

Rye City Planning Commission Minutes
February 6, 2007

MEETING ATTENDANCE:

Planning Commission Members:

- Barbara Cummings, Chair
- Martha Monserrate, Vice-Chair
- Nick Everett
- Hugh Greechan
- Peter Larr
- George Pratt
- Carolyn Cunningham

Other:

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

1. Westchester Country Club

- Mike Kolba (applicant's engineer) stated that in August 2005 Westchester Country Club was issued a violation for the placement of a soil stockpile within a wetland buffer. He provided an overview of the remediation plan, noting the location of the two wetlands on the property (Wetland "A" and "B"). Mr. Kolba stated that the City's wetland consultant reviewed the wetland delineation and plan and that the remediation plan was revised in accordance with his recommendations to the Planning Commission.
- Mr. Kolba stated that all soil stockpiles would be removed, including about a third of the pile located outside the 100-foot wetland buffer. In addition, the existing grades within the remainder of the buffer would be lowered to their original condition. The plan also includes a fence to prevent future encroachment and the planting of landscape material.
- Mr. Kolba noted changes to the plan including the removal of a portion of fence located near the northern wetland, since it appeared unnecessary to protect the wetland. Mr. Kolba also requested that the plan allow the existing berms at the edge of the existing playing field to remain to prevent future encroachment.
- Jim Nash (CC/AC member) requested that the plan be further amended to include more woody trees and shrubs throughout the wetland restoration area rather than just at the edge of the wetland. He noted that this modification would help with the restoration of the area. Mr. Nash did not object to the elimination of a portion of the fence at the northern edge of the project area.
- Robert James (Club Executive Director) stated that the Club was in error in placing fill within a wetland buffer and was prepared to remediate the condition consistent with the recommendations of the City wetland consultant and Planning Commission. Mr. James stated that the process has been long and expensive

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1 and was concerned that additional plan modifications would add additional
2 expense.

- 3
4 • The Commission agreed that it would discuss these concerns in the work
5 session.
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7 • There was no public comment.
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10 **ACTION:** Carolyn Cunningham made a motion, seconded by Hugh Greechan, that
11 the Planning Commission close the public hearing on wetland permit
12 application number WP199, which was carried by the following vote:
13

14	Barbara Cummings, Chair:	Aye
15	Martha Monserrate, Vice- Chair:	Aye
16	Carolyn Cunningham:	Aye
17	Nick Everett:	Absent
18	Hugh Greechan:	Aye
19	Peter Larr:	Absent
20	George Pratt:	Absent

21 22 23 **II. ITEMS PENDING ACTION**

24 25 **1. Westchester Country Club**

- 26
27 • Jim Nash (CC/AC member) stated that the plan should be revised to focus on
28 changes in the plant material and location within the southern portion of the
29 project area. He suggested relocating the plant material from the edge of the
30 wetland buffer to the center of the restoration area. The plant material should
31 include more trees and shrubs. He also requested that the plant material be
32 diversified. Mr. Nash stated that he did not object to maintaining the existing
33 berm and the removal of a portion of the fence. These plan modifications would
34 also save the applicant some money.
35
36 • The Commission recommended that the applicant meet with the City Naturalist
37 and Mr. Nash to discuss possible plan revisions.
38
39 • The applicant returned to the meeting room. The applicant, City Naturalist and
40 Mr. Nash agreed to amend the plans to provide two Black Gum and 2 American
41 Elm trees having at least a one-inch caliper or six foot minimum height. The
42 shrub count should be doubled. All plant material should be re-organized
43 throughout the center of the restoration area. It was agreed that the berm should
44 remain and that a portion of the northern fence could be eliminated from the plan.
45

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- The Commission agreed with the recommended changes to the plan.

ACTION: Martha Monserrate made a motion, seconded by Hugh Greechan, that the Planning Commission approve wetland permit application number WP199, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Aye
Carolyn Cunningham	Aye
Nick Everett:	Absent
Hugh Greechan	Aye
Peter Larr:	Absent
George Pratt	Absent

2. 330 Stuyvesant Road

- Joe Latwin (applicant's attorney) stated that previously the Commission requested more information regarding the nature of the proposed recreational use, its impacts and adequacy of parking. Mr. Latwin stated that the proposed recreational use would have 30 spaces and that would be adequate to serve the needs of the 75 maximum users permitted under existing site plan restrictions for the property. Mr. Latwin provided the Commission with the parking space to membership ratios approved by the Planning Commission for other clubs in the area including Coveleigh, Shenerock, American Yacht Club. He stated that these clubs and their approvals had parking that was equal to or less than that provided by the applicant.
- Mr. Latwin stated that other approvals for clubs in the area addressed noise and other quality of life concerns by regulating the hours of operation. He noted that Coveleigh and Shenerock had restrictions on hours of operation, but that American Yacht Club did not.
- Mr. Latwin provided the Commission with a memorandum explaining why the current zoning code is not consistent with case law by restricting private recreational clubs to not-for-profits. He stated that this memorandum was provided to Corporation Counsel and the City Council.
- The Commission stated that the information provided by the applicant still does not address their concerns regarding the nature of the proposed recreational use. Without a more complete description of the proposed action including the types of recreational uses, users and intensity of use it could not make determinations on a number of its approvals including LWRP Coastal Consistency, SEQRA and

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1 Use Permit approval. The City Planner noted that a mere comparison to other
2 applications is also not on point. In those other applications (i.e. Shenerock,
3 Coveleigh, AYC) the Planning Commission was provided with a more complete
4 description of proposed uses. The Commission noted that this information was
5 necessary before it could continue to process the application.
6

- 7 • The Commission noted that the zoning compliance table should be reviewed with
8 the City Planner, since it does not appear to accurately indicate what variances
9 are required.
10
- 11 • The Commission noted the importance of the LWRP policies with this application.
12 The current/former use by the Boy Scouts included uses were water dependent.
13 It's not clear how the proposed use will preserve or expand water dependent use
14 opportunities. The Commission requested that the applicant provide lasting
15 measures that preserve or enhance LWRP policies regardless of the success or
16 failure of the proposed recreational use. The Commission cannot rely on mere
17 representations by the applicant of its intentions for future use.
18
- 19 • The Commission requested that the location of existing and proposed utilities be
20 shown on the plan.
21
- 22 • The Commission requested that the applicant re-examine the proposed tree plan
23 to consider preserving more trees. Some trees appeared healthy and not
24 impacted by development and could be saved.
25
26

27 3. 5 Pine Island Road 28

- 29 • The Commission reviewed the revised plans and found them acceptable for the
30 setting of a public hearing.
31

32 **ACTION:** Hugh Greechan made a motion, seconded by Martha Monserrate that the
33 Planning Commission set the public hearing for its next meeting on
34 wetland application number WP211, which was carried by the following
35 vote:
36

37	Barbara Cummings, Chair:	Aye
38	Martha Monserrate, Vice- Chair:	Aye
39	Carolyn Cunningham:	Aye
40	Nick Everett:	Absent
41	Hugh Greechan:	Aye
42	Peter Larr:	Absent
43	George Pratt:	Absent
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4. 7 South Manursing Island

- The Commission requested that the plans be revised to quantify the number of plants proposed for the wetland restoration area.
- The Commission reviewed the comments of the CC/AC and noted that the plans had been revised to clarify the location and extent of the French drain at the rear of the terrace.
- The Commission questioned, based on an inquiry by the CC/AC, whether the proposed rear terrace would be raised. Glen Rosen (applicant’s engineer) stated that it would be raised only a modest amount – one foot or so.

ACTION: Carolyn Cunningham made a motion, seconded by Martha Monserrate that the Planning Commission set the public hearing for its next meeting on wetland application number WP212, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Aye
Carolyn Cunningham:	Aye
Nick Everett:	Absent
Hugh Greechan:	Aye
Peter Larr:	Absent
George Pratt:	Absent

5. Tsui Residence

- Richard Horsman (applicant’s landscape architect) stated that the application involved the construction of a two-story addition within a 100-foot wetland buffer of Blind Brook. He noted that the buffer line bisects the existing residence. He noted that a landscape mitigation area was proposed along the rear property line adjacent to Blind Brook. He noted that the heavy shade would limit some planting options.
- The Commission requested that the plan be revised to correct the percent increase in impervious area calculation.
- The Commission expressed their concern with increasing development within the wetland buffer and a designated flood zone. The Commission requested that the applicant provide more information on what alternatives it might consider. The

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1 Commission noted that in a 100-year flood event there would be approximately
2 six feet of water on the property, which would significantly impact the first floor of
3 the residence and proposed addition.
4

- 5 • Mr. Horsman stated that the applicant had relocated utilities located in the
6 basement to the first floor to address flooding concerns. He also noted that the
7 layout of the existing residence did not allow for a lot of flexibility in alternative
8 designs outside the wetland buffer. Mr. Horsman noted that the applicant was
9 seeking to maintain a first floor living space for his elderly parents. He stated that
10 he would provide the Commission with a more complete description of limited
11 alternatives.
12

- 13 • The Commission and City Planner requested that the applicant consider a rain
14 garden to address increases in stormwater runoff rather than sub-surface
15 measures. The Commission noted that the proximity to Blind Brook may make a
16 rain garden a more appropriate drainage mitigation measure. Mr. Horsman
17 stated that he will review the concept, but noted that the existing grades,
18 particularly in the rear of the site near the Brook may make that solution
19 unworkable. If not workable, low-profile culvert units would be used to address
20 drainage concerns.
21

22 **6. Chabot Residence**

- 23
24 • There was no representation for the applicant of this matter. The Planning
25 Commission did not discuss the application.
26
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28 **7. Review of Planning Department 2006 Annual Report**

- 29
30 • The Commission reviewed and suggested minor revisions to the draft Planning
31 Department and Commission 2006 Annual Report.
32

33 **ACTION:** Carolyn Cunningham made a motion, seconded by Martha Monserrate
34 that the Planning Commission approve the 2006 Annual Report, which
35 was carried by the following vote:
36

37	Barbara Cummings, Chair:	Aye
38	Martha Monserrate, Vice- Chair:	Aye
39	Carolyn Cunningham:	Aye
40	Nick Everett:	Absent
41	Hugh Greechan:	Aye
42	Peter Larr:	Absent
43	George Pratt:	Absent
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8. Minutes

- The Commission approved with minor modifications the draft meeting minutes of its December 12, 2006 meeting.