

Rye City Planning Commission Minutes
April 26, 2005

MEETING ATTENDANCE:

Planning Commission Members:

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

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

1. Lombardi & Sinis Subdivision

- Mario DeMarco (applicant's attorney) stated that the applicant consents to the following:
 - The number of building lots has been reduced from four to three. There will not be a new building lot on Boston Post Road opposite the historic district.
 - The two lots on Morris Court will comply with the requirements of the R-2 Residence District and be consistent with the character of the Morris Court Subdivision which was completed in December 1999.
 - The lot on Boston Post Road, Lot 74, will be no more than 58,000 square feet so as to preserve the character of the existing residence and the historic district. There will be a deed restriction to prevent future subdivision.
 - There shall be a restriction on Lot 74 to prevent the future placement of accessory buildings or structures that would be disruptive to the historic character of the Boston Post District across the street.
 - There shall be a sixty-foot landscape buffer to serve as screen from new development that may be visible. This buffer shall be implemented through a deed restriction to insure long-term preservation that shall create a landscape screen consistent with the natural character of the historic district and the other subdivisions in the area.
 - The Applicant agrees to a restrictive covenant with regards to fixing the location of the driveway.

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- 1 ○ The existing residence and garage on Lot 74B shall be landmarked
2 pursuant to Chapter 117 of the Rye City Code.
3
4 ○ The Applicant shall request of the water service provider that adequate
5 supply and adequate pressure are insured to the lots on Morris Court as
6 well as the existing homes on Morris Court.
7
8 ○ The applicant have unilaterally given consent to the New York State Office
9 of Parks, Recreation and Historic Preservation to nominate the structures
10 on Lot 74B to be placed on the State or National Register of Historic
11 places and agree to the above items being included as deed restrictions or
12 conditions upon the above referenced subdivision application.
13
14 • The Commission questioned the applicant whether he was willing to landmark
15 the existing house on the property and its accompanying lot (Lot 74) and the
16 existing detached stone garage. Mr. Lombardi (applicant and property owner)
17 stated that he would consent to the landmarking as requested by the
18 Commission.
19
20 • There was no public comment.

21
22 **ACTION:** Martha Monserrate made a motion, seconded by Gerry Seitz, that the
23 Planning Commission close the public hearing on subdivision application
24 number SUB288 which was carried by the following vote:
25

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

32 33 **II. ITEMS PENDING ACTION**

34 35 **1. Lombardi & Sinis Subdivision**

- 36
37 • The Commission reviewed Part II of the EAF, its attachment and draft Negative
38 Declaration. The Commission discussed the potential environmental impact and
39 magnitude of the proposed subdivision. The Commission requested revisions in
40 the draft EAF, but concluded that the revised application would not have a
41 significantly large impact and in some instances would enhance the environment
42 by protecting and enhancing the character of the Boston Post Road Historic
43 District.
44
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- 1 • The Commission reviewed the draft resolution of approval and requested
2 revisions to clarify the conditions. The Commission requested revisions to the
3 erosion control plan to phase vegetation removal by preserving the vegetative
4 buffer along Morris Court and avoid clear-cutting the site.
5

6 **ACTION:** Hugh Greechan made a motion, seconded by Nick Everett, that the
7 Planning Commission conditionally approve subdivision application
8 number SUB288 which was carried by the following vote:
9

10	Barbara Cummings, Chair:	Aye
11	Martha Monserrate, Vice- Chair:	Aye
12	Nick Everett:	Aye
13	Hugh Greechan	Aye
14	Peter Larr:	Aye
15	H. Gerry Seitz:	Aye

17 2. Walsh Residence

- 18
19 • The Commission reviewed the draft resolution of approval and requested minor
20 changes clarifying the conditions.
21
22

23 **ACTION:** Gerry Seitz made a motion, seconded by Peter Larr, that the Planning
24 Commission conditionally approve application number WP169, which was
25 carried by the following vote:
26

27	Barbara Cummings, Chair:	Aye
28	Martha Monserrate, Vice- Chair:	Aye
29	Nick Everett:	Aye
30	Hugh Greechan	Aye
31	Peter Larr:	Aye
32	H. Gerry Seitz:	Aye

35 3. Apawamis Club

- 36
37 • The Planning Commission agreed that the plan was complete for the setting of a
38 public hearing.
39

40 **ACTION:** Hugh Greechan made a motion, seconded by Nick Everett, that the
41 Planning Commission set the public hearing for its next meeting on
42 application number WP1171, which was carried by the following vote:
43
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45	Barbara Cummings, Chair:	Aye
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1	Martha Monserrate, Vice- Chair:	Aye
2	Nick Everett:	Aye
3	Hugh Greechan	Aye
4	Peter Larr:	Aye
5	H. Gerry Seitz:	Aye
6		

4. McGovern Residence

- 9 • Pam Lester (applicant's landscape architect) stated that the applicant is
10 proposing to level off a portion of the yard. Ms. Lester stated that nearly the
11 entire property is located within a wetland or wetland buffer and that the applicant
12 was unable or unwilling to consider alternatives for the location of the proposed
13 play area.
- 14
- 15 • Ms. Lester stated that the plan was revised to reduce the extent of encroachment
16 into the wetland buffer and that it was her opinion that the proposed plan would
17 provide added protection to the adjacent wetland. It would provide a
18 demarcation of the wetland area and provide wetland appropriate plantings that
19 currently do not exist. Ms. Lester stated that if the application is not approved or
20 requires further modification that the applicant would not pursue the application
21 and undertake his own planting program that may not be as sensitive to the
22 wetland area.
- 23
- 24 • The Commission stated that it would be more preferable to provide plantings,
25 which are not subject to the wetlands law, than to provide the fill required by the
26 applicant's plan.
- 27
- 28 • The Commission stated that the applicant should consider reducing the driveway.
29 Ms Lester stated that he is not interested changing the driveway in any way.
- 30
- 31 • Ms. Lester stated that the applicant would withdraw the application.
- 32
- 33

5. Bott Residence

- 34
- 35
- 36 • The Commission requested that the mitigation plan be revised to specify the type
37 and size of proposed plant material.
- 38
- 39 • The Commission requested that applicant add more vegetation to the far corners
40 of the property. This would create larger, more meaningful mitigation areas and
41 avoid blocking the property owner's view of Long Island Sound.
- 42
- 43 • The Commission stated that they would not set a public hearing until they
44 received revised plans.

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5. Hartman Subdivision

- The Planning Commission raised concerns that access to each of the proposed lots would require a shared driveway and easement. The Commission noted that shared driveways can be subject to property owner disputes. The Commission stated that access would also need to be wide enough to accommodate emergency service vehicles and two-way traffic.
- The Commission requested the applicant provide an alternative subdivision for its review that provides a Zoning Code-compliant building lot on High Street and a second residence on the rear of the property. The Commission noted that this may provide a better lot and access arrangement, but recognized that demapping all or a portion of Summit Avenue would be required. The Commission suggested that two separate access drives should also be considered, but noted that building lots and other improvements could be impacted by the steep slopes on and near the property.
- The Commission stated that providing a lot along High Street may preserve the streetscape and be consistent with the existing development pattern on this roadway. The Commission noted that it may support a demapping or variances if it resulted in a better subdivision design, but cautioned that existing front yard setbacks may force the residence back from High Street and not result in the desired effect of preserving the streetscape. The Commission noted that it would have to see an alternative plan before making a final judgment. The Commission requested that the applicant provide a map of the surrounding neighborhood and it relates to the proposed subdivision.
- The Planning Commission noted the number of encroachments within the Summit Avenue right-of-way. The Commission requested these existing encroachments be eliminated. The Commission also questioned the ownership of the right-of-way. The City Engineer responded he was not certain of its ownership but it is possible that the right-of-way was never deeded to the City of Rye. Jonathan Kraut (applicant's attorney) indicated he would conduct a title search to determine ownership. Mr. Kraut would also provide a legal opinion as to whether a building lot is required to have access to an improved right-of-way as required by Section 197-23 of the City Zoning Code.
- The Commission noted that it would conduct a second site walk of the property on May 7.

6. Martin Road

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- 1 • The Planning Commission requested that the applicant provide a map showing
2 the location of the existing sewer lines and the sewer/septic status of each
3 property in the neighborhood. The Commission stated that it wanted to confirm
4 that the proposed subdivision would not jeopardize a comprehensive sewer
5 strategy for the remaining properties on Martin Road and Heritage Lane lacking
6 such service. Chuck Utschig (applicant's engineer) stated that a new 8-inch City
7 sewer line would be extended from Forest Avenue to the highest point on Martin
8 Road. An extension of this line beyond this point would not be a gravity system
9 and would require pumps. Mr. Utschig stated that the applicant worked with the
10 City Engineer in designing the system and stated that the proposed sewer line
11 would connect existing residences with private lines in Martin Road to the new
12 City system.
- 13
- 14 • The Commission requested that the City Planner research any prior subdivision
15 approvals to determine whether there may be any restrictions that impact the
16 development of this property.
- 17
- 18 • The Commission discussed the possibility of poor sight distance at either of the
19 proposed driveways.
- 20
- 21 • The Commission requested that the applicant revise its plans to address the
22 technical comments raised in the City Planner's report.
- 23
- 24 • The Planning Commission noted that it will conduct a site walk on May 7, and will
25 review once that has taken place.
- 26

27 **7. Minutes**

- 28
- 29 • The Commission adapted with revisions the minutes of its April 12, 2005
30 meeting.
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