

Rye City Planning Commission Minutes

November 16, 2004

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

PRESENT:

- Barbara Cummings, Chair
- Martha Monserrate, Vice-Chair
- Nick Everett
- Hugh Greechan
- Peter Larr
- H. Gerry Seitz

ABSENT:

- G. Patrick McGunagle

ALSO PRESENT:

- Christian K. Miller, AICP, City Planner
- George Mottarella, P.E., City Engineer
- Chantal Detlefs, City Naturalist

II. ITEMS PENDING ACTION

1. Beechwind Properties

- Commission reviewed the draft resolution of approval and requested minor changes clarifying the conditions.

ACTION: Peter Larr made a motion, seconded by Nick Everett, that the Planning Commission conditionally approve final subdivision application number SUB283 and wetland permit application number WP143, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Absent
Nick Everett:	Aye
Hugh Greechan:	Aye
G. Patrick McGunagle:	Absent
Peter Larr:	Aye
H. Gerry Seitz:	Absent

2. Rye Town Dock

- Commission member Monserrate arrived at the meeting.
- The Commission noted the receipt of a letter from the Rye City Police Commissioner indicating that some level of lighting on the dock would be required from a safety and police enforcement perspective.

Rye City Planning Commission Minutes (Cont.)

November 16, 2004

Page 2 of 8

- 1 • Eric Gordon (attorney for Shenorock Shore Club and the Town of Rye) noted
2 that the applicant has reconsidered its previous request and proposes a
3 alternative light fixture that is better suited to a marine environment. Mr. Gordon
4 stated that the same number of light fixtures would be provided on the dock and
5 in the same location. The proposed fixture would be solar powered and is
6 approved for marine use by the US Coast Guard. The proposed fixture can be
7 visible from a distance of up to two miles. Mr. Gordon stated that the proposed
8 fixture requires battery replacement every five years and is specifically designed
9 for docks and marine use.
10
11 • The Commission requested that the proposed light fixture be shielded so that
12 light is directed toward the center of the dock and does not have adverse lighting
13 impacts on adjacent properties. The Commission requested that the applicant
14 be responsible for maintaining the lights in good working order.
15
16 • Mr. Gordon stated that the conditions appeared reasonable and that he will
17 investigate the provisions for proper shielding.
18
19

20 **ACTION:** Peter Larr made a motion, seconded by Barbara Cummings, that the
21 Planning Commission conditionally approve amended wetland permit and
22 LWRP coastal consistency application number WP116, which was carried
23 by the following vote:
24

25 Barbara Cummings, Chair:	Aye
26 Martha Monserrate, Vice- Chair:	Aye
27 Nick Everett:	Aye
28 Hugh Greechan:	Aye
29 G. Patrick McGunagle:	Absent
30 Peter Larr:	Aye
31 H. Gerry Seitz:	Absent

32
33

34 **3. Commerce Bank**

35

- 36 • Commission member Seitz arrived at the meeting.
37
38 • The Commission discussed appropriate conditions of approval to permit the
39 applicant to move forward with the project but also to provide the City with proper
40 notification of ongoing and approved plans to remediate the subsurface
41 contaminants on the site. The Commission noted its strong desire to protect the
42 City, adjacent property owners and the safety of construction workers but that it
43 is inappropriate to act as a regulatory agency for the review and approval of
44 onsite remediation. The Commission noted that the New York State Department

Rye City Planning Commission Minutes (Cont.)

November 16, 2004

Page 3 of 8

1 of Environmental Conservation, Westchester County Department of Health and
2 potentially other state or county agency's are responsible.
3
4
5
6

7 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, that the
8 Planning Commission conditionally approve final site plan application
9 number SP284, which was carried by the following vote:
10

11	Barbara Cummings, Chair:	Aye
12	Martha Monserrate, Vice- Chair:	Aye
13	Nick Everett:	Aye
14	Hugh Greechan:	Aye
15	G. Patrick McGunagle:	Absent
16	Peter Larr:	Aye
17	H. Gerry Seitz:	Aye

18
19
20
21 **4. McComb Residence**
22

- 23 • Richard Horsman (applicant's landscape architect) stated that the site plan had
24 been revised to eliminate the existing driveway from encroaching on the adjacent
25 City of Rye property.
26
- 27 • The Planning Commission reviewed the comments of the CC/AC and drainage
28 plan and agreed that the plan was complete for the setting of a public hearing.
29

30
31 **ACTION:** Peter Larr made a motion, seconded by Nick Everett, that the Planning
32 Commission set a public hearing for its December 14, 2004 meeting for
33 wetland permit application number WP159, which was carried by the
34 following vote:
35

36	Barbara Cummings, Chair:	Aye
37	Martha Monserrate, Vice- Chair:	Aye
38	Nick Everett:	Aye
39	Hugh Greechan:	Aye
40	G. Patrick McGunagle:	Absent
41	Peter Larr:	Aye
42	H. Gerry Seitz:	Aye

43
44 **5. Rockridge Christmas Tree Sales**
45

Rye City Planning Commission Minutes (Cont.)

November 16, 2004

Page 4 of 8

1 **ACTION:** Peter Larr made a motion, seconded by Gerry Seitz, that the Planning
2 Commission conditionally approve the seasonal special permit for the sale
3 of Christmas Trees, which was carried by the following vote:

4
5 Barbara Cummings, Chair: Aye
6 Martha Monserrate, Vice- Chair: Aye
7 Nick Everett: Aye
8 Hugh Greechan: Aye
9 G. Patrick McGunagle: Absent
10 Peter Larr: Aye
11 H. Gerry Seitz: Aye
12

13 6. Consideration of 2005 Planning Commission Meeting Schedule

- 14
15 • Commission found schedule acceptable, but requested that the second meeting
16 in March be moved to the 29th to avoid vacation schedule conflicts.
17

18 **ACTION:** Peter Larr made a motion, seconded by Hugh Greechan, that the
19 Planning Commission approve (as amended) the 2005 Meeting Schedule,
20 which was carried by the following vote:

21
22 Barbara Cummings, Chair: Aye
23 Martha Monserrate, Vice- Chair: Aye
24 Nick Everett: Aye
25 Hugh Greechan: Aye
26 G. Patrick McGunagle: Absent
27 Peter Larr: Aye
28 H. Gerry Seitz: Aye
29

30 7. Minutes

- 31
32 • Commission requested typographic changes in the draft October 12 meeting
33 minutes.
34

35 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, that the
36 Planning Commission approve (as amended) the October 12, 2004
37 meeting minutes, which was carried by the following vote:

38
39 Barbara Cummings, Chair: Aye
40 Martha Monserrate, Vice- Chair: Aye
41 Nick Everett: Aye
42 Hugh Greechan: Aye
43 G. Patrick McGunagle: Absent
44 Peter Larr: Aye
45 H. Gerry Seitz: Abstained

Rye City Planning Commission Minutes (Cont.)

November 16, 2004

Page 5 of 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

- Commission requested typographic changes in the draft October 26 meeting minutes.

ACTION: Peter Larr made a motion, seconded by Gerry Seitz, that the Planning Commission approve (as amended) the October 26, 2004 meeting minutes, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Aye
Nick Everett:	Aye
Hugh Greechan:	Aye
G. Patrick McGunagle:	Absent
Peter Larr:	Aye
H. Gerry Seitz:	Aye

I. HEARINGS

1. Doyle Subdivision

- City Planner noted that applicant posted a notification sign at the property indicating a Planning Commission meeting time of 8:00 p.m. To avoid notification deficiencies the Commission did not conduct the public hearing on this matter until 8:10 p.m.
- Commission member Cummings recused herself from the discussion of this matter and left the hearing room. Vice Chair Monserrate served as chair for this application.
- Linda Whitehead (applicant's attorney) stated that the application involved a two-lot subdivision on a 5.67-acre property located in the City's R-1 Residence District. Ms. Whitehead stated the proposed application would allow for the construction of one new residence and would be substantially consistent with a subdivision previously approved by the Planning Commission in 1994. Ms. Whitehead stated that the prior application was rescinded at the request of the former property owner.
- Chuck Utchig (applicant's engineer) stated that the construction on the proposed 1.5-acre lot would involve a new single-family residence with access to Club Road. Mr. Utchig stated that the existing driveway serving the existing residence would remain and that the two driveways are separated to the maximum extent practical.

Rye City Planning Commission Minutes (Cont.)

November 16, 2004

Page 6 of 8

- 1 • Mr. Utchig stated that the house location and driveway was revised at the
2 request of the Planning Commission to protect an existing rock outcropping and
3 provide improved vehicle sight distance on Club Road.
4
- 5 • Mr. Utchig stated that the proposed residence would be served by public water,
6 which is accessible in Club Road and that a new septic system would be
7 provided. Mr. Utchig stated that the Westchester County Department of Health
8 has conducted an inspection of the property and that the proposed septic system
9 meets current County guidelines and requirements.
10
- 11 • Mr. Utchig stated that the proposed development would not adversely impact
12 existing drainage patterns or adjacent properties from increased storm water
13 runoff. Mr. Utchig stated that drainage patterns, which generally drain from the
14 west to the east, would remain unchanged and that storm water would parallel
15 Club Road towards the existing pond. Mr. Utchig stated that subsurface dry
16 wells would be provided to capture, detain and then slowly discharge storm water
17 consistent with the City's storm water requirements.
18
- 19 • Mr. Utchig discussed the sight distance for the proposed driveway. Mr. Utchig
20 stated that the previously proposed driveway would provide 240 feet of vehicle
21 sight distance to the west and 340 feet to the east. The revised driveway
22 location provided 280 feet of vehicle site distance to the west and 300 feet
23 vehicle sight distance to the east. Mr. Utchig stated that these sight distance
24 criteria correlate to a 30-mile per hour speed limit.
25
- 26 • Mr. Utchig reiterated at the Planning Commission's request that the proposed
27 residence and subdivision would not adversely impact existing drainage
28 conditions on the adjacent Apawamis property. Mr. Utchig stated that Club Road
29 separates the subject site from the adjacent Apawamis property and that storm
30 water would be intercepted by the road and directed towards the existing pond.
31 Mr. Utchig stated that storm water drainage does not currently cross Club Road
32 towards the 18th green at Apawamis Club.
33
- 34 • Mr. Utchig stated that in spite of the proposed changes in grading on the
35 property, storm water runoff would be captured with a new pipe to preserve
36 existing drainage flows. Storm water would be directed towards subsurface dry
37 wells, which would minimize water quantity impacts and provide water quality
38 treatment.
39
- 40 • George Mottarella (City Engineer) stated that the drainage plan met City criteria
41 and was acceptable.
42
- 43 • Mr. Utchig stated that the septic system design provides for an impervious layer
44 to prevent leaking through the adjacent wall on Club Road and that storm water
45 adjacent to the wall on Club Road would be collected with a new curtain drain.

Rye City Planning Commission Minutes (Cont.)

November 16, 2004

Page 7 of 8

1 The City Planner added that the approval by the Westchester County
2 Department of Health for the proposed septic system will be required prior to the
3 endorsement of the subdivision plat by the Planning Commission Chair.
4

- 5 • Jean Izard (Club Road resident) noted concern of the potential drainage impacts
6 of the subdivision. Ms. Izard questioned whether the adjacent pond will fill up
7 with storm water from the proposed development and adversely impact abutting
8 properties. Ms. Izard also stated concerns with the driveway access and proper
9 vehicle sight distance given the number of blind spots in Club Road. Ms. Izard
10 stated concern with the impact that the additional traffic, construction vehicles
11 and driveway access could have on pedestrians including children riding bikes.
12
- 13 • Breinin Bartley (180 Locust Avenue resident) noted concern with construction
14 vehicle impacts on area roadways. Mr. Bartley stated that construction vehicles
15 would continue for up to a year on Club Road, which could have an adverse
16 impact on the condition of the roadway and on pedestrian and vehicle safety.
17
- 18 • The Planning Commission responded to Mr. Bartley's concern stating that the
19 issue would be reviewed by the Planning Commission but reminded those in
20 attendance that Club Road is private and not a City owned or maintained.
21
22

23 **ACTION:** Nick Everett made a motion, seconded by Martha Monserrate, that the
24 Planning Commission close the public hearing on final subdivision
25 application number (SUB291) and wetland permit application number
26 (WP160), which was carried by the following vote:
27

28	Barbara Cummings, Chair:	Recused
29	Martha Monserrate, Vice- Chair:	Aye
30	Nick Everett:	Aye
31	Hugh Greechan:	Aye
32	G. Patrick McGunagle:	Absent
33	Peter Larr:	Aye
34	H. Gerry Seitz:	Aye

35 36 **II. ITEMS PENDING ACTION**

37 38 **1. Doyle Subdivision**

- 39
- 40 • The Planning Commission addressed the comments raised in the public hearing
41 including drainage impact on the adjacent pond, vehicle sight distance of the
42 proposed driveway, construction vehicle and traffic impacts and impact of
43 construction vehicles on the bed of Club Road.
44

Rye City Planning Commission Minutes (Cont.)

November 16, 2004

Page 8 of 8

- 1 • The Commission agreed that the proposed driveway location is an improvement
2 over the previously proposed driveway and that it provides an increase in the
3 vehicle sight distance to the west, which is a particular concern to the Planning
4 Commission. The Commission agreed the driveway location enhances public
5 safety and is therefore an acceptable encroachment into the 100-foot wetland
6 buffer.
7
- 8 • The Planning Commission consulted with the City Engineer and agreed that the
9 adjacent pond would not be adversely impacted by drainage from the proposed
10 residence. The City Engineer indicated that the existing pond has one or two-
11 feet of available freeboard to accommodate increases in drainage from the
12 adjacent property.
13
- 14 • The Planning Commission discussed construction traffic, parking and Club Road
15 impact. Mr. Doyle (property owner) stated that construction vehicles will enter
16 the site from Highland Road and that they will park on the property. There will be
17 no parking of construction vehicles on Club Road. The Planning Commission
18 agreed that the project site is large enough to accommodate construction and
19 contractor vehicles on the property.
20
- 21 • Linda Whitehead (applicant's attorney) stated that any damage to Club Road,
22 which is a private road, caused by construction vehicles associated with the
23 applicant's property would be repaired by Mr. Doyle.
24

25
26
27 **ACTION:** Nick Everett made a motion, seconded by Gerry Seitz, that the Planning
28 Commission conditionally approve final subdivision application number
29 SUB291 and wetland permit application number WP160, which was
30 carried by the following vote:
31

32	Barbara Cummings, Chair:	Recused
33	Martha Monserrate, Vice- Chair:	Aye
34	Nick Everett:	Aye
35	Hugh Greechan:	Aye
36	G. Patrick McGunagle:	Absent
37	Peter Larr:	Aye
38	H. Gerry Seitz:	Aye