

Rye City Planning Commission Minutes (Cont.)

February 22, 2005

Page 2 of 6

1	Martha Monserrate, Vice- Chair:	Aye
2	Nick Everett:	Aye
3	Hugh Greechan	Absent
4	G. Patrick McGunagle:	Absent
5	Peter Larr:	Aye
6	H. Gerry Seitz:	Aye

7
8
9 **2. Levine Residence**

- 10
- 11 • Jonathan Kraut (applicant's attorney) stated that the applicant is proposing to
12 construct an addition to an existing residence located within a 100-foot wetland
13 buffer of Blind Brook. Mr. Kraut stated that the proposed addition would result in
14 a 571 square foot increase in impervious area within the 100-foot wetland buffer
15 and that 1,300 square feet of planted mitigation area would be provided.
16
 - 17 • Mr. Kraut stated that there was no alternative available to avoid wetland buffer
18 disturbance since substantially all the applicant's entire property was located
19 within a regulated area.
20
 - 21 • Mr. Kraut stated that the mitigation plan was revised at the request of the
22 Commission to modify the type of plant species.
23
 - 24 • There was no public comment.
25

26 **ACTION:** Peter Larr made a motion, seconded by Nick Everett, that the Planning
27 Commission close the public hearing on wetland permit application
28 number WP164, which was carried by the following vote:
29

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

37
38
39 **II. ITEMS PENDING ACTION**

40
41 **1. Dogan Residence**

- 42 • The Commission reviewed the comments of the CC/AC, which had expressed
43 concern regarding the proposed drainage measures. The City Planner stated
44

Rye City Planning Commission Minutes (Cont.)

February 22, 2005

Page 3 of 6

1 that the City Engineer has reviewed the plans and found the proposed measures
2 acceptable.
3

- 4 • The Commission discussed measures it could implement to insure compliance
5 with its resolution of approval. The Commission agreed that it would require the
6 certificate of occupancy for the residence to indicate that the property was
7 subject to the terms and restrictions of the wetland permit. The Commission
8 agreed that it would consider additional measures, such as deed restrictions or
9 covenants for other wetland permit applications in the future. The Commission
10 acknowledged that requiring mitigation plant material to be preserved in
11 perpetuity will require some flexibility, such as substantial compliance with
12 approved plans, given that plant can die or be replaced over time.
13
- 14 • The Commission requested that the CC/AC be more clear in its letters to indicate
15 when its recommendations, if not complied with, require the Planning
16 Commission to prepare written findings.
17
18

19 **ACTION:** Peter Larr made a motion, seconded by Nick Everett, that the Planning
20 Commission conditionally approve wetland permit application number WP
21 161, which was carried by the following vote:
22

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

30
31

32 2. Levine Residence

33

- 34 • The Planning Commission reviewed the comments of the CC/AC regarding the
35 proposed plant material on the mitigation plan. The Commission stated that the
36 revised plan met their concerns and that additional under-story plant material as
37 requested by the CC/AC was not necessary.
- 38 • The Commission agreed that the existing wall on the site served as an effective
39 demarcation of the wetland and that additional plant material for the purpose was
40 not necessary.
41
42

43 **ACTION:** Peter Larr made a motion, seconded by Nick Everett, that the Planning
44 Commission conditionally approve wetland permit application number WP
45 164, which was carried by the following vote:

Rye City Planning Commission Minutes (Cont.)

February 22, 2005

Page 4 of 6

1
2 Barbara Cummings, Chair: Aye
3 Martha Monserrate, Vice- Chair: Aye
4 Nick Everett: Aye
5 Hugh Greechan Absent
6 G. Patrick McGunagle: Absent
7 Peter Larr: Aye
8 H. Gerry Seitz: Aye
9

10
11 **3. Yazigi Residence**

- 12
- 13 • Richard Horsman (applicant's landscape architect) noted revisions in the plan
14 including reducing the proposed house footprint and an expansion in the
15 mitigation area including the implementation of biofiltration basins. Mr. Horsman
16 explained that the basins would be similar to miniature ponds with wetland
17 vegetation located within the wetland area to improve water quality.
18
 - 19 • The Commission stated the revised concept plan appeared acceptable, but that
20 the applicant will be required to provide more detailed plans including the type,
21 size, quantity and location of all plant material.
22
 - 23 • The Commission reviewed the comments of the CC/AC, which suggested that
24 more mitigation be provided in the rear of the property. The Commission found
25 the revised plan acceptable.
26
 - 27 • The Commission requested that the applicant demarcate the wetland boundary
28 with appropriate field markers.
29

30
31 **ACTION:** Peter Larr made a motion, seconded by Nick Everett, that the Planning
32 Commission set a public hearing for its March 8, 2005 meeting on
33 wetland permit application number WP163, 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 Absent
40 G. Patrick McGunagle: Absent
41 Peter Larr: Aye
42 H. Gerry Seitz: Aye
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Rye City Planning Commission Minutes (Cont.)

February 22, 2005

Page 5 of 6

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4. Kirby Lane North Sanitary Sewer Special Assessment District

- The Commission reviewed the comments of the CC/AC. The Commission agreed that separate permits for individual utility laterals would not be desirable and that it preferred one blanket wetland permit for all of these activities.
- The Commission responded to the CC/AC concerns that the sewer project would induce future growth and development in the area. The Commission agreed that such growth would not exceed current zoning and other land use restrictions.

ACTION: Peter Larr made a motion, seconded by Nick Everett, that the Planning Commission conditionally approve on wetland permit application number WP166, which was carried by the following vote:

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

5. Lombardi & Sinis Subdivision

- The Commission reviewed and discussed the plans presented by the applicant's landscape architect regarding the proposed vegetative buffer along Boston Post Road. The Commission agreed that the applicant's plan generally appeared acceptable, but requested that the plan be revised to include trees that would create a more naturalistic buffer rather than a solid screen. The Commission requested that the proposed Canadian hemlock not be used. The Commission also agreed that the existing privet hedge along the Boston Post Road frontage be removed.
- The Commission discussed the City Planner's concept of implementing a buffer that was a natural and unmanaged landscape similar to that, which was required for recent subdivisions immediately south of the applicant's property. The Commission agreed that such an approach would not be appropriate for the subject property since a similar width of more than 100 feet could not be achieved, which would significantly limit the effectiveness of such a buffer.

Rye City Planning Commission Minutes (Cont.)

February 22, 2005

Page 6 of 6

- 1 • The Commission agreed that the landscape buffer should be at least 50 feet in
2 depth. The Commission requested that this dimension be staked in the field so
3 that the Commission at its March 5 site walk could inspect the buffer width.
4
- 5 • The Commission requested that the applicant review its tree preservation and
6 grading plan carefully, particularly on Lot 74C. The Commission stated that
7 grading and house location could impact the health and viability of the existing
8 trees and that the applicant will be required to preserve those trees.
9

10 6. Hilltop, LLC

- 11 • The Commission requested that the site plan be amended to include a zoning
12 compliance table.
13
- 14 • The Commission requested that the applicant consider reducing the size of the
15 patio on the north side of the residence. The Commission noted that the patio
16 would likely be subject to moldy conditions and that it would impact the adjacent
17 neighbor. Mick McConnell (applicant's architect) stated that he would discuss
18 reducing the size with the applicant, but that some patio was desired.
19
- 20 • Mr. McConnell stated that the Westchester County Health Department approved
21 the proposed septic design. He stated that given the proposed reduction in the
22 number of bedrooms as part of the rehabilitation the proposed supplemental
23 system was not required by the County, but likely would be installed.
24
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28 **ACTION:** Peter Larr made a motion, seconded by Gerry Seitz, that the Planning
29 Commission set a public hearing for its March 8, 2005 meeting on
30 wetland permit application number WP165, which was carried by the
31 following vote:
32

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

40 7. Minutes

- 41 • The Commission approved with minor modifications the draft meeting minutes
42 of its February 8, 2005 meeting.
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