

Rye City Planning Commission Minutes

May 27, 2003

1 **PRESENT:**

2

3 Michael Klemens, Chairman

4 Barbara Cummings, Vice-Chair

5 Peter Larr

6 Martha Monserrate

7 Patrick McGunagle

8 Hugh Greechan

9

10 **ABSENT:**

11

12 Franklin Chu

13

14 **ALSO PRESENT:**

15

16 Christian K. Miller, AICP, City Planner

17 George M. Mottarella, P.E., City Engineer

18

19 **I. HEARINGS**

20

21 **1. Rye Veterinary Hospital**

22

23 Chairman Klemens read the public notice.

24

25 Mark Krayenhoff (applicant's architect) gave a brief overview of the application. Mr.
26 Krayenhoff stated that all improvements proposed are within zoning regulations and that no
27 variances are being sought. He stated that the one-story building would be expanded to fill
28 in and cover the center courtyard to make a new 500-square foot examining room. The
29 second floor of the addition would be approximately 800-square feet and include an
30 employee lounge and an office. Mr. Krayenhoff noted that the waiting area would be
31 expanded and that twelve parking spaces would be provided on existing paving around the
32 site. He stated that there would be a small amount of regrading at the front entrance to
33 accommodate parking.

34

35 There were no public comments.

36

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

39

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

42 NAYS: None

43 RECUSED: None

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1 ABSENT: Franklin Chu

2

3 the Planning Commission took the following action:

4

5 **ACTION:** The Planning Commission closed the public hearing on site plan and use
6 permit subject to additional standards and requirements application number
7 SP272.

8

9 **2. 23-25 Purchase Street**

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11 Chairman Klemens read the public notice.

12

13 Lucio DiLeo (applicant’s architect) gave a brief overview of the application. He noted that
14 it involves an addition to the rear of an existing building for a new elevator and new exits.
15 He stated that the second and third floors of the building would be rehabilitated to be used
16 as six apartment units. The exterior of the building would be restored with new windows
17 and siding.

18

19 There were no public comments.

20

21 On a motion made by Peter Larr, seconded by Patrick McGunagle and carried by the
22 following vote:

23

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

26 **NAYS:** None

27 **RECUSED:** None

28 **ABSENT:** Franklin Chu

29

30 the Planning Commission took the following action:

31

32 **ACTION:** The Planning Commission closed the public hearing on site plan application
33 number SP273.

34

35 **ITEMS PENDING ACTION**

36

37 **1. Beechwind**

38

39 Three members of the Zoning Board of Appeals (Judy Studebaker, Serge Novell and Allen
40 Weiner) joined the Planning Commission for the review of this application. The Planning
41 Commission noted that it would review the application’s consistency with each policy of the
42 City’s Local Waterfront Revitalization Program (LWRP) and make an advisory
43 recommendation to the ZBA.

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2 The Commission requested clarification from the City Planner with regard to appropriate
3 zoning for the project site and the applicability of the minimum lot area requirements from
4 subdivisions located within designated floodplain areas. The City Planner noted that the
5 property is located in a B-7 District and that all use and area variances required for the
6 application are based on the regulations of that district. The City Planner added that the B-
7 7 District has no minimum lot area requirement and that the ½ acre minimum lot area
8 requirement for properties within the 100-year flood zone did not apply. Those restrictions
9 apply only to properties in the City’s R-3, R-4, R-5 and R-6 Districts. The following are the
10 comments of the Planning Commission regarding the application’s consistency with each
11 policy of the City’s LWRP:

- 12
- 13 Policy 1: Not applicable.
- 14 Policy 2: The project will have no adverse impact on this policy.
- 15 Policy 3: Not applicable.
- 16 Policy 4: Not applicable.
- 17 Policy 5: The project will have no adverse impact on this policy.
- 18 Policy 6: Not applicable.
- 19 Policy 7: Not applicable.
- 20 Policy 7A: Not applicable.
- 21 Policy 7B: Not applicable.
- 22 Policy 8: The Commission noted that additional information would need to be
23 provided at the time of site plan approval. The application will require
24 adequate measures to address stormwater quality concerns. Rex Gedney
25 (applicant’s architect) noted that no fueling or pump-out facilities would be
26 provided at the proposed docks. The existing nearby City facilities would be
27 used.
- 28 Policy 9: The Commission agreed that the proposed use would not advance, but not
29 adversely impact this policy.
- 30 Policy 10: Not applicable.
- 31 Policy 11: The Commission noted that the application will need to comply with the City’s
32 floodplain management regulations. The Commission noted, however, that
33 the proposed building should be constructed so that the lowest elevation
34 minimizes flooding impacts within garages.
- 35 Policy 12: Not applicable.
- 36 Policy 13: Not applicable.
- 37 Policy 14: Not applicable.
- 38 Policy 15: Not applicable.
- 39 Policy 16: Not applicable.
- 40 Policy 17: Not applicable.
- 41 Policy 18: The project will have no adverse impact on this policy.
- 42 Policy 19: The Commission discussed whether the proposed 4lot subdivision plan
43 reduced or eliminated the extent of existing water dependent uses currently

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1 available on the Shongut property. The Commission noted that currently the
2 Brailsford property had non-water related light-industrial use and some boat
3 slips. The applicant's proposal would maintain these boat slips and would
4 therefore be consistent with maintaining the water dependent aspects of the
5 property.

6
7 With respect to the Shongut property the Commission noted that the
8 applicant was proposing to maintain the amount of linear feet of boat slips,
9 but that the boat storage opportunities provided by the Shongut property
10 would be lost if the proposed plan were implemented. Some members
11 noted that the boat storage is seasonal and that it does not have to occur at
12 a waterfront location.

13
14 The Commission compared the extent of public access that is currently
15 provided at the two properties and the extent that is proposed in the
16 applicant's plan. The Commission noted that currently the site is available to
17 anyone able to afford the fees associated with docking/storing boats at the
18 property. The proposed plan would reduce that availability to those who live
19 at the four proposed residences, those who are members of the boating club
20 who live within walking distance of the property and guests. The
21 Commission agreed that this would be a reduction in the amount of public
22 access to the waterfront and that one of the goals of the LWRP is to preserve
23 or enhance such access.

24
25 Al Pirro (applicant) explained the proposed tiered membership and that a
26 walkway to the waterfront would be provided to such members. The walkway
27 would be gated at Milton Road and only accessible by members. Mr. Pirro
28 stated that this was consistent with the desires of area neighbors (including
29 those at the adjacent Fish and Game Club) and would avoid the need for
30 providing parking for the general public. Mr. Pirro agreed, however, to
31 relocate the gate and expand the landing/dock area along the waterfront. It
32 would be open to the public, but would prevent access to the boat slips and
33 the waterfront boardwalk along the rear property line.

34
35 The Commission debated whether additional public access should be
36 provided. Some noted that measures should be provided to make some of
37 the boat slips available to those having moderate incomes. Others
38 suggested that the extent of public waterfront access be expanded to include
39 access to the boardwalk along the waterfront and a redesign of the proposed
40 buildings to minimize the perception of private property.

41
42 Mr. Pirro strongly opposed any requirement for public access along the
43 waterfront noting that it would impact the marketability of the proposed units.

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1 He stated that public access opportunities are available elsewhere in the
 2 City including the nearby City Marina, which provides below market slip
 3 rentals to Rye residents. Mr. Pirro further stated that requiring such public
 4 access was onerous given the small size of the property. He stated that the
 5 adjacent Milton Harbor House, which is significantly larger and has over 12
 6 dwelling units to the acre has an existing emergency access easement that
 7 could be acquired or modified by the City and serve as a public waterfront
 8 access. Mr. Pirro suggested that the extent of public access (as modified)
 9 was appropriate and that it was located along the northern property line so
 10 that public access could be expanded in the event the adjacent Fish and
 11 Game Club was redeveloped.

12
 13 A majority of the Commission agreed that the extent of public access (as
 14 modified) was appropriate. Other members stated that more access should
 15 be provided and that the failure to secure such access would be
 16 shortsighted. It was stated that the City's heritage is its waterfront and as
 17 much as possible should be done to enhance access to it. It was suggested
 18 that this property could be an integral component to providing continuous
 19 waterfront access extending from the nearby City Marina.

- 20 Policy 19A: Not applicable.
- 21 Policy 19B: Not applicable.
- 22 Policy 20: Not applicable.
- 23 Policy 21: The project will have no adverse impact on this policy.
- 24 Policy 22: The project will have no adverse impact on this policy.
- 25 Policy 23: The Commission noted that the Gedney store would be preserved for
 26 adaptive reuse. This structure has local historic significance and should be
 27 protected with appropriate deed restrictions. Mr. Pirro stated that he was
 28 willing to preserve the structure but that he needed some flexibility in the
 29 extent of preservation. He noted, for instance, that the building may have
 30 structural concerns that require modification and that the exterior of the
 31 building may change to respond to the desires of the City's Board of
 32 Architectural Review. He also noted that the building exterior may need to be
 33 modified so that it is consistent with the proposed structures, particularly the
 34 proposed building on Lot 1. The Commission responded that maintenance
 35 requirements and other appropriate restrictions should be provided to
 36 ensure the continued preservation of the historic character of the building.
- 37 Policy 24: Not applicable.
- 38 Policy 25: The Commission noted that the Gedney store would be preserved.
- 39 Policy 26: Not applicable.
- 40 Policy 27: Not applicable.
- 41 Policy 28: Not applicable.
- 42 Policy 29: Not applicable.
- 43 Policy 30: Not applicable.

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1 Policy 31-33: The Commission noted that additional information would need to be
2 provided at the time of site plan approval. The application will require
3 adequate measures to address stormwater quality concerns and wetland
4 permit concerns. The City Planner added that it was the agreement of the
5 Planning Commission and Zoning Board of Appeals at their May 22 meeting
6 that each board would review the applicant's specific site plan, rather than
7 limiting the review to LWRP policy issues or use variance. The City Planner
8 suggested that if there were significant site planning, subdivision or wetland
9 permit issues that they should be addressed at this stage of the review. He
10 added that the ZBA wanted to grant both the use and area variances based
11 on a specific plan, which would essentially preclude significant plan
12 modifications by the Planning Commission during its subsequent site
13 planning, subdivision and/or wetland permit review. The City Planner stated
14 that if the number of units or other site design concerns were deemed
15 inappropriate that they should be identified now.

16
17 The Commission noted concern that such a process in terms of the way in
18 which the ZBA was considering the variance would preclude the Planning
19 Commission's ability to properly plan and modify the plan based on more
20 detailed information. The Commission noted that there the site plan may
21 need to be modified to reduce the number of units or impervious area,
22 reduce the number of curb-cuts on Milton Road, enhance visual access from
23 Milton Road to the Harbor or provide some form of off-street parking for the
24 public access.

25
26 Mr. Pirro responded that currently the site is almost completely impervious
27 and that the proposed plan would provide additional landscaping
28 opportunities. He added that there are three curb-cuts serving the two
29 properties today and that the proposed plan only adds one curb-cut. He
30 noted that the proposed building separation provides adequate visual
31 access and that off-street parking was not necessary.

32
33 Policy 34: Not applicable.
34 Policy 35: Not applicable.
35 Policy 36: The Commission noted that the project would advance this policy.
36 Policy 37: The Commission noted that additional plans would be required, but that the
37 project likely did not adversely impact this policy.
38 Policy 38: Not applicable.
39 Policy 39: Not applicable.
40 Policy 40: Not applicable.
41 Policy 41: Not applicable.
42 Policy 42: Not applicable.
43 Policy 43: Not applicable.

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1 Policy 44: Not applicable.

2
3 The Commission concluded its discussion by generally agreeing that the proposed plan
4 was consistent with the LWRP, but that there may be additional planning concerns that may
5 require further plan revisions. The Commission agreed to discuss these site-planning
6 issues at its next meeting.

7
8 **2. 439 Grace Church Street**

9
10 On a motion made by Peter Larr, seconded by Patrick McGunagle and carried by the
11 following vote:

- 12
- 13 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Peter Larr,
- 14 Patrick McGunagle, Hugh Greechan
- 15 NAYS: None
- 16 RECUSED: None
- 17 ABSENT: Franklin Chu

18
19 the Planning Commission took the following action:

20
21 **ACTION:** The Planning Commission set the public hearing on Wetland Permit Number
22 WP128 for its June 10, 2003 meeting.

23
24 **3. Rye Veterinary Hospital**

25
26 The Commission noted that there were no special issues associated with the draft
27 resolution of approval. The Commission requested that a provision be put into the
28 resolution stating that any animal waste be handled properly and not impact stormwater
29 runoff.

30
31 On a motion made by Peter Larr, seconded by Barbara Cummings and carried by the
32 following vote:

- 33
- 34 AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Peter Larr,
- 35 Patrick McGunagle, Hugh Greechan
- 36 NAYS: None
- 37 RECUSED: None
- 38 ABSENT: Franklin Chu

39
40 the Planning Commission took the following action:

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42 **ACTION:** The Planning Commission approved site plan and use permitted subject to
43 additional standards and requirements application number SP272.

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4. 23-25 Purchase Street

Lucio DiLeo (applicant’s architect) stated that an agreement has been reached with a neighbor for construction access through their driveway to the rear of the building. The Commission discussed the handling and storage of the trash and recyclables for the 6-family residences. Mr. DiLeo stated that the applicant would provide trash and recyclable pick-up with a private carting service. He also agreed to enclose all trash and recycling between pick-ups within the building, probably in the basement.

On a motion made by Peter Larr, seconded by Hugh Greechan and carried by the following vote:

- AYES: Michael Klemens, Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle, Hugh Greechan
- NAYS: None
- RECUSED: None
- ABSENT: Franklin Chu

the Planning Commission took the following action:

ACTION: The Planning Commission approved site plan application number SP273.

5. Walker

Linda Whitehead (applicant’s attorney) noted that she met with abutting neighbors to the subject site and agreed to the following conditions pertaining to the application’s southern driveway proposal:

- All dead trees will be replaced during construction
- Planting area will be extended on the north side, along the Clark’s property
- On the south side of lot 3, 10 additional evergreen shrubs will be planted
- The angle of the driveway will be changed coming out of lot 2, to minimize the impact to the neighbors’ houses in the evening hours.
- Provide additional evergreens along driveway on the Rockridge side

The Commission discussed an alternative 3-lot subdivision layout with a driveway alignment along the northern property line extending from Forest Avenue and bisecting the property between proposed lots 2 and 3 to reconnect with the applicant’s proposed driveway. The Commission recommended that the existing curb cut on Forest Avenue be removed and that the existing residence use the northern driveway. The Commission added that deed restrictions should be provided establishing perimeter landscaping screening areas for the benefit of adjacent neighbors. A deed restriction of the 100-foot wetland buffer should also be provided.

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1 The City Planner recommended that the Commission determine whether adequate sight
2 distance on Forest Avenue could be provided for a northern driveway alignment. He also
3 requested that the applicant quantify how much vegetation would be required to be
4 removed within the Forest Avenue right-of-way to achieve a desired sight distance. The
5 City Planner recommended that the driveway not bisect the property since that did not lend
6 itself to good subdivision design and that the Commission consider extending the driveway
7 along the entirety of the northern property line. He noted that a landscape buffer could be
8 provided to screen the Clark residence similar to the extent of separation that the applicant
9 is proposing from the Rockridge residences to the proposed southern driveway.

10
11 The City Engineer noted that he would need at least 11 feet of vehicle height clearance in
12 order to accommodate refuse vehicles.

13
14 Ms. Whitehead responded that the Commission already considered a northern access in
15 December 2002 and that it agreed to a southern alignment after the Planning Commission
16 conducted a site walk in January. Ms. Whitehead stated that if the northern driveway
17 access were approved, it would leave the applicant's house with no garage and no
18 expansion potential for the kitchen. It would also cause the proposed driveway to run
19 extremely close to the Clark's property. Ms. Whitehead stated that the Rockridge
20 neighbors have accepted the southern driveway, with the additional screenings.

21
22 The Commission noted that the neighbors may have agreed to the landscaping, but that
23 they would likely prefer to have the proposed driveway further from their residences. A
24 majority of the Commission members agreed, however, that the northern driveway
25 alignment was already reviewed and not considered appropriate. The applicant's most
26 recent submission is consistent with the Commission's direction. The Commission added
27 however, that the plan requires the following revisions:

- 28
- 29 • There should be a single curb cut on Forest Avenue via the new southern access
 - 30 drive.
 - 31 • The access drive near the intersection with Forest Avenue should be shifted
 - 32 approximately 15 feet further north away from the neighbors on Rockridge. Ms.
 - 33 Whitehead noted that such a change would result in the loss in a significant stand of
 - 34 trees.
 - 35 • The perimeter landscape areas along the southern and northern property lines
 - 36 should be expanded and be required to be preserved and maintained with deed
 - 37 restrictions.
 - 38 • The design of the driveway should be modified to the satisfaction of the City
 - 39 Engineer so that it can accommodate refuse vehicles.
 - 40 • A conservation easement should be provided on the 100-foot wetland buffer to
 - 41 protect this area from future development and disturbances.

42
43 The Commission noted that it would consider a resolution of approval at its next meeting.

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6. Ann Lane

Linda Whitehead (applicant’s attorney) gave a brief overview of the application, which involves clarification of the lot areas on the previously approved subdivision. Ms. Whitehead stated that the original lot lines were incorrect and were now being corrected in order to provide greater consistency between the lots. The City Planner noted that the new lot configurations would impact the size and configuration of the previously approved lots. He added that the proposed lot configuration would allow for a larger house to be built on Lot no. 1 and a smaller house to be built on Lot no. 2. He noted concern with the useable area for proposed Lot 2, which is already constrained with a steep slope.

The Commission noted that the proposed residence on Lot 2 is no closer to the steep slope area on the property and that this area was protected with a deed restriction. The Commission agreed to the modification and noted that it was consistent with its original approval.

7. House Scale Law

The Commission noted that it had previously reviewed the proposed recommendations to address house scale concerns and that it had no concerns with the proposed local law.

8. Minutes

The Commission reviewed and approved minutes of its May 13, 2003 meeting.