

**Rye City Planning Commission Minutes**  
March 27, 2007

**MEETING ATTENDANCE:**

---

**Planning Commission Members:**

- Barbara Cummings, Chair
- Martha Monserrate, Vice-Chair
- Nick Everett
- Hugh Greechan (*arrived late*)
- Peter Larr
- George Pratt
- Carolyn Cunningham

**Other:**

- Christian K. Miller, AICP, City Planner
  - George Mottarella, P.E., City Engineer
  - Chantal Detlefs, City Naturalist
  - JoAnn Rispoli, Secretary
  - 
  - 
  -
- 

1 **I. HEARINGS**

2  
3 **1. 950 Forest Ave**

- 4
- 5 • Brad DeMotte (applicant's architect) stated that the application involved the  
6 construction of additions to the front, rear and side of an existing residence at  
7 950 Forest Avenue. He stated that a one-story addition would be extended to  
8 the right rear for a sunroom. The existing terrace would be extended. A garage  
9 would be provided and the front entry modified. The circular driveway would be  
10 eliminated. He stated that the project was revised to eliminate the need for any  
11 variances and reduced the amount of impervious area within the buffer. The  
12 revised plan would provide for a 218 square foot increase (or 4.7%) over existing  
13 conditions.
  - 14
  - 15 • Aleksandra Moch (applicant's environmental consultant) provided an overview of  
16 the wetlands on and adjacent to the property. Ms. Moch noted the location of a  
17 wetland on the rear of the property and second wetland area that is a man-made  
18 pond adjacent to the property to the south. She noted the prior use of the  
19 property as a golf course and the presence of old drainage lines impacted the  
20 quality of the wetlands.
  - 21
  - 22 • Ms. Moch reviewed the proposed mitigation plan, noting that the proposed  
23 plantings would improve wildlife and stormwater quality functions. She also  
24 noted that the removal of the existing driveway would improve water quality.
  - 25
  - 26 • There was no public comment.
  - 27
  - 28
  - 29

30 **ACTION:** Peter Larr made a motion, seconded by Barbara Cummings, that the  
31 Planning Commission close the public hearing on wetland permit  
32 application number WP215, which was carried by the following vote:  
33

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

March 27, 2007

Page 2 of 7

1	Barbara Cummings, Chair:	Aye
2	Martha Monserrate, Vice- Chair:	Aye
3	Carolyn Cunningham:	Aye
4	Nick Everett:	Aye
5	Hugh Greechan:	Absent
6	Peter Larr:	Aye
7	George Pratt:	Absent

8

9

**II. ITEMS PENDING ACTION**

10

11

**1. 950 Forest Ave**

12

13

- Commission member Hugh Greechan arrives to the meeting.

14

15

- Brad DeMotte reviewed the revised plans noting the reduction in the size of the building additions, the elimination of the need for any FAR variance and the reduction in impervious area in the wetland buffer. Mr. DeMotte noted that since the scope of the project was reduced there was no change in the amount or location of plantings. The Commission agreed that additional changes to the mitigation plan (including expanding the amount of mitigation in the northeastern corner of the property) were not necessary in light of the reduction in the project scope.

16

17

18

19

20

21

22

23

24

- The Commission questioned the drainage. Mr. DeMotte stated that the applicant was looking to provide drainage measures in the front yard. Alexandra Moch stated that the substantial plantings would help mitigate increases in stormwater runoff.

25

26

27

28

29

- The City Planner suggested that the plan be revised to indicate the required mitigation area on the plan for enforcement and performance bond purposes. He noted that requiring the applicant to bond and maintain plantings for the entire site would not be reasonable. The Commission agreed and requested that the plan be revised to delineate a 20-foot setback from the rear property line, which would include the required mitigation area. All plant material within that setback would be required to be maintained and bonded by the property owner.

30

31

32

33

34

35

36

37

- The City Naturalist confirmed that CC/AC comments were not available.

38

39

**ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the Planning Commission approve wetland permit application number WP215, which was carried by the following vote:

40

41

42

43

Barbara Cummings, Chair:	Aye
--------------------------	-----

44

Martha Monserrate, Vice- Chair:	Aye
---------------------------------	-----

45

Carolyn Cunningham:	Aye
---------------------	-----

# Rye City Planning Commission Minutes (Cont.)

March 27, 2007

Page 3 of 7

1	Nick Everett:	Aye
2	Hugh Greechan:	Aye
3	Peter Larr:	Aye
4	George Pratt:	Absent

## 2. 7 Walden Lane

- Alan Pilch (applicant's consultant) stated that the plan was amended to clarify the location of existing and proposed structures and to add a 400 square foot mitigation area near the edge of the pond. Mr. Pilch noted that the mitigation area was added at the request of the Commission, but that there was no increase in impervious area within the 100-foot wetland buffer associated with the proposed project.
- The Commission noted that since the project involved a tear-down of an existing residence that more mitigation would be appropriate. The Commission requested that 800 square feet of mitigation be provided. The applicant agreed to the Commission's request.
- Mr. Pilch explained the project and the increase in impervious area. He noted that the proposed building would use the existing building footprint, but that a new foundation would be constructed. The existing residence would be demolished.
- Paul Benowitz (applicant's architect) requested that the hearing be set for the Commission's second meeting in April since he would not be able to attend the Commission's next meeting on April 10. The Commission agreed to the applicant's request.

**ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the Planning Commission set the public hearing for April 24, 2007 on wetland permit application number WP217, which was carried by the following vote:

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

## 3. Apawamis Club

## Rye City Planning Commission Minutes (Cont.)

March 27, 2007

Page 4 of 7

- 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  
38  
39  
40  
41  
42  
43
- Commission member Peter Larr recuses himself.
  - The Commission requested that the applicant stake out the tennis court for its site walk on March 31, 2007. Jonathan Kraut (applicant's attorney) agreed to this request, but noted that the stakes would not be survey accurate.
  - The Commission discussed the status of the applicant's progress with the City Engineer regarding a contribution to the City's drainage project in Highland Road. The City Planner noted that the City Engineer requested that the applicant provide an estimated cost of implementing a drainage design that satisfies the City's 25-year storm standard and the cost of the proposed design. The difference between these two figures would be the applicant's contribution to this City drainage project. Mr. Kraut agreed to this methodology and would work with the City Engineer.
  - Mr. Kraut stated that the applicant would also consider providing a drainage and maintenance easement associated with the drainage project along the Dogwood Lane property line if necessary.
  - The Commission reviewed the size and location of the proposed tennis court.
  - Mr. Kraut explained that the plans had been amended to include a new golf training building located near the first tee.
  - Rob Aiello (applicant's engineer) provided an overview of the new parking spaces to be provided on the site and changes in vehicle ingress and egress.
  - The Commission agreed that it would consider setting the hearing after it conducted its site walk.
- 4. 6 Sharon Lane**
- Richard Horsman (applicant's landscape architect) noted the location of the wetland located on the opposite side of Sharon Lane. He stated that the increase in impervious area was modest and that 2:1 mitigation would be provided.
  - The Commission requested that the plan be revised to include stormwater drainage measures for the driveway. Mr. Horsman agreed to amend the plans to include subsurface cultec units.

## Rye City Planning Commission Minutes (Cont.)

March 27, 2007

Page 5 of 7

1 **ACTION:** Carolyn Cunningham made a motion, seconded by Peter Larr that the  
2 Planning Commission set the public hearing for its next meeting on  
3 wetland permit application number WP217, which was carried by the  
4 following vote:

5  
6 Barbara Cummings, Chair: Aye  
7 Martha Monserrate, Vice- Chair: Aye  
8 Carolyn Cunningham: Aye  
9 Nick Everett: Aye  
10 Hugh Greechan: Aye  
11 Peter Larr: Aye  
12 George Pratt: Absent  
13

### 14 **5. 290 Stuyvesant Ave**

- 15
- 16 • The Commission noted the increase of 980 square feet of impervious area for the  
17 swimming pool and requested that the applicant provide alternative designs for  
18 its consideration. The Commission noted that the City's Wetland Law required it  
19 to review alternatives that minimize impacts to the maximum extent practical.  
20 The Commission suggested that the applicant re-orient the pool to reduce the  
21 extent of encroachment.  
22
  - 23 • The applicant's architect stated that the proposed design minimizes impacts, but  
24 that he would provide alternatives for the Commission's review and  
25 consideration. He noted that re-orienting the pool would potentially require the  
26 removal of an existing mature oak tree. He noted that the pool is located as  
27 close to the northern property line as permitted by zoning and that location on the  
28 southern property line would result in more buffer encroachment and impact  
29 abutting residential neighbors. He stated that wetland plantings had been  
30 provided as mitigation for the buffer encroachment.  
31
  - 32 • The Commission questioned the need for the proposed dewatering drywells,  
33 noting that their size would require a significant and unnecessary wetland buffer  
34 disturbance. The project architect stated the he preferred to provide the drywells,  
35 but they could be removed from the plan if requested by the Commission.  
36
  - 37 • The Commission noted that it would review the project at its site walk and  
38 requested that the applicant stake out the location of the pool.  
39

### 40 **6. 330 Stuyvesant Ave**

- 41
- 42 • The Commission requested that the application forms provide the requisite  
43 signatures. The City Planner confirmed that the file copies include the required  
44 signatures.

## Rye City Planning Commission Minutes (Cont.)

March 27, 2007

Page 6 of 7

- 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  
38  
39  
40  
41  
42  
43
- The Commission noted that among the most important considerations is the application's consistency with the 44 policies of the City's LWRP. The Commission noted that the project did not appear consistent with policy number 2, 19, 20, 21 and 22. The Commission noted that the proposed project would replace a water-dependant use (i.e. a former semi-private recreational club) with to non-water-related single-family residences. The applicant's LWRP form states that with respect to policy 2, *retain and promote water-dependant uses*, that the existing dock would be maintained. The Commission noted that this dock is not located on the applicant's property and questioned who would have access to the dock. The Commission noted that the public does not benefit from the preservation of the dock and that the proposed subdivision is not consistent with the spirit and intent of the LWRP.
  - The Commission stated that pursuant to the City's subdivision regulations that the applicant amend its plan to set aside 10% of the property for parkland reservation. Depending on its use a parkland reservation area on the southern half of the property would potentially advance LWRP policies and subdivision objectives. In addition, because of its low, flood-prone elevation and the extent of wetland buffer a parkland reservation on this portion of the site would satisfy wetland permit criteria, which the Planning Commission must consider.
  - The Commission requested that the proposed tennis court and soil stockpile area be relocated outside the wetland buffer.
  - The Commission questioned the demolition plan and to what extent the existing building on the property would be removed. Joe Latwin (applicant's attorney) discussed existing foundation walls that would be preserved and those that would be removed. A portion of the building would be removed. The Commission questioned whether the proposed residence on Lot 5 could be relocated outside the buffer.
  - The Commission noted that prior Commission approvals for the Durland Scout Center required a 100-foot buffer from the southern property line, which abut a residential property.
  - Mr. Latwin stated that it is his opinion that pursuant to section 73-4.B(2) of the City Code the subject application involves the construction of single-family residences and is therefore not subject to LWRP coastal consistency approval. The City Planner stated that application involves a subdivision, which is subject to LWRP review. Mr. Latwin stated that he is reserving his right to challenge that position.

## Rye City Planning Commission Minutes (Cont.)

March 27, 2007

Page 7 of 7

- 1       • Mr. Latwin stated that requiring the applicant to provide a parkland reservation  
2       does not mean that the Commission can require public access, nor can it require  
3       the dedication of the parkland to the City.  
4
- 5       • Mr. Latwin stated that the applicant would eliminate the tennis court from the  
6       plan. The existing building footprint and foundation walls would be reused on Lot  
7       5 and would not increase encroachment into the wetland buffer.  
8
- 9       • Mr. Latwin stated that the property is zoned R-1, which allows single-family  
10      residences. The application complies with the requirements of the City Zoning  
11      Code. He noted that no change in the shoreline is proposed and that no  
12      residential property in the area has public access to the water. Mr. Latwin stated  
13      the clubs in the area provide ample public water access. Mr. Latwin stated that  
14      the City considered purchasing the property and that in that process there was  
15      no public call for use of the property or access to the water.  
16
- 17      • The Commission noted that it is bound by the requirements of the City Code and  
18      that the application is not consistent with the 44 policies of the LWRP.  
19
- 20      • Corey Rabin (applicant) requested a short recess to confer with Mr. Latwin and  
21      left the meeting room. Upon his return Mr. Rabin reiterated Mr. Latwin's position  
22      that the application is not subject to the requirements of the City's LWRP, but the  
23      applicant and Commission could agree to disagree on that matter. He noted that  
24      he was not prepared to provide a 10% parkland reservation, but that he would be  
25      willing to provide a 10 foot wide public access strip abutting the southern property  
26      line extending from Stuyvesant Avenue to Milton Harbor. Mr. Rabin stated that  
27      10-feet of shoreline frontage would be provided. He requested that the  
28      Commission provide a sense of whether such an offer would satisfy the LWRP  
29      consistency requirements.  
30
- 31      • The Commission stated that it would consider the applicant's request after it  
32      conducted a site walk of the property on March 31, 2007. The Commission  
33      requested (and Mr. Rabin agreed) that the 10-foot access strip be staked out for  
34      their site inspection.  
35
- 36      **7. Miscellaneous**  
37
- 38      • The City Planner provided an overview of the draft Harrison Master Plan Update  
39      and its potential impact on the City of Rye.  
40
- 41      **8. Minutes**  
42
- 43      • The Commission approved with minor modifications the draft meeting minutes of  
44      its March 13, 2007 meeting.