

# Rye City Planning Commission Minutes

June 8, 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 H. Gerry Seitz (arrived late)

9

10 **ABSENT:**

11 None

12

13 **ALSO PRESENT:**

14 Christian K. Miller, AICP, City Planner  
15 Chantal Detlefs, City Naturalist

16

17 **I. HEARINGS**

18

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

20

21 Chair Cummings noted the application was a continuation of a public hearing. She  
22 added that Corporation Counsel had advised the Commission that it was appropriate to  
23 conduct the public hearing.

24

25 David Mooney (applicant's architect) provided an overview of the application. Mr.  
26 Mooney stated the applicant was seeking to maintain a 3-foot by 4-foot platform on an  
27 existing rock outcropping. Mr. Mooney stated the platform was used for a seasonal  
28 floating dock and ramp. Mr. Mooney added that the previously approved application for  
29 a fixed dock would not be implemented if the seasonal dock was approved by the  
30 Planning Commission.

31

32 There was no public comment.

33

34 On a motion made by Peter Larr, seconded by Martha Monserrate and carried by the  
35 following vote:

36

37 **AYES:** Barbara Cummings, Martha Monserrate, Nick Everett, Hugh Greechan,  
38 Peter Larr, Patrick McGunagle

39 **NAYS:** None

40 **RECUSED:** None

41 **ABSENT:** Gerry Seitz

42

43 the Planning Commission took the following action:

44

**Rye City Planning Commission Minutes (Cont.)**

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1 ACTION: The Planning Commission closed the public hearing on wetland permit  
2 application number WP148.  
3

4

5 **II. ITEMS PENDING ACTION**

6

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

8

9 The Planning Commission reviewed the draft resolution of approval prepared by the  
10 City Planner. The Commission found the draft resolution acceptable.  
11

12 The City Planner stated the draft resolution would render the approved fixed dock  
13 application for this property null and void and that only a seasonal dock as proposed in  
14 application number WP148 would be permitted.  
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 WP148.  
29  
30

31 **2. Hancock Residence (extension of time)**

32

33 The City Planner noted that review of this matter was no longer relevant since the  
34 Planning Commission approved Wetland Permit application number WP148. This prior  
35 approval for which the applicant was seeking an extension was deemed null and void.  
36  
37

38 **3. Spelman Subdivision**

39

40 The applicant requested that this matter be deferred. There was no discussion.  
41  
42

43 **4. RJV Realty**

44

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1 Bernard Grossfield (applicant's engineer) provided an overview of the application noting  
2 it involved the reconstruction of an existing retaining wall along Blind Brook and the  
3 creation of a new basement access to an existing building.  
4

5 The Commission requested that the applicant confirm with the Rye City Building  
6 Department that the proposed basement access would comply with the City's  
7 Floodplain Management Law. The City Planner noted the elevation of the flood zone in  
8 the area and the possible concern that flood waters could enter the building through this  
9 new access point. Mr. Grossfield agreed to confirm the proposed design with the City's  
10 Floodplain management requirements.  
11

12 The Commission discussed the proposed sedimentation and erosion control measures  
13 for the construction of the proposed wall. Mr. Grossfield responded the new wall would  
14 be constructed approximately two feet inward from the existing wall. The existing wall at  
15 the base of the current wall would not be disturbed. Mr. Grossfield stated the  
16 combination of the added setback and the preservation of the existing wall would act as  
17 a buffer to minimize sedimentation concerns.  
18

19 The Commission questioned the existing lower wall located at the base of the retaining  
20 wall. Mr. Grossfield indicated the existing wall would not be disturbed and would remain  
21 in place. The Commission questioned the purpose of the existing wall and whether it  
22 was required to be repaired to preserve the integrity of the proposed retaining wall. Mr.  
23 Grossfield stated the proposed design will not require disturbance to the existing lower  
24 wall, however where such disturbance is necessary it would be repaired. The  
25 Commission requested Mr. Grossfield review his plans with the City Engineer.  
26

27 The Commission discussed its observations at its June 5<sup>th</sup> site walk noting the existing  
28 building appears to be eroding. The Commission requested the Rye City Building  
29 Department review this condition.  
30

31 The Commission questioned the location of the existing wall and requested its location  
32 be noted on the site plan. Mr. Grossfield responded that the existing wall generally  
33 coincides with the location of the proposed footing and that a portion of the new wall  
34 would be setback approximately two feet from the location of the existing wall.  
35

36 The Commission discussed other site improvements. The Commission requested the  
37 applicant show proposed parking and discuss to what extent the proposed wall would  
38 require the loss of parking. Mr. Grossfield responded there would be no change in  
39 existing parking conditions and that the site has adequate depth to accommodate a 20-  
40 foot long parking space. The City Planner suggested that since the site will be disturbed  
41 and the pavement replaced that the applicant stripe the parking spaces. The  
42 Commission added that the striping of spaces will improve travel flow by more clearly  
43 delineating parking areas on the property.  
44

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1 The Commission questioned how the proposed wall would be constructed. Mr.  
2 Grossfield outlined the construction process noting the removal of the existing wall, the  
3 installation of forms for the concrete wall and the pouring of concrete into the forms. Mr.  
4 Grossfield stated the greatest potential exposure for erosion problems would occur in  
5 the period within which the existing wall was removed and new concrete forms were in  
6 place. The Commission agreed that construction should occur quickly and during the  
7 driest period of the year to minimize the potential for an erosion and sedimentation  
8 problem.

9  
10 The Commission questioned the location of the existing dumpster and suggested it be  
11 relocated closer to the building with appropriate screening. The property owner noted  
12 reluctance to locate the dumpster close to the building since the refuse vehicles have  
13 caused significant damage to the building in the past. He stated his preference to  
14 maintain the dumpsters in their current location near the street but agreed to provide  
15 landscape screening to address the Commission's aesthetic concerns. The Commission  
16 found the suggestion acceptable but added that it would need to review the final plans.

17  
18 The Commission requested the plan be modified to change the type of fence on the top  
19 of the wall to a more aesthetically desirable black vinyl coated chain link fence.

20  
21 The Commission agreed that it would set a public hearing and seek to avoid  
22 unnecessary delays in the planning and review process. The Commission noted strong  
23 preference for construction to occur in the driest summer months such as late July and  
24 August.

25  
26 On a motion made by Gerry Seitz, seconded by Nick Everett and carried by the  
27 following vote:

28  
29 AYES: Barbara Cummings, Martha Monserrate, Nick Everett, Hugh Greechan,  
30 Peter Larr, Patrick McGunagle, Gerry Seitz

31 NAYS: None

32 RECUSED: None

33 ABSENT: None

34  
35 the Planning Commission took the following action:

36  
37 ACTION: The Planning Commission set a public hearing for wetland permit  
38 application number WP155 for its next meeting on June 22, 2004.

### 41 42 **5. Eger Residence**

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1 Allan Pilch (applicant's landscape architect) provided an overview of the application  
2 noting it involved the construction of a 1-story addition that would result in approximately  
3 a 168 square foot net increase in impervious area on the property.  
4

5 The Planning Commission reviewed the comments of the Conservation Commission/  
6 Advisory Council (CC/AC) and reviewed the applicant's proposed mitigation plan. The  
7 Commission unanimously agreed to provide the comments of the CC/AC to the  
8 applicant. The Commission requested revisions to the mitigation plan based upon its  
9 review of the CC/AC's comments and the site walk it conducted on June 5<sup>th</sup>.  
10

11 The Commission noted possible modifications to the steep slope area on the property  
12 adjacent to Blind Brook. Mr. Pilch responded that he was reluctant to remove existing  
13 leaf and landscape debris from the slope to install plant material. His concern was that  
14 such activities may result in more sedimentation to the brook than existing conditions.  
15 Mr. Pilch added that the leaf and landscape debris does provide some protection to the  
16 slope. Exposed soil would be more prone to erosion. Mr. Pilch agreed that the existing  
17 practice of dumping landscape material onto the adjacent Blind Brook slope should be  
18 discontinued.  
19

20 The Planning Commission agreed with Mr. Pilch's comments, but suggested that the  
21 landscape mitigation plan be revised to provide a type of plant material that would  
22 spread from the top of the slope towards the banks of Blind Brook. The Planning  
23 Commission agreed that the area on the top of the slope also include a slight  
24 depression to reduce surface water runoff velocities. The Commission noted that  
25 existing roof leaders in this location be redirected towards this swale to further reduce  
26 erosion potential. The Commission further suggested the removal of an existing small  
27 Norway Maple to provide more sunlight to assist in plant growth.  
28

29 Mr. Pilch agreed to make the revisions suggested by the Planning Commission. The  
30 City Planner suggested that a similar treatment be provided for the roof leaders on the  
31 south side of the property adjacent to the top of the slope. The Commission added that  
32 all landscape material should be located along the top of the slope adjacent to Blind  
33 Brook rather than the front of the residence.  
34

35 On a motion made by Patrick McGunagle, seconded by Gerry Seitz and carried by the  
36 following vote:  
37

38 AYES: Barbara Cummings, Martha Monserrate, Nick Everett, Hugh Greechan,  
39 Peter Larr, Patrick McGunagle, Gerry Seitz

40 NAYS: None

41 RECUSED: None

42 ABSENT: None  
43

44 the Planning Commission took the following action:  
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1 ACTION: The Planning Commission set a public hearing for wetland permit  
2 application number WP156 for its next meeting on June 22, 2004.  
3

4

### 5 **6. Read Sanctuary<sup>1</sup>**

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7 The Planning Commission discussed the status of its request to the City Planner that  
8 Westchester County be contacted to appear before the Commission to discuss the  
9 status of the access road through Read Sanctuary. The Commission noted it wanted to  
10 seek resolution to this matter as quickly as possible. The Commission recognized the  
11 response of Westchester County to the Commission's request and its need for  
12 additional time. The Commission, however, felt that continuing the dialogue with the  
13 County would be helpful and requested that the City Planner again contact the County  
14 to appear before the Commission. The Commission noted that the request to the  
15 County should indicate a willingness by the City to assist the County in developing or  
16 facilitating alternatives to the proposed access road.

17

18 The Planning Commission agreed that member Hugh Greechan would contact Jack  
19 Robbins of the Westchester County Parks and Conservation Department to follow up on  
20 this request.

21

22

### 23 **7. Minutes**

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25 The Commission reviewed and approved the minutes of its May 25, 2004 meeting.

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<sup>1</sup> This matter was discussed but was not on the meeting agenda.