

**Rye City Planning Commission Minutes**  
April 12, 2005

**MEETING ATTENDANCE:**

---

**Planning Commission Members:**

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

**Other:**

- Christian K. Miller, AICP, City Planner
  - George Mottarella, P.E., City Engineer
  - Chantal Detlefs, City Naturalist
  - Joe Murphy, CC/AC Chair
  - 
  - 
  -
- 

1 **I. HEARINGS**

2

3 **1. Walsh Residence**

4

5 • Alan Pilch (applicant's environmental consultant) provided an overview of the  
6 application noting that the applicant was seeking to construct two additions to an  
7 existing single-family house located on a 1.209-acre property on Pine Island  
8 Road. The existing single-family house has a footprint of approximately 4,800  
9 square feet. The existing in-ground swimming pool, with a flagstone deck, is  
10 located to the north side of the house. Presently there is a semi-circular parking  
11 area to the front of the house with no indoor parking.

12

13 • Mr. Pilch stated that the one of the two proposed additions would be on the north  
14 side of the house, which would accommodate a two-car garage and storage on  
15 the basement level with a screened porch above. The addition would require the  
16 removal of a 200 square foot porch with storage below and would increase the  
17 footprint by approximately 190 square feet.

18

19 • Mr. Pilch stated that the second addition would be in the front of the house and  
20 would replace the existing 390 square foot, 1 ½ story open entry porch at the  
21 front of the house with a new 68 square foot, 1 ½ story open porch entry and  
22 exterior stairs. All proposed additions would be located within the 100-foot  
23 wetland buffer. A small portion of the driveway will be located outside the 100-  
24 foot buffer.

25

26 • Mr. Pilch noted that the existing asphalt driveway would be removed and  
27 replaced with pervious gravel. The existing flagstone pavement around the  
28 swimming pool be removed and replaced with a new bluestone pool deck area.  
29 The walks adjacent to the driveway and front door of the house will be with  
30 bluestone.

31

## Rye City Planning Commission Minutes (Cont.)

April 12, 2005

Page 2 of 5

- 1       • Mr. Plich stated that a new septic tank would be installed. There will be new  
2       Belgian brick around the driveway and removal of the asphalt pavement. The  
3       amount of impervious surfaces within the wetland buffer would decrease from  
4       15,185 square feet to 14,242 square feet resulting in a reduction of 943 square  
5       feet or 6.2 % over existing conditions.  
6  
7       • Mr. Pilch stated that stormwater runoff from the garage addition and the new  
8       entry would be conveyed by sub-surface pipes to a cultec infiltration facility.  
9       Erosion control measures would also be in place at the time of construction.  
10  
11       • There were no comments from the Commission or the public.

12  
13 **ACTION:** Martha Monserrate made a motion, seconded by Hugh Greechan, that the  
14       Planning Commission close the public hearing on wetland permit  
15       application number WP169 which was carried by the following vote:  
16

17       Barbara Cummings, Chair:	Aye
18       Martha Monserrate, Vice- Chair:	Aye
19       Nick Everett:	Absent
20       Hugh Greechan	Aye
21       Peter Larr:	Absent
22       H. Gerry Seitz:	Aye

### 24 **2. Lombardi & Sinis Subdivision**

- 25  
26       • Mario DeMarco (applicant's attorney) stated that the applicant revised the plans,  
27       reducing the number of building lots from four to three. The applicant also agreed  
28       to relocate the driveway to improve the sight distance on Boston Post Road. A  
29       third driveway to Morris Court is no longer proposed. Mr. DeMarco stated that  
30       the plans have been revised to modify the tree schedule to reduce the number of  
31       trees to be removed. He requested that the Planning Commission close the  
32       public hearing.  
33  
34       • Patrick Schwartz (resident of 14 Morris Court) requested that the Commission  
35       consider the view of the proposed subdivision from Morris Court. He stated that  
36       the existing residence sits at the highest point of the property and the site slope  
37       runs down to Morris Court. He stated that this slope visually makes the distance  
38       from Morris Court to the existing home appear much shorter than may be  
39       reflected on the plans.  
40  
41       • Mr. Schwartz stated that the ½ acre zoning applicable to the site was put into  
42       effect back in the 70's. He stated that that at that time there was no concept of  
43       the size of the homes that would be built today. He also stated that the Post  
44       Road in Rye is unique and should be preserved. He stated concern as to how  
45       the applicant will build a new residence located a stones throw of large 'historical'

## Rye City Planning Commission Minutes (Cont.)

April 12, 2005

Page 3 of 5

- 1 structures without it looking preposterous. He stated that the project should go  
2 through the commenting process under the provisions of the State Environmental  
3 Quality Review Act (SEQRA).  
4
- 5 • Mr. Schwarz questioned whether it was legal in New York State to have a  
6 subdivision without using a licensed land surveyor.  
7
  - 8 • He stated when the project begins that construction vehicles should be made to  
9 access the property from Morris Court.  
10
  - 11 • The City Planner responded that the applicant has retained a design professional  
12 who is qualified to submit a subdivision application and drawing under New York  
13 State and City law. The City Planner stated that Mr. Parangi is a licensed  
14 architect and has the right to submit plans. The City Planner requested that the  
15 applicant provide a copy of the survey for the record. Max Parangi (applicant's  
16 architect) stated that a licensed surveyor has surveyed this property and that a  
17 copy would be provided to the City Planner's Office.  
18
  - 19 • Marsha Kapalow (8 Sound Road resident) stated that she was a city councilman  
20 from 1984-1992 and also served on the Planning Commission during that period.  
21 She stated that during that time the City updated its Master Plan, acquired the  
22 John Jay Property, and designated that Jay Estate on the City and National  
23 Registry. She stated that the Planning Commission at that time asked for input  
24 prior to taking any action especially in an area with special problems. She stated  
25 that she would like the Commission to get public comments before taking final  
26 action.  
27
  - 28 • Chair Cummings responded that the Commission is conducting public hearings  
29 to hear public comments.  
30
  - 31 • Ms. Kapalow stated that much money and time, both public and private, has  
32 been invested in the Boston Post Road Historic District. She requested the  
33 Commission to be very careful in what they permit because this is a wonderful  
34 and unique area of Rye. She submitted an Article from the New York Times  
35 dated September 26, 2003 entitled *Historic Districts Found To Lift The Values Of*  
36 *Properties*, which is on file in the City Planner's Office.  
37
  - 38 • Chair Cummings questioned the applicant as to the size of landscape buffer  
39 proposed on Boston Post Road. Mr. Parangi responded that the tree schedule  
40 was revised to reflect reduced tree loss of a three-lot plan, particularly for Lot 74  
41 B. He stated that a 50-foot landscape buffer continues to be proposed by the  
42 applicant, which the applicant will revise to reflect the three-lot subdivision plan.  
43
  - 44 • Mr. Parangi stated that the applicant would commit to keeping the existing  
45 residence and stone garage.

## Rye City Planning Commission Minutes (Cont.)

April 12, 2005

Page 4 of 5

- 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
- Anne Stillman (Executive Director for the Jay Heritage Center) stated that they are pleased that the developer has taken steps to reduce the negative impact on the Historic District. She added that she hopes the applicant will address some additional concerns.
  - Ms. Stillman noted that since the front lot abutting Boston Post Rd is now 1.34 acres in size that the applicant establish an ironclad restriction that would prevent any future subdivision of this lot. She requested restrictions be placed on former building Lot 74C to prevent the placement of structures and building or other features that would compromise the Historical District.
  - Ms. Stillman requested that a covenant be placed on the property to preserve the existing house and prevent its demolition or alteration of the exterior. She requested a similar preservation covenant to protect the historic stone garage.
  - Neil Wexler (10 Morris Court resident) stated that he has doubts about the survey because he believes that a licensed land surveyor did not prepare the survey. He stated concerns about the impact the development would have on the water pressure problem and would like the file to contain a letter from the utility company stating if this subdivision will cause any problems. He also requested that the applicant retain an engineer to conduct water pressure measurements. He noted concern with the impact the two new residences could have on the historic district and requested that the Planning Commission consider regulating the architecture style as a planning tool.
  - Chair Cummings requested that the applicant work with the City Planner to modify the lot line configurations for the two lots on Morris Court and to increase the width of the proposed utility easement. Ms. Cummings requested that the applicant provide a letter from the water service provider addressing water pressure concerns. Ms. Cummings suggested that the applicant work with the City Planner to discuss in more detail ways in which the applicant can protect the existing structures on the property and prevent future buildings and structures within the front lot on Boston Post Road, as well as a prevent a future subdivision of this property.

38 **ACTION:** Martha Monserrate made a motion, seconded by Gerry Seitz, that the  
39 Planning Commission keep open the public hearing on preliminary  
40 subdivision application number SUB288 which was carried by the  
41 following vote:

42  
43 Barbara Cummings, Chair: Aye  
44 Martha Monserrate, Vice- Chair: Aye  
45 Nick Everett: Absent

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

April 12, 2005

Page 5 of 5

1	Hugh Greechan	Aye
2	Peter Larr:	Absent
3	H. Gerry Seitz:	Aye
4		
5		

6 ***Note: Due to a lack of a quorum the meeting was closed at 7:45 PM. There was***  
7 ***no further discussion of any matter listed on the agenda.***

8