

Rye City Planning Commission Minutes

April 27, 2004

1 **PRESENT:**

2 Martha Monserrate, Vice-Chair

3 Nick Everett

4 Hugh Greechan

5 Peter Larr

6 H. Gerry Seitz

7

8 **ABSENT:**

9 Barbara Cummings, Chair

10 Patrick McGunagle

11

12

13 **ALSO PRESENT:**

14 Christian K. Miller, AICP, City Planner

15 Dennis Buckley, Conservation Commission/Advisory Council (CC/AC)

16

17 **I. HEARINGS**

18

19 **1. Gingrich Residence**

20

21 Vice-Chair Monserrate read the public notice.

22

23 Pam Lester (Applicant's Landscape Architect) provided an overview of the application
24 noting that the property is located at the end of Meadow Place adjacent to Blind Brook.
25 Ms. Lester stated that the existing garage and portion of the existing driveway would be
26 removed. The applicant proposes to construct a new garage with living space on the
27 second floor and a new patio in the rear yard. Ms. Lester noted that the proposed plan
28 would result in a 258-square foot increase in impervious area on the property. To offset
29 this increase in impervious area, Ms. Lester noted that 517 square feet of landscaping
30 plantings would be provided. Ms. Lester stated that the plants consist of native material
31 and would be located along Blind Brook creating an enhancement to the wetland buffer.

32

33 Ms. Lester noted that based on the comments of the Planning Commission that the
34 plan would be revised to include a french drain to capture stormwater runoff from the
35 proposed patio. Ms. Lester noted that drainage from this patio would be directed to the
36 proposed subsurface stormwater infiltrator unit.

37

38 On a motion made by Peter Larr, seconded by Nick Everett and carried by the following
39 vote:

40

41 **AYES:** Martha Monserrate, Nick Everett, Hugh Greechan, Peter Larr, H. Gerry
42 Seitz

43 **NAYS:** None

44 **ABSENT:** Barbara Cummings, Patrick McGunagle

45

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1 the Planning Commission took the following action:

2

3 **ACTION:** The Planning Commission closed the public hearing on wetland permit
4 application number WP#144A.

5

6 **2. McGuire Residence**

7

8 Vice-Chair Monserrate read the public notice.

9

10 Richard Horsman (Applicant's Landscape Architect) stated that the project involved the
11 construction of a one-story addition to the rear of an existing residence located at 9
12 Mayfield Road. Mr. Horsman stated that the proposed project would be located within a
13 100-foot wetland buffer of Blind Brook. The landscape plans proposed by Mr. Horsman
14 would provide for native and wetland plants along the side and rear property lines. Mr.
15 Horsman stated that the mitigation plan was revised to reflect the comments of the
16 Planning Commission and includes no off-site plantings.

17

18

19 On a motion made by Peter Larr, seconded by H. Gerry Seitz and carried by the
20 following vote:

21

22 **AYES:** Martha Monserrate, Nick Everett, Hugh Greechan, Peter Larr, H. Gerry
23 Seitz

24 **NAYS:** None

25 **ABSENT:** Barbara Cummings, Patrick McGunagle

26

27 the Planning Commission took the following action:

28

29 **ACTION:** The Planning Commission closed the public hearing on wetland permit
30 application number WP#149.

31

32

33 **3. Coveleigh Club**

34

35 Vice-Chair Monserrate read the public notice.

36

37 Hugh Greechan noted that he was a member of Coveleigh Club and that he would be
38 recusing himself from the discussion of this matter.

39

40 Linda Whitehead (Applicant's Attorney) stated that the project involved the
41 reconstruction and rehabilitation of existing cabanas located in the southeast corner of
42 the Coveleigh Club property adjacent to the Long Island Sound and existing pool.

43 Ms. Whitehead stated that existing cabanas located within the 100-foot zoning set back
44 were not part of the application. Ms. Whitehead stated that cabanas located outside
45 the 100-foot set back would be removed and that new cabanas would be constructed.

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1
2 Ms. Whitehead provided an overview of the site work associated with the proposed plan
3 noting that existing pathways would be replaced with new brick pavers. Site area below
4 contour elevation nine would be raised approximately one-foot and tree wells would be
5 provided around trees impacted by this grading area. Ms. Whitehead noted that there
6 would be a reduction in impervious area associated with the walkway modification
7 within the 100-foot wetland buffer. Ms. Whitehead stated, however, that there would be
8 a small increase in impervious area associated with the entire project.
9

10 The Commission questioned the elevation at the base of the existing trees and the
11 proposed deck height for the cabanas. Ms. Whitehead stated that the elevation at the
12 base of the existing tree was approximately 7.9 and that approximately 1-foot of fill
13 would be added in that location. Ms. Whitehead stated that the height of the proposed
14 deck would be at approximately elevation 10 but that this is being reviewed based on
15 information provided on the survey. Ms. Whitehead stated that the club wants to
16 provide for ramps from the site to the deck to make easier access for parents with
17 strollers and those with disabilities.
18

19 Suzanne Brody (33 Redfield Street resident) stated that her parents live adjacent to the
20 Coveleigh property. Ms. Brody stated that she was concerned regarding the impact the
21 project may have on her parent's home. She stated particular concern with respect to
22 any drainage impact associated with the proposed cabanas or toilet facilities.
23

24 Ms. Whitehead responded that there would be no change to structures on the
25 Coveleigh property within the 100-foot zoning setback. Ms. Whitehead stated that this
26 setback area abuts the Brody property and that the proposed project would not
27 adversely impact drainage conditions on the Brody property.
28

29 The Commission questioned the source of the proposed fill. Ms. Whitehead stated that
30 all fill associated with the project would come from other areas on the property but
31 would not be imported from outside the 100-year flood zone.
32

33 Ms. Whitehead added that based on consultations with the Building Inspector no
34 floodplain variance would be required for the proposed project.
35

36 The Commission questioned the apparent discrepancies in the location of a dry well
37 shown on the applicant's site plan but not reflected on the survey provided by the
38 applicant. Ms. Whitehead stated that the dry well does exist but that it was likely
39 covered by snow when the survey was conducted. The Planning Commission noted
40 that the drainage for the existing system is conveyed to a pipe that extends to Long
41 Island Sound.
42

43 On a motion made by Peter Larr, seconded by Nick Everett and carried by the following
44 vote:
45

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1 AYES: Martha Monserrate, Nick Everett, Peter Larr, H. Gerry Seitz

2 NAYS: None

3 ABSENT: Barbara Cummings, Patrick McGunagle

4 RECUSED: Hugh Greechan

5 the Planning Commission took the following action:

6

7 **ACTION:** The Planning Commission closed the public hearing on final site plan
8 application number SP#280.

9

10 **4. Hancock Residence (Continued)**

11

12 Vice-Chair Monserrate noted that this matter was continued from the Commission's
13 previous meeting on April 13, 2004. Since no new information had been provided
14 regarding the applicant's standing to submit the application, the Commission agreed to
15 keep the public hearing open to its next meeting on May 11, 2004.

16

17 On a motion made by H. Gerry Seitz, seconded by Nick Everett and carried by the
18 following vote:

19

20 AYES: Martha Monserrate, Nick Everett, Hugh Greechan, Peter Larr, H. Gerry
21 Seitz

22 NAYS: None

23 ABSENT: Barbara Cummings, Patrick McGunagle

24

25 the Planning Commission took the following action:

26

27 **ACTION:** The Planning Commission kept open the public hearing on wetland permit
28 application number WP#148.

29

30

31 **II. ITEMS PENDING ACTION**

32

33 **1. Gingrich Residence**

34

35 The Planning Commission discussed the applicant's proposed storm water design
36 noting that the subsurface infiltrator system includes an overflow pipe that discharges
37 directly to Blind Brook. The Planning Commission requested that the applicant
38 considers modifying its plans to remove this direct discharge. The Planning
39 Commission noted, however, that all discharged water would presumably be clean
40 since it would be properly treated to improve water quality. The City Planner added that
41 in practice the Commission was correct that the discharge water should be clean but
42 noted that new phase II regulations would tend to discourage any direct discharge to a
43 water body. Ms. Lester agreed to modify the plans to remove the overflow discharge
44 pipe to Blind Brook. In its place would be a system that would percolate up through the
45 soils during heavy rain events. The Commission noted that given the site's proximity to

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1 the Blind Brook, the subsurface infiltrators would likely be underwater during major
2 storm events and rendered inoperable.

3
4 The Planning Commission requested that the site plan be revised to direct all
5 stormwater from the patio to the subsurface drainage system. Ms. Lester agreed to
6 make the requested modification.

7
8 On a motion made by Nick Everett, seconded by Hugh Greechan and carried by the
9 following vote:

10
11 AYES: Martha Monserrate, Nick Everett, Hugh Greechan, Peter Larr, H. Gerry
12 Seitz
13 NAYS: None
14 ABSENT: Barbara Cummings, Patrick McGunagle

15
16 the Planning Commission took the following action:

17
18 **ACTION:** The Planning Commission adopted a resolution of conditional approval for
19 wetland permit application number WP#144A.

20 21 **2. McGuire Residence**

22
23 The Planning Commission reviewed the revised site plan noting that it had complied
24 with all the requested revisions.

25
26 On a motion made by Peter Larr, seconded by H. Gerry Seitz and carried by the
27 following vote:

28
29 AYES: Martha Monserrate, Nick Everett, Hugh Greechan, Peter Larr, H. Gerry
30 Seitz
31 NAYS: None
32 ABSENT: Barbara Cummings, Patrick McGunagle

33
34 the Planning Commission took the following action:

35
36 **ACTION:** The Planning Commission adopted a resolution of conditional approval for
37 wetland permit application number WP#149.

38 39 40 **3. Coveleigh Club**

41
42 The Planning Commission reviewed the proposed and existing grading on the property
43 and its relationship to the existing and proposed deck height surrounding the cabanas.

44 The Commission discussed the extent of fill necessary to create ramps that reach the
45 desired decking height. Ms. Whitehead noted that the grading would result in

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1 eliminating an existing depression to level the property adjacent to the cabanas. The
2 City Planner suggested that the plan be revised to better clarify existing and proposed
3 conditions. The City Planner noted that the existing and proposed grading should be
4 clearly delineated and that the height of the proposed deck should be indicated on the
5 site plan. Details of the proposed tree well should also be provided. The City Planner
6 added that discrepancies between the existing site survey and proposed site plan
7 should be clarified.

8
9 The Planning Commission also requested that the location of the wetland boundary
10 shown on the site plan be verified. The Commission noted that the boundary of the
11 wetland is based on the mean high tide line and that information does not appear on
12 the applicant's survey. Ms. Whitehead responded that the surveyor did delineate the
13 mean high tide line and provided it to the applicant. She noted that this information
14 would be provided to the Commission.

15
16 The Planning Commission reviewed the existing stormwater drainage measures on the
17 property. Chuck O'Connor (Coveleigh Club representative) stated that the existing
18 catch basin shown on the site plan was not picked up on the survey because it's buried
19 beneath grass. He stated that Coveleigh maintenance staff know that this catch basin
20 exists. Mr. O'Connor explained how the existing drainage system operates noting that it
21 allows surface water in small storm events to percolate through the existing catch basin.
22 Storm water is directed to an existing storm water pipe that discharges in Long Island
23 Sound.

24
25 The Planning Commission reviewed the compliance of the project with the City's
26 Floodplain Management Law. Ms. Whitehead stated that based on discussions with
27 the City Building Inspector, the proposed project complies with the City's Floodplain
28 Management Law. The Commission requested confirmation of the Building Inspector's
29 interpretation.

30
31 **4. Hancock Residence**

32
33 The Commission noted that it would continue the discussion and public hearing of this
34 matter to its May 11, 2004 meeting.

35
36 **5. Parisot Residence**

37
38 Members of the Planning Commission discussed their observations based on the
39 recent site visit. The Commission questioned the City Planner as to the City
40 Engineering Department's concerns related to the location of the subsurface infiltrator
41 and its potential impact on the proposed retaining wall. The City Planner noted that
42 based on discussions with the City Engineer that he would like more information
43 regarding existing soil conditions to better assess whether the storm water infiltrator
44 system might undermine the integrity of the proposed retaining wall. The City Planner
45 stated that the City Engineer was not particularly concerned given the relatively small

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1 amount of storm water runoff volume proposed to be discharged to the subsurface
2 system.

3
4 Richard Horsman (Applicant's Landscape Architect) stated that he would relocate the
5 proposed infiltrator further north from the wall to address the Planning Commission's
6 concern. He also noted that the proposed wall would be dry laid and therefore allow for
7 drainage to seep through to reduce water pressure from behind the wall.

8
9 On a motion made by Nick Everett, seconded by Hugh Greechan and carried by the
10 following vote:

11
12 AYES: Martha Monserrate, Nick Everett, Hugh Greechan, Peter Larr, H. Gerry
13 Seitz
14 NAYS: None
15 ABSENT: Barbara Cummings, Patrick McGunagle

16
17 the Planning Commission took the following action:

18
19 **ACTION:** The Planning Commission adopted a resolution of conditional approval for
20 wetland permit application number WP#144A.

21 22 **6. Smyth Residence (Extension of Time)**

23
24 The City Planner noted that the applicant has requested a 1-year extension of time to
25 its prior wetland permit approval. The City Planner recommended that the Commission
26 approve the requested extension.

27
28 On a motion made by H. Gerry Seitz, seconded by Martha Monserrate and carried by
29 the following vote:

30
31 AYES: Martha Monserrate, Nick Everett, Hugh Greechan, Peter Larr, H. Gerry
32 Seitz
33 NAYS: None
34 ABSENT: Barbara Cummings, Patrick McGunagle

35
36 the Planning Commission took the following action:

37
38 **ACTION:** The Planning Commission adopted a resolution of granting a one-year
39 extension of time to the previously approved wetland permit application
40 number WP#127.

41 42 **7. Webb Residence**

43
44 Aleksandra Moch (Applicant's Consultant) provided an overview of the existing site
45 conditions and proposed project. Ms. Moch noted that the wetland consists of a rock-

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1 lined wetland area located in the rear of an existing residence located at 309 Grace
2 Church Street. Ms. Moch stated that the wetland has been disturbed over time and
3 probably was previously a red maple swamp.
4

5 Ms. Moch stated that the proposed project would remove an existing deck and a portion
6 of an existing driveway that may have, at one time, extended all the way to the wetland.
7 The proposed project involved the construction of a rear building addition for a new
8 garage, expanded kitchen and replacement bathroom. Ms. Moch noted that there
9 would be no increase in bathrooms or bedrooms and therefore would not adversely
10 impact the existing septic system. Ms. Moch noted that the existing system was
11 installed in 1942 and that there were no records of the system available from the
12 Westchester County Department of Health.
13

14 Ms. Moch noted that the proposed project would add approximately 400 square feet of
15 impervious area within the wetland buffer and that approximately 900 square feet of
16 wetland planning would be provided as mitigation. The proposed plantings would be
17 located along the existing wetland. Stormwater drainage would be accommodated
18 through a new dry well system located in the side yard. The overflow from the drainage
19 system would go to an existing depression along the side property line adjacent to Kirby
20 Lane North and eventually drain to the wetland located in the rear yard. The Planning
21 Commission questioned the existing stonewall on the property. Ms. Moch noted that
22 the stonewall area was a former garden.
23

24 The Commission questioned the impervious surface calculations noting that the
25 increase appeared higher than stated. Ms. Moch stated that she will review the
26 calculations but that the amount of the impervious increase appeared correct.
27

28 The Planning Commission noted that given the proximity of the existing septic system
29 to the wetland it was important to assess the current system's functional capability. The
30 Commission requested that the applicant more accurately locate the system and obtain
31 appropriate information to confirm that the system is operating properly. Ms. Moch
32 suggested that the applicant could conduct a dye test. The Commission stated that a
33 letter of certification from a qualified company or organization would also be helpful.
34

35 The Planning Commission discussed the location of this property within a planned
36 sanitary sewer district, which is currently being considered by the Rye City Council. The
37 Commission noted that the City Council would likely support the proposed sewer district
38 if it is approved by 75% of the properties within the district. The Commission noted that
39 it would be at least six more weeks before support could be determined.
40

41 The Planning Commission requested that the applicant verify its stormwater drainage
42 calculations with the City Engineering Department.
43
44
45

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1 **8. Webster Bank**

2
3 Pam Rosenbloom (Applicant's Architect) provided an overview of the proposed project
4 noting that it involved the renovation of a former retail store to a bank. Ms. Rosenbloom
5 reviewed modifications to the front façade along Purchase Street noting that the
6 existing awning would be removed, the façade cleaned up, and new wood treatment
7 would be added above the existing signage. The rear of the property would be modified
8 to provide for a new customer entrance. The entrance would be enhanced with
9 proposed brick pavers and a light fixture. Ms. Rosenbloom stated that the applicant
10 was seeking to provide for a more gracious and welcoming entrance in the rear of this
11 building where one currently does not exist.

12
13 Ms. Rosenbloom stated that the bank would be a four teller branch with a 24-hour ATM
14 access available through a vestibule on Purchase Street.

15
16 The Planning Commission questioned the location of the rear property line relative to
17 the existing curb in the City. Ms. Rosenbloom noted that based on field measurements
18 the curb appeared to be about one foot from the rear property line. The City Planner
19 noted the condition of this curbing and questioned whether a mountable curb for
20 vehicles should be provided. He noted that this would be reviewed by the City
21 Engineering Department. The Commission noted that loading to the rear of the building
22 is important to avoid impacts on Purchase Street. Loading on Purchase Street should
23 not be permitted.

24
25 The Planning Commission questioned the applicant's refuse disposal needs. Ms.
26 Rosenbloom stated that there was no need for outdoor refuse storage and that all
27 refuse would be removed daily by the cleaning staff. The City Planner noted that based
28 on the applicant's representation any resolution of approval would likely prohibit outdoor
29 refuse storage.

30
31 The Planning Commission discussed the proposed enhancement in the rear of the
32 building. The Commission noted that it would prefer landscaping as opposed to the
33 proposed brick pavers. The Commission also noted that the proposed lamppost did not
34 appear necessary and might look out of place along the rear of the building.

35
36 The Commission discussed the need for a coordinated planning strategy for the rear of
37 buildings fronting on Purchase Street. The Commission found the aesthetic
38 enhancement proposed by the applicant desirable but noted that a coordinated strategy
39 for future applicants should be considered. The City Planner noted that the
40 Commission has always attempted to balance the functional needs of applicants, (such
41 as loading, refuse disposal, parking) with aesthetic enhancements, which are also
42 desirable. The City Planner suggested that striking this balance can be challenging.
43 He stated that some of these issues were addressed in the capital improvement and
44 streetscape plan prepared for the central business district by the City Planning
45 Department in July 2002.

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1
2 The Planning Commission noted that the site plan should be revised to address the
3 stormwater drainage concerns of the City Engineering Department. The Commission
4 noted that a dry well may be necessary to address existing stormwater runoff from roof
5 leaders.

6 7 **9. Minutes**

8
9 The Commission reviewed and approved the minutes of its April 13, 2004 meeting.

10 11 **10. Miscellaneous Matters**

12
13 Commission member Everett and Greechan updated the Planning Commission on its
14 meeting with representatives from the Westchester County regarding the Read
15 Sanctuary access road. Members Everett and Greechan noted that in attendance were
16 representatives from the Westchester County Parks Department, Friends of the
17 Sanctuary and City Staff. The meeting was conducted at the request of the Rye City
18 Planning Commission on April 20, 2004. A member from Playland operations was
19 present.

20
21 In summary the Commission members noted that the principal reason for the access
22 road appeared to be due to lack of internal coordination among Westchester County
23 Departments. With Playland operations making unavailable the existing road thereby
24 restricting access to Read Sanctuary. The Commission members noted that one
25 alternative that should be explored is to improve coordination and communication
26 among Westchester County Departments to better coordinate access between Playland
27 and Read.

28
29 A second alternative discussed was to have Westchester County work out an
30 agreement with the adjacent Manursing Island Club for either alternative access drive
31 or allow overflow parking during peak conditions at the club. The Commission
32 members noted that the Manursing Island Club has a lease arrangement with the
33 County to use a portion of Read for a ballfield used during summer camp. It was
34 suggested at the meeting that this arrangement could be modified to provide for a new
35 access drive from the adjacent to Manursing Club property and a quid-pro-quo for using
36 the field as Westchester County property.

37
38 Their meeting concluded with the Westchester County representatives agreeing to
39 explore the alternatives and report back to the City Planning Commission.

40