vote:

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

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1 Rick Schaupp Aye
2 Steven Secon Aye
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5 **2. 460 Grace Church Street**
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- 7 • Mr. Alan Pilch, applicant’s engineer, and Mr. Mark Mustacato, applicant’s architect,
8 were present for the application. Mr. Pilch stated that the site is a 1.46-acre flag lot
9 where the existing house has been demolished and a new house is under
10 construction. He stated that the wetland is Long Island Sound to the east. He stated
11 that the application involves removing the existing L-shaped pool in the wetland
12 buffer and replacing it with a rectangular 15’ by 40’ pool with a flagstone or
13 bluestone patio. Mr. Pilch stated that there is a 14’ high stone wall separating the
14 yard from the area around the house where the pool will be located. He stated that
15 there will be a total of 1,590 sf of disturbance due to replacement of the pool.
16
- 17 • Mr. Pilch noted that the stormwater system will be revised from eight Cultecs to 12
18 to account for the larger pool and the stone patio.
19
- 20 • Mr. Pilch showed the Commission several photos of the site’s existing conditions,
21 including the house under construction and the existing pool with a wooden deck
22 around it. The City Planner noted that it was not possible for the Commission to
23 conduct a site walk because of the construction, so it was important for the
24 Commission to be able to get a sense of the existing conditions. The City Planner
25 also noted to the Commission that the existing areas under construction are
26 outside of the wetland buffer, but the pool and deck are within the wetland buffer.
27
- 28 • The Commission asked Mr. Pilch to quantify the increase in impervious area in the
29 wetland buffer over existing conditions. Mr. Pilch stated that he did not have those
30 numbers with him, but would provide them to the Commission. The Commission
31 stated that they need to understand how much impervious area currently exists
32 and what the change will be with the new pool and patio.
33
- 34 • The Commission noted that there appeared to be more lawn area adjacent to the
35 existing pool than there would be with the new pool. Mr. Mustacato stated that the
36 new pool and patio would extend further toward the side edge of the house than
37 the existing pool and deck.
38
- 39 • The City Planner asked whether the stone wall needed any repairs. Mr. Pilch
40 stated that it may need repointing but otherwise it is in good condition.
41
- 42 • The Commission confirmed that the applicant should return at the next meeting
43 with the existing and proposed calculations of impervious area in the wetland
44 buffer.
45

3. Kudor Island Colony, Inc. Pilot Mosquito Control Program

- Mr. Michael Klein, applicant's wetland scientist; Mr. Danny Datino of Westchester Organics; and Mr. David Spader of the Board of Directors of the Kudor Island Colony, the applicant, were present for the application. Mr. Spader stated that the application is for approval of a mosquito control pilot program on Kudor Island. He noted that the EPA recommends integrated pest management (IPM) as the best approach for mosquito control, which on Kudor Island consists of three main steps: removal of breeding and resting habitats, larval stage control, and adult mosquito control. Mr. Spader stated that they have actively pursued the first two steps and now seek to implement the third step.
- Mr. Spader stated that Kudor Island sought to use a spray-applied pesticide that the EPA classifies as a minimal risk pesticide, which are those pesticides that are exempt from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). He stated that the Kudor Island Colony retained a professional to prepare the wetland permit application, Mr. Michael Klein of Davison Environmental.
- Mr. Klein showed aerial imagery of Kudor Island and noted there were three small areas above tidal elevation where the pesticide would be applied, with no disturbance of any wetland areas. He stated that there would be no environmental impacts to the wetland. He stated that cedar oil, one of the compounds to be used, is considered a minimal-risk pesticide with no adverse human health effects according to the summary of product attributes prepared by the New York State Integrated Pest Management Program at Cornell University. Mr. Klein noted that all work would be done by a licensed applicator.
- Mr. Klein stated that as per the wetland permit application, the applicant is seeking a waiver from complete plans since the total project cost does not exceed \$10,000.
- The Commission asked about the ideal timing for application of the product. Mr. Klein stated that some work could be done in the fall and then it would resume in the spring of 2021 when the mosquito population becomes active again. He stated that repeated applications are more effective and there are no concerns about toxicity with the proposed product.
- The City Planner asked for more specific information on where the product would be applied. Mr. Klein stated that it would be applied on both the north and south islands near where the cottages are located.
- Mr. Datino stated that he is a certified New York State pesticides technician. He stated that he will be applying the pesticide using a backpack sprayer and will be spraying shaded, damp areas and those with decaying organic matter where mosquitos are typically prevalent.

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- The Commission asked Mr. Datino how long each application takes and when they would be done. Mr. Datino stated that he will personally be doing all of the applications and estimated that each would take him two to three hours to complete. He said that the timing is weather dependent, but spraying is typically done during the summer, every 14 to 21 days. The Commission stated that it would then be no more than 10 times during the summer and Mr. Datino agreed.
- Mr. Spader stated that ideally they would like to get one or two applications in this September and then resume in late June of next year.
- The Commission stated that they had discussed having a third party review the products to be used. The City Planner stated that he has not yet identified a person or firm to do such a review, but could pursue it if the Commission desired.
- Ms. Fontanes of the CC/AC asked if the applicant could submit a copy of the actual label from the product they will be using. Mr. Klein stated that the label was included with the wetland permit application.
- The Commission asked for member opinions as to whether a third-party review of the compound was necessary. Vice-Chairperson Monserrate stated that she conducted her own research online and is comfortable that the product is as the applicant described. She felt that a third-party review would not be necessary.

ACTION: Martha Monserrate made a motion, seconded by Richard Mecca, to set the public hearing for Wetland Permit Application Number WP#477, which was carried by the following vote:

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

4. Minutes

- The Commission reviewed the draft minutes from the June 23, 2020 meeting and made minor revisions.

ACTION: Martha Monserrate made a motion, seconded by Steven Secon, to approve as amended the minutes from the June 23rd meeting, which was carried by the following vote:

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

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11 **5. Planning Department Updates**

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- 13 • The City Planner noted that Zoom meetings are expected to continue for the time
14 being. He also noted that several applications that were previously before the
15 Commission many months ago would be returning soon, including the Shenorock
16 Shore Club dock application. He noted that The Osborn Home zoning petition and
17 the former Avon property zoning petition may also return soon.