

Rye City Planning Commission Minutes
May 10, 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
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I. HEARINGS

1. Apawamis Club

- Alan Pilch (applicant's Environmental Consultant) provided an overview of the application, noting that it involves repairing of an existing cart path bridge located across an on-site pond. Existing steel beams, posts, railings, and decking will be reused where possible. New abutments are proposed in the same location as the existing abutments to minimize disturbance within the wetland adjacent areas. New, grading and riprap is also proposed around the abutments for slope protection.

- There was no public comment.

ACTION: Peter Larr made a motion, seconded by Nick Everett, that the Planning Commission close the public hearing on Wetland application number WP 171 which was carried by the following vote:

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

II. ITEMS PENDING ACTION

1. Apawamis Club

- The Planning Commission noted that the project would not impact flooding according to the Engineering Department.

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- 1
2 • Peter Larr stated that he and Mr. Seitz are both members of the Apawamis Club,
3 but that there was no conflict of interest in acting on the application. The
4 Planning Commission agreed.

5
6 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, that the
7 Planning Commission conditionally approve wetland application number
8 WP171 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 Absent
14 Peter Larr: Aye
15 H. Gerry Seitz: Aye

16 17 **2. Bott Residence**

- 18
19 • The Planning Commission noted the revision in the plan to consolidate the plant
20 material into two larger areas and shift the mitigation areas to the edge of the
21 property. The Commission reviewed the changes in the plant material and found
22 them acceptable and more suited to a saltwater environment.

23
24 **ACTION:** Peter Larr made a motion, seconded by Nick Everett, that the Planning
25 Commission set the public hearing for its next meeting application number
26 WP170, which was carried by the following vote:

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

34 35 **3. Hartman Subdivision**

- 36
37 • The Commission noted that it conducted a second site inspection of the property.
38 The Commission noted particular concern with the extent of steep slopes on and
39 immediately adjacent to the property. The Commission noted that a portion of
40 the site survey did not include topographic information and should be corrected.
41
42 • The Commission reviewed alternative subdivision plans prepared by the
43 applicant. Chuck Utschig (applicant's engineer) presented alternative plan SK-2
44 that included one lot on High Street and the second lot in the rear of the property.
45 Access to the rear lot would be via a new driveway within the Summit Avenue

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1 right-of-way. Mr. Utschig stated that a variance would be required from the 50-
2 foot lot width requirement for the lot located on High Street. Mr. Utschig stated
3 that the plan would provide for two separate access drives for each lot.
4

- 5 • Mr. Utschig presented plan SK-1 which would require the demapping of Summit
6 Avenue, which would provide the same configuration as plan SK-2. This plan
7 would avoid the need for a lot width variance for the lot located along High Street,
8 but would require an easement for the access drive serving the rear lot. Only
9 that portion of Summit Avenue abutting the lot along High Street would be
10 demapped. The Commission noted that given the steep terrain and presence of
11 wetlands that it is unlikely that Summit Avenue will ever be improved. Access to
12 lots in this area would be from the currently improved portion of Summit Avenue
13 that extends to North Street.
14
- 15 • Jonathan Kraut (applicant's attorney) stated that he provided a legal opinion to
16 the City Planner and Corporation Counsel that the rear lot, which has frontage
17 only on Summit Avenue is consistent with both New York State Law and the City
18 Zoning Code. The Commission stated that an opinion from Corporation Counsel
19 was required.
20
- 21 • Mr. Kraut also stated that he has contacted the title company regarding the
22 ownership of Summit Avenue. The title company stated that it would only
23 provide title insurance to the property within the right-of-way if the City formally
24 demapped the road and a quick claim deed from the City was acquired.
25
- 26 • The City Planner noted that if SK-1 were approved that the rear lot would be
27 permitted to construct a two-family residence under current zoning, providing a
28 total of three units on the property. He stated that a three-unit development
29 might not be appropriate given the Commission's access and steep slope
30 concerns. The Commission also noted that a demapping might generate
31 neighbor opposition and would require City Council approval.
32
- 33 • The City Planner suggested that the applicant consider abandoning the
34 subdivision and develop a two-family dwelling on the rear of the property. It
35 would avoid Planning Commission approval and would allow for a development
36 to occur in the central portion of the site where it is more level and further away
37 from the edge of steep slopes. There would also potentially be less site
38 disturbance for the required access drive. The Commission agreed with the City
39 Planner's assessment, however, Mr. Kraut responded that the applicant did not
40 desire a two-family residence and preferred a two-lot subdivision.
41
- 42 • The City Planner suggested as an additional alternative that would involve a two-
43 lot subdivision as proposed by the applicant, but require an approximately 1.5-
44 foot variance for each lot from the City's lot width requirement. He stated that
45 this plan would concentrate development in the rear center of the site and would

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1 allow for two single-family residences to be located side-by-side. The City
2 Planner stated, however, that variances should be considered only after the
3 applicant has demonstrated that it can achieve a two-lot subdivision meeting all
4 of the City's zoning requirements.

- 5
- 6 • The Commission agreed with the City Planner and requested that the applicant
7 provide a plan showing two single-family residences in the rear portion of the site
8 and indicating that extent of lot width variances that would be required. If
9 possible, the plans should show separate driveways for each residence. The
10 City Planner added that the applicant should consider appropriate restrictions to
11 restrict the location of future residences within the building envelopes.

- 12
- 13 • The Commission added that it would wait for Corporation Counsel's opinion
14 regarding the zoning compliance of the lot on Summit Avenue, which is a
15 mapped, but unimproved road right-of-way.

16

17 **4. Martin Road**

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- 19 • Chuck Utschig (Applicant's Engineer) stated that the proposed sewer line in
20 Martin Road is extended from Forest Avenue as far as possible while still
21 maintaining a gravity flow system. Each of the new homes on the property would
22 be connected to the new line, which would be dedicated to the City. Mr. Utschig
23 stated that the existing residence with a private sewer line in Martin Road would
24 be disconnected and connected to the new City line installed by the applicant.

- 25
- 26 • The Commission noted concern with the proposed new drainage line that would
27 extend to the end of Martin Road. The Commission noted that the line extends
28 to a property at the end of Martin Road, which the City Planner stated is within a
29 designated drainage easement. The Commission requested that the applicant
30 confirm its right to add more drainage to this easement and that the excess
31 drainage from the new line would not adversely impact downstream properties.

- 32
- 33 • The Planning Commission noted concern with the extent of tree removal and
34 requested that the site development plans be revised to eliminate the proposed
35 retaining wall in the rear of Lot 2. This modification combined with a change in
36 the type of house design would preserve more trees. Mr. Utschig responded that
37 the extent of grading in the rear was caused by the zoning code provision, which
38 limits the height of the first floor elevation above grade.

- 39
- 40 • The Commission requested that the plans be revised to show the adjacent house
41 footprints so that the neighborhood context could be evaluated.

- 42
 - 43 • The Commission requested that the double curb cut for Lot 1 be eliminated.
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5. Callund Residence

- Richard Horsman (applicant's landscape architect) stated that the application was presented to the Commission as a result of a complaint and a stop work order issued by the City of Rye in connection with tree removal and site disturbance activities on the applicant's property.
- Mr. Horsman reviewed the revised plan noting the location of the expanded wetland area based on a recent delineation.
- The Commission requested that additional plant material be included in the center of the mitigation area. The Commission stated that the CC made a similar request. The Commission also requested that the plan be revised to include appropriate markers delineating the edge of the wetland area.
- The Planning Commission requested that the applicant work with the City Planner to draft a restrictive covenant that would be recorded on the property deed indicating the presence of the restricted wetland area on the property. The Commission noted that this restriction would prevent additional violations for future property owners.
- The Commission reviewed the wetland mitigation plantings and found them appropriate for the area.
- The Commission agreed to set a public hearing, but wanted revised plans from the applicant. The Commission noted that it also wanted to see the comments from the CC/AC.

ACTION: Gerry Seitz made a motion, seconded by Hugh Greechan that the Planning Commission set public hearings for wetland permit application WP162, which was carried by the following vote:

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

6. Rothman Residence

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- 1 • The Planning Commission noted that the application was presented to the
2 Commission after work was done without building or wetland permits. The
3 applicant has proposed to keep and legalize a wood deck, shed and retaining
4 wall located within the wetland buffer of Blind Brook.
5
- 6 • Richard Horsman (applicant's landscape architect) stated that the applicant is
7 proposing to change the existing wall by removing and tiering back the top two-
8 thirds of the wall. Mr. Horsman stated that preserving a portion of the wall would
9 provide stability to the banks of Blind Brook and minimize erosion.
10
- 11 • The Commission agreed that the application should be evaluated as if the
12 improvements did not exist and were proposed by the applicant. The
13 Commission agreed that the deck would likely be approved since it did not
14 involve any increase in impervious area.
15
- 16 • The Commission agreed that the wall would not be approved given its impact on
17 Blind Brook and the extent of fill. The Commission noted that erosion was a
18 concern, but that allowing the wall to remain would set an undesirable precedent.
19 The Commission agreed that the applicant should remove the existing wall.
20 Large stones could be placed on the bank with plant material in between to
21 prevent erosion.
22
- 23 • The Commission debated relocating the proposed shed further from the edge of
24 the brook and requiring wetland mitigation plantings verses removing the shed. It
25 was the consensus of the Commission that the existing shed should be removed.
26
- 27 • The applicant's engineer stated that the boulder solution would be acceptable
28 and the proposed plan would not result in a net increase in fill within the flood
29 zone.
30

31 **7. Altheus Cycling & Endurance Center**

- 32
- 33 • Jonathan Kraut (applicant's attorney) provided an overview, noting that the
34 project involved the construction of a one-story addition, 14 feet wide by 20 feet
35 deep. The Commission reviewed the proposed request and agreed that there is
36 adequate parking for the proposed use and addition. The Commission agreed
37 that landbanking two parking spaces by eliminating the Theodore Fremd Avenue
38 access drive would not be appropriate.
39
- 40 • The Planning Commission recommended the applicant go to the Board of
41 Appeals for a variance for this user only. The Commission also recommended
42 describing the use for retail bike sales and services. The Commission stated that
43 their conditions for this approval be in the resolution as recommended.
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- 1 • The Commission questioned why a breezeway was proposed. Brad DeMotte
2 (applicant's architect) stated that the addition could not be connected to the
3 existing building since it would Adversely impact access to a rear door of the
4 existing building.
5
6 • The Commission requested that the applicant clean the existing trench drainage
7 on the property and provide measures to direct stormwater to the system.
8
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10 **ACTION:** Peter Larr made a motion, seconded by Nick Everett, that the Planning
11 Commission set the public hearing for its next meeting application number
12 SP289, which was carried by the following vote:
13

14	Barbara Cummings, Chair:	Aye
15	Martha Monserrate, Vice- Chair:	Aye
16	Nick Everett:	Aye
17	Hugh Greechan	Aye
18	Peter Larr:	Aye
19	H. Gerry Seitz:	Aye
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22 **8. Minutes**

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24 • The Commission adopted with revisions the minutes of its April 26, 2005
25 meeting.
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