

Rye City Planning Commission Minutes

May 25, 2004

1 **PRESENT:**

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

8

9 **ABSENT:**

10 H. Gerry Seitz

11

12 **ALSO PRESENT:**

13 Christian K. Miller, AICP, City Planner
14 Chantal Detlefs, City Naturalist
15 Jim McGee, CC/AC Member

16

17 **I. HEARINGS**

18

19 **1. Hancock Residence (Continued)**

20

21 The Planning Commission stated it was awaiting a legal opinion from Corporation
22 Counsel regarding the applicant's most recent submission asserting its right to submit
23 the wetland permit application. The Commission noted it would continue this matter to
24 its June 8 meeting, at which time an opinion from Corporation Counsel is expected.

25

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

28

29 AYES: Barbara Cummings, Martha Monserrate, Nick Everett, Hugh Greechan,
30 Peter Larr, Patrick McGunagle

31 NAYS: None

32 RECUSED: None

33 ABSENT: Gerry Seitz

34

35 the Planning Commission took the following action:

36

37 ACTION: The Planning Commission continued the public hearing on wetland permit
38 application number WP148.

39

40

41 **2. Webb Residence**

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1

2 Chair Cummings read the public notice. The City Planner acknowledged the receipt of
3 an affidavit from the applicant indicating compliance with the City's public notification
4 requirements.

5

6 Aleksandra Moch (Applicant's environmental consultant) noted the application involved
7 the construction of an addition to the rear of an existing residence and modification of
8 an existing driveway. Ms. Moch stated a portion of the existing driveway would be
9 removed to accommodate the proposed addition. Ms. Moch provided an overview of
10 the sediment and erosion control measures on the site plan including the location of the
11 silt fence to protect the adjacent wetland, soil stockpile area and anti-tracking pad.

12

13 Ms. Moch reviewed the proposed wetland mitigation plan, which provides 900 square
14 feet of trees and shrubs for the approximately 400 square-foot increase in impervious
15 area associated with the proposed project. Drainage measures would also be provided
16 including a sub-surface infiltrator that will accommodate a 25-year storm event
17 associated with the net increase in impervious area.

18

19 There were no public comments.

20

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

23

24 AYES: Barbara Cummings, Martha Monserrate, Nick Everett, Hugh Greechan,
25 Peter Larr, Patrick McGunagle

26 NAYS: None

27 RECUSED: None

28 ABSENT: Gerry Seitz

29

30 the Planning Commission took the following action:

31

32 ACTION: The Planning Commission closed the public hearing on wetland permit
33 application number WP153.

34

35 **3. Webster Bank**

36

37 Chair Cummings read the public notice. The City Planner acknowledged the receipt of
38 an affidavit from the applicant indicating compliance with the City's public notification
39 requirements.

40

41 Pam Rosenbloom (Applicant's architect) provided an overview of the application noting
42 it involved the conversion of a former retail space to a bank. The proposed bank would
43 be a small branch bank with 24-hour lobby access to automatic teller machines. Ms.
44 Rosenbloom stated the interior of the bank would have four tellers, a conference room,
45 small staff lounge and bathrooms.

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1
2 Ms. Rosenbloom reviewed the rear building modifications noting that existing asphalt
3 would be removed and replaced with brick pavers and new landscaping. She stated a
4 plaza would be created with improved access to the rear of the building and a more
5 aesthetically pleasing entry. New doors would be provided within the existing archways
6 and lighting sconces added to the rear building elevation. Ms. Rosenbloom discussed
7 modifications to the front building elevation including the removal of the existing awning,
8 re-pointing of the brick and new signage.

9
10 Ms. Rosenbloom stated the site plan includes stormwater drainage improvements
11 based on the recommendations of the City Engineer. New sub-surface roof leaders
12 would be provided and connected to a new catch basin located in the City Carpark
13 behind the building. She stated that the applicant would install the catch basin and
14 associated piping.

15
16 There were no public comments.

17
18 On a motion made by Peter Larr, seconded by Nick Everett and carried by the following
19 vote:

20
21 AYES: Barbara Cummings, Martha Monserrate, Nick Everett, Hugh Greechan,
22 Peter Larr, Patrick McGunagle
23 NAYS: None
24 RECUSED: None
25 ABSENT: Gerry Seitz

26
27 the Planning Commission took the following action:

28
29 ACTION: The Planning Commission closed the public hearing on Site Plan permit
30 application number SP282.

31
32
33 **II. ITEMS PENDING ACTION**

34
35 **1. Hancock Residence (Continued)**

36
37 The City Planner noted the application would be continued to the Commission's June 8
38 meeting. The City Planner noted the three-month extension of time granted by the
39 Commission in connection with the previously approved wetland permit for a fixed dock
40 expires on June 11. He stated that consideration of an additional extension time would
41 be on this agenda, adding that if such extension was not granted the previously
42 approval would be considered null and void.

43
44 **2. Webb Residence**

45

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1 The Commission requested the applicant modify the plans to include an appropriate
2 detail (such as stone monuments) demarcating the edge of the existing wetland on the
3 property. The Commission noted this feature would help future owners identify the
4 location of the wetland and that it was flexible in terms of the type of demarcation to
5 meet the applicant's aesthetic needs.

6
7 The Commission reviewed the applicant's proposed removal of existing invasive plant
8 species within the wetland and adjacent buffer area. The Commission requested all
9 existing plant material to be removed should not be replaced with lawn and should be
10 restricted to appropriate shrub and tree species.

11
12 The Commission questioned the property's location in a flood zone. The City Planner
13 stated the property was not located in a federally identified 100-year (i.e. Zone A) or
14 500-year (i.e. Zone B) flood zone.

15
16 On a motion made by Peter Larr, seconded by Patrick McGunagle and carried by the
17 following vote:

18
19 AYES: Barbara Cummings, Martha Monserrate, Nick Everett, Hugh Greechan,
20 Peter Larr, Patrick McGunagle

21 NAYS: None

22 RECUSED: None

23 ABSENT: Gerry Seitz

24
25 the Planning Commission took the following action:

26
27 ACTION: The Planning Commission adopted a resolution conditionally approving
28 wetland permit application number WP153.

30 **3. Webster Bank**

31
32 The Commission noted concerns with impacts on parking, loading and traffic flow
33 associated with construction projects in the Central Business District. The Commission
34 discussed possible restrictions such as limiting the hours of construction deliveries and
35 prohibiting obstructions in the City Carpark. The Commission agreed such impacts
36 could be significant, but that adding such restrictions may not be appropriate.

37
38 Mr. Carney (Webster Bank representative) shared the Commission's concerns, but
39 stressed the need to have unrestricted deliveries in order to complete construction in a
40 timely manner. He stated the Bank has construction supervisors that will monitor the
41 construction process and correct practices that cause adverse impacts.

42
43 The City Planner suggested that in order to avoid possible conflicts with existing laws
44 regulating construction practices that the resolution of approval could be amended to
45 include general language prohibiting adverse construction impacts.

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1
2 The Commission discussed the proposed drainage measures and suggested the
3 location of the catch basin be shifted to avoid the ponding of water in front of the
4 proposed handicapped access ramp. The City Planner acknowledged the point, but
5 stated he would need to consult with the City Engineer as to the best location. He
6 stated the location of the catch basin was selected to allow for future roof leader tie-ins
7 from adjacent properties.

8
9 On a motion made by Patrick McGunagle, seconded by Peter Larr and carried by the
10 following vote:

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

17
18 the Planning Commission took the following action:

19
20 ACTION: The Planning Commission closed the public hearing on wetland permit
21 application number SP282.

22 23 **4. Coveleigh Club**

24
25 Commission member Hugh Greechan disclosed his membership at the Coveleigh Club,
26 recused himself from the discussion of this matter and left the meeting room.

27
28 Linda Whitehead (Applicant's Attorney) noted the plan had been revised to show the
29 extent of proposed grade change in the project area. The Commission questioned the
30 extent of fill proposed within a designated 100-year flood zone. Ms. Whitehead
31 responded no fill would be imported to the site or from outside of a flood zone. She
32 stated that the desired increase in elevation would be achieved from excavated material
33 from under the existing cabanas.

34
35 The Commission reviewed the proposed fill, its relationship to the proposed cabana
36 deck height and its potential impact on existing trees on the site. The Commission
37 noted that the designated 18-inch tree might be adversely impacted by the extent of fill
38 within the tree canopy and the proposed tree well may not provide adequate protection.
39 The Commission questioned whether the existing tree should be removed. Joe
40 O'Conner noted that the tree is in poor health and could be removed. The Commission
41 recommended that the plan be revised to remove the existing tree and to show on the
42 plan two replacement trees.

43
44 The Commission discussed the impact of proposed grading around a designated 36-
45 inch tree. The Commission requested the plan be revised to reduce the extent of fill

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1 and to modify the proposed ramp design adjacent to the tree to avoid the use of fill. The
2 Commission also requested that the exact size of the tree canopy be confirmed and
3 shown on the plan.
4

5 The Commission agreed that it would consider a resolution of approval provided the
6 applicant prepared a revised site plan showing two replacement trees, a revised tree
7 canopy dimension and revisions to the grading plan to reduce the extent of fill around
8 the 36-inch tree.
9

10 **5. Spelman Subdivision**

11
12 The Commission noted the poor condition of Hunt Place and that the City Engineer has
13 recommended against the creation of an additional building lot until this roadway is
14 suitably improved. This roadway has resulted in damage to City refuse and police
15 vehicles.
16

17 The Commission stated it was advised by the City Engineer that the existing 4-inch
18 sewer line is undersized to accept a new sewer connection from a residence on
19 proposed Lot 2. An alternative connection would be necessary such as providing an
20 easement across Lot 1 to access the existing 8-inch sewer line in Bradford Avenue.
21

22 The Commission requested the proposed lot line be revised to remove the “jog” and that
23 it preferred a straight line perpendicular to the street. The Commission added that a 40-
24 foot rear yard, rather than a 12-foot side yard, setback is required from this portion of
25 the proposed lot line.
26

27 The Commission questioned the location of the future garage and driveway access for
28 proposed Lot 1. Mr. Spelman (property owner) stated the existing garage would be
29 removed and the new driveway access would be on Bradford Avenue.
30

31 Linda Whitehead (applicant’s attorney) responded to the Commission’s concerns noting
32 that the neighbors on Hunt Place are in the process of improving the road in response
33 to a letter from the City’s Department of Public Works indicating that municipal services
34 would not be provided unless Hunt Place were improved. Ms. Whitehead stated those
35 improvements would be made shortly and may address the Commission’s and City
36 Engineer’s concerns. She added the applicant was prepared to make additional
37 modifications to the roadway to improve access to both lots if necessary.
38

39 The Commission requested the applicant provide information regarding the ownership
40 of Hunt Place. Ms. Whitehead stated that Hunt Place is a mapped, private street and
41 that ownership information may be difficult to determine. She added that many deeds
42 convey ownership up to the centerline of the roadway to abutting property owners.
43 The City Planner stated that the applicant should provide information that it has the right
44 to improve the roadway. The City Planner added that the details of the extent of
45 improvement should be coordinated with the City Engineer and shown on the

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1 subdivision plans. The City Planner further stated the City Engineer requested a vehicle
2 turn-around area (possibly in the form of an easement on Lot 2) may be necessary.

3
4 Ms. Whitehead responded to the Commission's concerns regarding the proposed lot
5 line and stated that the angle of the jog in the lot line would be modified and would
6 address the 40-foot rear yard setback concern. Ms. Whitehead indicated the lot line
7 was configured to preserve the Spelman's existing garden on Lot 1 and to prevent the
8 construction of a principal residence on the rear of Lot 2. The Commission noted it
9 would review the proposed lot line at the site inspection and suggested the concern
10 regarding the location of a residence on Lot 2 could be addressed with appropriate deed
11 restrictions.

12
13 The Commission discussed potential drainage concerns resulting from a low-
14 point/depression straddling the proposed lot line. The City Planner suggested this
15 depression be reviewed at the site walk and that the applicant may need to provide
16 appropriate drainage measures to alleviate potential ponding of water in this location.
17 Mr. Spelman responded the area was not prone to flooding. The Commission noted the
18 area could become problematic as a result of the impervious surfaces created by future
19 development on Lot 2.

20
21 The Commission suggested the existing 36-inch pine be removed since it would likely
22 be adversely impacted by development within the building envelope. Mr. Spelman
23 stated the pine tree is in poor health due to a recent fire and would be removed.

24
25 The Commission requested the plans be revised to more clearly indicate existing
26 structures to be removed including buildings, driveway or portions thereof.

27 28 **6. Lepore Residence**

29
30 The Commission noted a possible error with the applicant's survey and that the
31 elevation data should be confirmed since it will impact how much of the property is
32 located within a regulated 100-year flood zone. Alan Pilch (applicant's consultant)
33 stated the surveyor was currently reviewing the elevation data and that a revised survey
34 would be provided.

35
36 The Commission noted concern with the proposed 43% increase in impervious area
37 over existing conditions and suggested that the scope of the project may require
38 substantial modification. The Commission added that the Board of Architectural Review
39 (BAR) in its advisory comments to the Commission suggested a substantial change in
40 the plan to reorient the building to be parallel with Bradford Avenue. Frank Marsalla
41 (Applicant's architect) questioned the remarks noting the proposed house design and
42 configuration was already approved by the BAR. The City Planner stated that if there
43 was no change in the project, the applicant would not need to return to the BAR.

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1 The Commission expressed concern with the extent of fill on the property and
2 suggested that it be reduced, particularly if the residence is located in a designated
3 flood zone. The Commission requested that the extent of fill be quantified.

4
5 The Commission reviewed the proposed drainage plan and noted that it would require
6 additional modification to satisfy the concerns of the City Engineer. The proposed
7 stormwater design would need to provide adequate water quality and quantity measures
8 without adversely impacting drainage flows on adjacent properties. The City Planner
9 stated that there is regular ponding of water on the property. Alan Pilch (applicant's
10 consultant) stated the wetland on the rear and side of the property is attributed to
11 ground (as opposed to surface) water and currently consists of lawn.

12
13 The Commission requested the applicant provide additional details regarding the
14 variance it is seeking from the Board of Appeals. The City Planner added that the
15 Board of Appeals referred the matter to the Planning Commission before it would
16 consider the variance.

17
18 The Commission requested comments from the Conservation Commission/Advisory
19 Council, noting that their comments would be considered carefully in the review of the
20 application.

21
22 The Commission questioned whether the existing basement on the property was every
23 flooded. Mr. Lepore (property owner) stated that there was no flooding.

24
25 Mr. Pilch acknowledged the Commission's concerns and stated that revised plans would
26 be submitted addressing the Commission's comments once a revised survey was
27 obtained.

7. Review of Phase II Stormwater Management Program Annual Report

28
29
30
31 The City Planner provided a summary of the City's draft Phase II Stormwater
32 Management Program Annual Report. The City Planner explained that the report was
33 available for public comment as required by the Phase II regulations. The City Planner
34 noted the activities the City completed in the first year of the Phase II regulations
35 consistent with the City's Stormwater Management Plan without the allocation of
36 additional staff, consultants or funding. The City Naturalist discussed some of the
37 recent water quality testing she has been conducting and that this information will be
38 helpful data over time.

39
40 The Commission found the annual report acceptable and suggested that the planning
41 activities it was considering for wetland regulations would support the Phase II initiative.

8. Read Sanctuary¹

¹ This matter was discussed but was not on the meeting agenda.

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1
2 The Commission noted Westchester County had not returned as promised to provide an
3 update of its efforts to secure an alternative access arrangement to Read Sanctuary
4 other than the road that was constructed. The Commission directed the City Planner
5 contact the Westchester County Parks Department to request that the provide a status
6 report to the Commission at one of its June meeting. The Commission also requested
7 the County be prepared to discuss what measures it will be implementing to remediate
8 damage to wetland areas associated with the construction of the access road.

9

10 **9. Minutes**

11

12 The Commission reviewed and approved the minutes of its May 11, 2004 meeting.