

Rye City Planning Commission Minutes

April 22, 2003

1 **PRESENT:**

2 Michael Klemens, Chairman
3 Barbara Cummings, Vice-Chair
4 Peter Larr
5 Patrick McGunagle
6 Martha Monserrate
7 Hugh Greechan

8

9 **ABSENT:**

10

11 Franklin Chu

12

13 **ALSO PRESENT:**

14

15 Christian K. Miller, AICP, City Planner
16 James McGee, Conservation Commission/Advisory Council (CC/AC)

17

18

19 **I. HEARINGS**

20

21 **1. Walker Subdivision**

22

23 Chairman Klemens read the Public Notice.

24

25 Chairman Klemens noted that the hearing was a continuation from the Commission's
26 previous meeting.

27

28 Linda Whitehead (applicant's attorney) stated that the public hearing was originally held on
29 March 11, 2003 and that the hearing has been held open for three consecutive meetings.
30 Ms. Whitehead noted the receipt of a letter from Eric Gordon to the Rye City Planning
31 Commission. Ms. Whitehead noted that contrary to Mr. Gordon's letter, the applicant's
32 most recent plan has been before the Planning Commission since November 2002 and not
33 March 2003 as stated in Mr. Gordon's letter. Ms. Whitehead stated that there has been no
34 substantial change in the application since November, but that the applicant has provided
35 additional information in response to Commission's concerns regarding vehicle sight
36 distance.

37

38 Tom Ahneman (applicant's engineer) provided an overview of the sight distance for the
39 proposed driveway on Forest Avenue. Mr. Ahneman provided photos and additional
40 analysis to the Commission, which was entered into the official record. Mr. Ahneman
41 stated that his company went back to the site to review the sight distance and the

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1 obstructions within the right-of-way. Mr. Ahneman stated that the revised sight distance
2 analysis shows that if the existing tree were removed on Forest Avenue that sight distance
3 could be increased considerably for the proposed access drive along the southern
4 property line. Mr. Ahneman also stated that if the vehicle were set back 5 rather than 10
5 feet from the edge of the pavement, that considerable sight distance could be achieved
6 and would not necessitate the removal of the existing tree within the Forest Avenue right-of-
7 way. Mr. Ahneman also provided sight distance information with respect to an alternative
8 driveway located along the northern property line. The Commission inquired as to what
9 improvements would be necessary to achieve an acceptable sight distance for the northern
10 driveway. Mr. Ahneman indicated that considerable clearing of vegetation within the right-
11 of-way would be required to achieve an 800+/- foot sight distance for the northern driveway.
12

13 The Commission questioned whether additional sight distance analysis was conducted for
14 the alternative driveway access extending to Manursing Way. Mr. Ahneman responded
15 that additional analysis was not provided or necessary. Mr. Ahneman indicated that sight
16 distance for this driveway was restricted not by obstructions, but rather due to the horizontal
17 or vertical alignment in the roadway.
18

19 Ms. Whitehead added that all site distance information was based on a 40 MPH vehicle
20 speed. Ms. Whitehead indicated that this speed exceeded the 85 percentile for vehicle
21 speed along Forest Avenue. She indicated that the City provided the applicant with this
22 vehicle prevailing speed information, based on actual traffic counts.
23

24 Eric Gordon (attorney for area neighbors) requested that the Planning Commission
25 continue the public hearing so that it would provide his clients the opportunity to retain a
26 traffic engineering consultant to review the site distance information provided by the
27 applicant. Mr. Gordon indicated that his clients attempted to retain an engineer in advance
28 of the Commission's meeting, but was unsuccessful due to the holidays.
29

30 Mr. Gordon requested that the Planning Commission consider not the current plan, but the
31 plan that was originally submitted to the Commission. That plan involved a 2-lot
32 subdivision with a new driveway access to Manursing Way. Mr. Gordon stated that the
33 currently proposed 3-lot subdivision was not desirable due to the increased traffic and
34 environmental impacts. Mr. Gordon also stated that there would be a significant esthetic
35 impact of the driveway on adjacent neighbors along Rockridge Road. Mr. Gordon also
36 suggested that the increase in impervious area would have adverse stormwater quality and
37 quantity impacts.
38

39 Mr. Gordon suggested that the Planning Commission has the right as a discretionary
40 board to not approve the applicant's 3-lot subdivision but to approve the originally
41 proposed 2-lot plan with driveway access to Manursing Way.
42

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1 Mr. Gordon introduced Mike Bontje (neighbor's environmental consultant) who provided a
2 plan and report to the Commission which was entered into the official record. Mr. Gordon
3 stated that the neighbors would also retain a traffic engineer who will be prepared to make
4 a report to the Planning Commission at its next meeting regarding the traffic and safety
5 impacts of the proposed driveway.

6
7 The Planning Commission noted the receipt of an April 21 letter from Edward Buroughs of
8 the Westchester County Planning Department regarding the proposed subdivision. Mr.
9 Burough's letter indicates that the proposed subdivision should preserve in an undisturbed
10 state the 100-foot wetland buffer from the offsite wetland on the adjacent Edith Reed
11 Sanctuary property. A copy of this letter was provided to Mr. Gordon.

12
13 Mike Bontje provided an analysis and alternative plan for the Commission's consideration.
14 Mr. Bontje stated that he has over 23 years of environmental consulting experience,
15 including numerous projects in the region, some within the Rye City area.

16
17 Mr. Bontje provided a plan, which was a modification of the applicant's previously
18 proposed 2-lot subdivision plan. Mr. Bontje suggested that this plan was more preferable
19 from an environmental impact perspective than the applicant's currently proposed 3-lot
20 plan. Mr. Bontje noted that the 3-lot plan would result in the creation of an additional
21 residence and greater impervious area on the site. He noted that there would be
22 additional disturbance associated with the construction of an additional home and that
23 would adversely impact the environment and off-site wetlands.

24
25 Mr. Bontje provided a discussion of the environmental characteristics of the existing offsite
26 wetland and 100-foot buffer. Mr. Bontje noted the absence of a shrub layer and the
27 presence of landscape debris. Mr. Bontje suggested this debris was placed there by
28 either the applicant or area neighbors but that this debris compromised the existing
29 functions of the wetland/wetland buffer. Mr. Bontje suggested that the current buffer is not
30 of particular high quality and appears to have been subject to regular disturbance.

31
32 Mr. Bontje provided an overview of his plan. In that plan he suggested that the proposed
33 house be shifted further from the existing wetland than the two-lot subdivision plan originally
34 proposed by the applicant. He suggested that the plan be further amended to provide
35 additional plant material and shrubs outside the 100-foot wetland buffer. He noted that his
36 plan would provide for approximately 4,500 s.f. of disturbance in the wetland buffer
37 associated with the construction of a new driveway. Mr. Bontje suggested that the
38 driveway could consist of gravel or open pavers to allow for greater infiltration of
39 stormwater and to reduce impervious area. Mr. Bontje noted that the presence of a new
40 driveway in this location would provide for greater control of a future property owner over
41 this area and could prevent this portion of the property from becoming a landscape
42 disposal area, as it appears to be in its current condition.

43

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1 The Commission requested Mr. Bontje's opinion as to the current function of the existing
2 wetland buffer on the applicant's property. Mr. Bontje responded that the buffer currently
3 provides a water quality function. He noted that this function could be preserved or
4 enhanced with a new driveway in this buffer area if properly engineered and appropriate
5 wetland landscape plantings were provided. In particular, Mr. Bontje noted that the
6 installation of a new shrub layer would be a benefit to the adjacent wetland.

7
8 The Commission noted that some or many of the recommendations that Mr. Bontje
9 provided could be incorporated into the applicant's proposed 3-lot subdivision plan. Mr.
10 Bontje responded that such measures could be implemented but that these measures
11 would not offset the impacts associated with the construction of an additional home as part
12 of this plan. Mr. Bontje noted that he would provide the Commission with appropriate
13 information and quantifiable analysis as to the impacts associated with the applicant's
14 proposed 3-lot subdivision plan.

15
16 The Commission noted that if an access drive were provided from Manursing Way, that the
17 applicant could still propose a 3-lot subdivision. Mr. Bontje responded that the
18 Commission could exercise its authority to limit the development of the property to 2 lots as
19 part of its approval.

20
21 Mr. Gordon noted that Section 195-5 of the City's Wetlands Law requires that the
22 Commission choose an alternative that mitigates impacts to the maximum extent possible.
23 Mr. Gordon suggested that the alternative that would place a driveway along the rear of
24 yards of neighbors on Rockridge Road would not be preferable as defined by the Rye City
25 Code. Mr. Gordon stated that the location of a roadway along the rear yards of neighbors
26 on Rockridge Road and the proposed 3-lot subdivision would have not only an adverse
27 esthetic impact on area neighbors but would have an adverse environmental impact as
28 supported by Mr. Bontje's testimony.

29
30 Mrs. Hirsch (17 Rockridge Road resident) stated that the applicant's proposal was not
31 desirable in terms of its short- and long-term impacts. Mrs. Hirsch noted that the applicant
32 does not reside in the community and is not interested in preserving the character of the
33 neighborhood. Mrs. Hirsch noted that it was not in the City's long-term interest to approve
34 this 3-lot subdivision because it would have an adverse impact on the neighborhood.

35
36 Mrs. Hirsch stated that the neighbors attempted to contact the applicant to seek
37 appropriate plan revisions to address their concerns. Mrs. Hirsch stated, however, that Ms.
38 Whitehead refused to discuss the application with them, which forced them to retain an
39 attorney to have their concerns addressed. Mrs. Hirsch stated that the construction of a 3-
40 lot subdivision plan would have an adverse impact, it would result in the creation of an
41 additional home that would generate more traffic, more impervious surface and more
42 activity than a 2-lot subdivision. Mrs. Hirsch concluded by requesting that the Commission

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1 comprehensively consider the impact of the subdivision in the context of area neighbors
2 and the neighborhood character be preserved.

3
4 Ms. Whitehead responded that the application has been under review by the Planning
5 Commission for over a year. She noted that Westchester County, the Conservation
6 Commission/Advisory Council and the Planning Commission have noted concern with a
7 driveway extending from Manursing Way adjacent to the Edith Reed Sanctuary and the
8 100-foot wetland buffer. Ms. Whitehead stated that the 3-lot subdivision is a responsible
9 plan that avoids adverse environmental impacts. Ms. Whitehead stated that with respect to
10 Mr. Bontje's analysis that it is noted that a portion of the proposed driveway would drain to
11 Forest Avenue, and not directly towards the Edith Reed Sanctuary in the rear of the
12 property. She also stated that a 2-lot subdivision could result in comparable impervious
13 surfaces associated with a residence and associated accessory uses.

14
15 Ms. Whitehead objected to the characterization that the subdivision was inappropriate with
16 the character of the surrounding neighborhood. Ms. Whitehead stated that the Rockridge
17 Road area is located in an R-3 District, which consists of many lots that do not comply with
18 the minimum lot area of the district. She noted that the applicant's proposal is consistent
19 with zoning which provides for a minimum lot area of one acre. Ms. Whitehead suggested
20 that the lesser density of the applicant's proposal would not adversely impact the character
21 of the Rockridge Road neighborhood. Ms. Whitehead suggested that the neighbors have
22 enjoyed the benefit of an underdeveloped property for many years, but that it is private
23 property, and that the applicant's entitled to certain development rights.

24
25 Ms. Whitehead stated that the public hearing was originally noticed in the newspaper on
26 March 1, 2003 and that an additional continuation of the public hearing was not necessary.
27 She requested that the public hearing be closed.

28
29 Ms. Whitehead also stated that she did meet with the neighbors and attempted to address
30 their concerns.

31
32 Ty Ralli (Rockridge Road resident) objected to Ms. Whitehead's characterization that even
33 though residents of Rockridge Road live on smaller lots that they are not entitled to have
34 comparable rights as the applicant. Mr. Ralli stated that neighbors have the right to
35 comment on the proposed subdivision and protect their property from adverse impacts.

36
37 The Planning Commission requested that Mr. Gordon provide the Commission with the
38 legal authority and supporting case law which authorizes the Commission to exercise its
39 discretion to modify or deny a subdivision plan despite its compliance with the minimum
40 requirements with the Rye City Zoning Code. Mr. Gordon stated that he would provide that
41 information.

42

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1 The Commission requested that the City Planner contact Westchester County to have Mr.
2 Buroughs better define and clarify the comments raised in his April 21 letter. The
3 Commission also requested that Mr. Bontje's subdivision plan be referred to the CC/AC
4 for their comments. The City Planner indicated that he would refer that information but
5 could not guarantee their response would be provided in advance of the Commission's
6 next meeting.

7
8 The Commission agreed to keep the hearing open to allow area neighbors the opportunity
9 to provide additional information for the Commission's consideration.

10
11
12

13 On a motion made by Michael Klemens, seconded by Martha Monserrate and carried by
14 the following vote:

15
16 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Patrick
17 McGunagle, Hugh Greechan, Peter Larr
18 NAYS: None
19 RECUSED: None
20 ABSENT: Franklin Chu

21
22 the Planning Commission took the following action:

23
24 **ACTION:** The Planning Commission continued the public hearing for Subdivision and
25 LWRP Coastal Consistency Application Number SUB272 to its next
26 meeting on May 13, 2003.

27 28 **2. 195 Grace Church Street**

29
30 Chairman Klemens read the public notice.

31
32 Linda Whitehead (applicant's attorney) provided an overview of the application, noting that
33 it involved the construction of a single-family residence on an undeveloped property within
34 the 100-foot wetland buffer. Ms. Whitehead noted that the wetland located on the property
35 is part of a larger wetland in the area. She noted that the wetland was relatively low quality
36 and that the proposed house would be located outside the wetland area. As requested by
37 the Commission, the house size and configuration complies with the requirements of the
38 Rye City Zoning Code.

39
40 Ms. Whitehead noted that the construction of the proposed residence would require
41 grading within the existing wetland. Approximately 432 s.f. of wetland, that is currently lawn,
42 would be lost but that the mitigation plan includes replacement wetlands. Ms. Whitehead
43 provided an overview of the mitigation plan, noting that it was designed to improve water

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1 quality with the installation of a new sump and vegetated swale for the existing city
2 drainage on the property. The proposed plan also includes the removal of debris from the
3 existing wetland and buffer and that enhancements would be made to the existing buffer
4 with new wetland plantings. Ms. Whitehead noted that all impervious areas would be
5 treated with drywells before entering the wetland. Ms. Whitehead concluded her
6 presentation by noting that the wetland functions would be maintained or improved as a
7 result of the applicant's proposed mitigation measures.

8
9 The Commission requested that the applicant provide copies of the deeds for the property
10 demonstrating that it is a separate build able lot. The Commission noted that it requested
11 this information some time ago and was not provided. The Commission noted that this
12 information is necessary for the record.

13
14 On a motion made by Barbara Cummings, seconded by Patrick McGunagle and carried by
15 the following vote:

16
17 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Patrick
18 McGunagle, Hugh Greechan, Peter Larr
19 NAYS: None
20 RECUSED: None
21 ABSENT: Franklin Chu

22
23 the Planning Commission took the following action:

24
25
26 **ACTION:** The Planning Commission closed the public hearing on Wetland Permit #109.

27 28 **3. JDS Properties**

29
30 Chairman Klemens read the public notice.

31
32 Brad DeMotte (applicant's architect) provided an overview of the application noting that it
33 involved the conversion of an existing multi-family use into a professional office/apartment.
34 Mr. DeMotte noted that the existing parking on the front of the property would be replaced
35 with a landscaped planted buffer as required by the Rye City Zoning Code. Mr. DeMotte
36 noted that four parking spaces would be provided in the rear of the site.

37
38 Anthony Gioffre (applicant's attorney) a provided an overview of the variance that was
39 granted by the Zoning Board of Appeals. Mr. Gioffre noted that the variance was granted
40 on March 20, 2003. Mr. Gioffre noted that the applicant was working with the City Engineer
41 to address necessary drainage provisions for the site.

42

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1 Ms. Saracino (24 Smith Street) noted concern with the screening that would be provided
2 for the proposed use. She requested that landscaping or fencing be provided near her
3 property. She also noted concerns with drainage and potential impacts the proposed
4 impervious area may have on her property.

5
6 On a motion Peter Larr and seconded by Barbara Cummings, and carried by the following
7 vote:

8
9 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Patrick
10 McGunagle, Hugh Greechan, Peter Larr
11 NAYS: None
12 RECUSED: None
13 ABSENT: Franklin Chu

14
15 the Planning Commission took the following action:

16
17
18 **ACTION:** The Planning Commission closed the public hearing on Site Plan #266.

19
20 **ITEMS PENDING ACTION**

21
22 **1. Walker Subdivision**

23
24 The Commission noted that all of the discussion and concerns were provided in the public
25 hearing and that it would look forward to the additional discussion of this application at its
26 May 13 meeting.

27
28 **2. 195 Grace Church Street**

29
30 The Commission reiterated its request for the deed information and that the need for this
31 deed was to affirm the chain of title for the property and that the properties remained
32 separate building lots. Ms. Whitehead responded that this information was necessary
33 based on the legal memorandum she provided the Commission months ago. Ms.
34 Whitehead stated that the property is a separate building lot and is shown on prior
35 subdivision plans.

36
37 The Commission inquired with the applicant as to the status of any discussions it may have
38 had with conservation organizations willing to be party to a conservation easement on the
39 property. Ms. Whitehead responded that she spoke to Paul Galete of the Westchester
40 County Land Trust. She stated that the Land Trust was not particularly interested in small
41 parcels of land in this portion of the county. She noted that the Westchester Land Trust has
42 taken some smaller properties in Bedford, but that those properties were in close proximity
43 to the organization's main office.

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1
2 The Commission stated that a deed restriction should be provided for its review that
3 restricts the future use of the wetland area on the property. The Commission also
4 requested that a demarcation of the restricted area also be provided on the site plan.

5
6 Jim McGee (CC/AC) reiterated the CC/AC's concerns with the proposed project. Mr.
7 McGee noted that the CC/AC did not concur with the wetland boundary shown on the plans
8 and it was their opinion that, based on the input from Steve Coleman the City's wetland
9 consultant, that the wetland area was larger than shown on the plan. The CC/AC opposes
10 the construction of a residence within what it believes is a wetland area and that the
11 location of the proposed home will compromise the wetland on the property.

12
13 The Commission noted that in light of these comments, that any decision on the action will
14 require the Commission to provide written findings addressing the comments and
15 concerns of the CC/AC.

16
17 The Commission questioned the elevation of the high water line on the property and
18 whether this water condition would change as a result of fire hydrant flushing by the City
19 from adjacent Grace Church Street. The City Planner noted that the wetland system on the
20 property is very large and its water elevation would not be significantly affected by
21 stormwater drainage or fire hydrant flushing from the adjacent roadway. Tom Ahneman
22 (applicant's engineer) noted that the finished basement would be at elevation 86
23 (essentially at existing grade). He noted that the basement would not be below grade and
24 no sump pumps would be required. Alexandra Moch (applicant's environmental consultant)
25 added that it is the intention of the applicant to building during the summer months to avoid
26 impacts on the adjacent wetlands.

27 28 **3. JDS Properties**

29
30 The City Planner provided the Planning Commission with the conditions of the Zoning
31 Board of Appeals approval on March 20, 2003. The City Planner also reiterated the
32 conditions of the Planning Commission provided in its advisory memorandum to the
33 Zoning Board of Appeals in connection with the proposed variance application. The
34 Planning Commission requested that the conditions of its advisory memo be made
35 requirements of the draft resolution of approval. Anthony Gioffre responded that the
36 condition regarding the restriction on the number of employees at the property was
37 unnecessary in light of the Zoning Board of Appeals variance condition, which requires the
38 applicant to return to that Board in 18 months to assess the parking and traffic situation
39 associated with the proposed use. The Commission noted that it preferred to include this
40 condition in the resolution of approval.

41
42 Larry Nardecchia, Jr. (applicant's engineer) provided an overview of the proposed
43 drainage plan. Mr. Nardecchia indicated that he has been in contact with the City

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1 Engineering Department regarding the design of the stormwater drainage plan, which
2 involves the installation of a drywell. Mr. Nardecchia noted that much of the site is currently
3 impervious and that there would be little additional impervious area created by the
4 proposed parking lot expansion in the rear of the property. He noted that to compensate
5 for this modest increase in impervious area, a large drywell is proposed to be provided.
6 Mr. Nardecchia stated that this drywell would result in reduced stormwater runoff from the
7 existing condition.

8
9 Anthony Gioffre indicated that a new screen fence would be provided to address
10 neighbors' concerns raised in the public hearing.

11 12 **4. Curry**

13
14 The Planning Commission discussed the proposed placement of fill within the 100-year
15 flood zone. Alan Pilch (applicant's environmental consultant) noted that the fill was
16 necessary to provide a modest backyard. The Commission and City Planner noted that
17 the placement of such fill would require a variance from the Zoning Board of Appeals and
18 that the granting of such variance is difficult. Mr. Pilch responded that he would modify the
19 plan to eliminate the proposed grading.

20
21 Linda Whitehead discussed the need for a FAR variance from the Zoning Board of
22 Appeals to construct the proposed house. The Commission discussed whether the
23 applicant should obtain such a variance before the Commission considers the wetland
24 permit. Ms. Whitehead responded that if the variance is denied, there would not be a
25 change in the footprint of the proposed house; instead the applicant would eliminate floor
26 area on the second floor as a means to achieve zoning compliance. The City Planner
27 added that if the applicant changes the plan in any substantive manner as a result of Zoning
28 Board's action, the applicant would be required to return to the Commission to amend it's
29 wetland permit.

30
31 Alan Pilch provided an overview of the proposed mitigation plan, noting that planting would
32 be provided at a ratio of 2:1 for increased impervious area.

33
34 Ms. Whitehead requested that the Commission allow her client to continue rebuilding the
35 stonewall on the property giving that the reconstruction of the stonewall is permitted by the
36 City's wetlands law. The Commission stated that there should be no reconstruction of the
37 wall until the wetland permit has been approved.

38
39 On a motion Barbara Cummings and seconded by Peter Larr, and carried by the following
40 vote:

41
42 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Patrick
43 McGunagle, Hugh Greechan, Peter Larr

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1 NAYS: None
2 RECUSED: None
3 ABSENT: Franklin Chu

4
5 the Planning Commission took the following action:

6
7
8 **ACTION:** The Planning Commission set a hearing on Wetland Permit Application
9 #122 for its next meeting on May 13, 2003.

10
11 **5. Schiffer**

12
13 Rex Gedney (applicant's architect) provided an overview of the revised subdivision lot
14 layout. Mr. Gedney noted that the plan had been revised to modify the proposed lot line to
15 address the potential property disputes associated with the previously proposed
16 subdivision line. The Commission noted that the revised subdivision plan was acceptable.

17
18 On a motion Pat McGunagle and seconded Peter Larr, and carried by the following vote:

19
20 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Patrick
21 McGunagle, Hugh Greechan, Peter Larr
22 NAYS: None
23 RECUSED: None
24 ABSENT: Franklin Chu

25
26 the Planning Commission took the following action:

27
28 **ACTION:** The Planning Commission approved Subdivision and LWRP Coastal
29 Consistency Application #280

30
31 **6. 111 Sonn Drive**

32
33 On a motion Martha Monserrate and seconded by Barbara Cummings, and carried by the
34 following vote:

35
36 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Patrick
37 McGunagle, Hugh Greechan, Peter Larr
38 NAYS: None
39 RECUSED: None
40 ABSENT: Franklin Chu

41
42 the Planning Commission took the following action:

43

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1 **ACTION:** The Planning Commission set a public hearing on Wetland Permit
2 Application #127 for its next meeting on May 13, 2003.
3

4 **7. Rye Town Dock**
5

6 Bob Carlson (applicant and Shenorock Shore Club member) discussed with the
7 Commission the list of proposed of modifications to the previously approved site plan for
8 the rehabilitation of the Rye Town Dock. Mr. Carlson noted that the details of final design
9 revealed some significant cost issues associated with the project. He requested that
10 some of the amenities previously proposed to be provided be eliminated to reduce cost.
11 Mr. Carlson noted that the lighting and proposed railing, were particularly expensive.
12

13 The Commission noted that as part of the original review, it had stated that the proposed
14 plan was ambitious and expensive. The Commission stated that it made the applicant fully
15 aware of the cost implications associated with the proposed plan. The Commission stated
16 that it was not comfortable with changes that would impact the public's enjoyment of the
17 rehabilitated dock. In particular, the Commission requested the proposed number of
18 benches, water fountain and bike rack be provided as originally approved. Other elements
19 that were esthetic in nature that do not directly impact the public's enjoyment and use of the
20 dock were deemed less significant to the Commission.
21

22 Phil Sears (applicant's consultant) stated that the reconstructed dock would significantly
23 enhance the usability and safety of the dock. He stated that the bids to reconstruct the
24 dock were significantly greater than anticipated.
25

26 Mr. Carlson agreed that the plan would preserve the benches, water fountain, and bike
27 racks as originally shown on the approved drawings.
28

29 **8. 1 Macy Street**
30

31 The Commission noted that it would set a public hearing on this application, but it may
32 need to keep that hearing open based upon its review of the application and it's inspection
33 of the property at its scheduled site walk.
34

35 On a motion Peter Larr and seconded by Barbara Cummings, and carried by the following
36 vote:
37

38 **AYES:** Michael Klemens, Barbara Cummings, Martha Monserrate, Patrick
39 McGunagle, Hugh Greechan, Peter Larr

40 **NAYS:** None

41 **RECUSED:** None

42 **ABSENT:** Franklin Chu
43

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1 the Planning Commission took the following action:

2

3 **ACTION:** The Planning Commission set a public hearing on Site Plan #271 for it's next
4 meeting on May 13, 2003.

5

6 **9. Beechwind Properties**

7

8 The Planning Commission stated that it recognized the applicant's most recent submission
9 as a new application involving the use of both the Brailsford and Shongut properties. The
10 Commission noted, however that the LWRP Coastal Consistency Review is different for
11 the Shongut property than the previously proposed application for the Brailsford property.
12 The Commission reasoned that the Brailsford property was used as an industrial use that
13 had no relationship to or dependency on the adjacent waterfront. The Commission noted
14 that the conversion of this use to a residential use was a different analysis in terms of the
15 consistency with the LWRP.

16

17 The Commission stated that the LWRP analysis for the Shongut property is different
18 because the current use of the property is water dependent. The current use involves a
19 small boat facility that has a level of public access that may be lost or reduced as a result of
20 the applicant's proposal. The Commission noted that these would be significant
21 considerations in the determination of consistency with the City's LWRP policies.

22

23 The Commission further stated that there was a need to conduct a meeting with the Zoning
24 Board of Appeals to jointly discuss the application. The Commission stated that it did not
25 want to cede lead agency status to the Zoning Board. The Commission suggested that a
26 joint meeting would enhance the communication between the two Boards and could
27 provide an opportunity to discuss the lead agency status for the application.

28

29 The City Planner provided an overview of the procedural requirements of the State
30 Environmental Quality Review Act (SEQRA) and the lead agency designation process.
31 The City Planner noted that the current application constitutes a new application, requiring
32 full and complete compliance with the procedures of SEQRA.

33

34 Mr. Pirro expressed agreement that the joint meeting would be useful and was supportive
35 of any measures that would improve communication between the Planning Commission
36 and Zoning Board. With respect to SEQRA, Mr. Pirro stated that an uncoordinated review
37 is a possibility, avoiding the need to designate a lead agency. The City Planner noted that
38 an uncoordinated review is possible provided that the proposed action is considered
39 "unlisted" under SEQRA.

40

41 Mr. Pirro suggested that the Planning Commission's prior determination with respect to the
42 Brailsford application remains largely valid and consistent with the new application
43 involving the Brailsford and adjacent Shongut properties. Mr. Pirro noted that the new

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1 application includes public access, the preservation of the Gedney store and buildings that
2 are of scale and character consistent with Mill Town District. He reiterated that those were
3 the conditions of the Planning Commissions prior advisory recommendation to the Zoning
4 Board of Appeals with respect to the Brailsford property.

5
6 Mr. Pirro stated that the new application would maintain the existing water dependent use
7 of the property. Mr. Pirro noted that his plan is to preserve the existing amount of linear
8 dock footage with the proposed plan. He noted that the number of slips might be reduced,
9 but that the amount of boat dock linear footage would remain unchanged. Mr. Pirro stated
10 that the proposed plan would retain certain boat slips for the proposed residential units but
11 that some of the boat slips would be offered on a lottery basis to properties within walking
12 distance of the subject site. Mr. Pirro also stated that he could provide 8 boat slips to the
13 adjacent Fish and Game Club as another option of preserving the water dependant uses
14 on the site.

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16 The Commission stated that it would like to revisit the issue of public access as envisioned
17 in the LWRP. Mr. Pirro stated that public access is broadly defined in the LWRP and that
18 his application includes a walkway and gazebo that would be available to the public
19 satisfying the LWRP requirements.

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21 Mr. Pirro stated that his option on the adjacent Shongut property is time sensitive and that
22 that option is running out. He requested that the Commission review this matter as quickly
23 as possible.

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25 The Commission requested the City Planner to prepare a memorandum to the Zoning
26 Board of Appeals requesting a joint meeting and stating that it does not consent to the
27 Zoning Board of Appeals assuming lead agency status with respect to the environmental
28 review of the application.

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