

Rye City Planning Commission Minutes
May 22, 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
- JoAnn Rispoli, Secretary
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I. HEARINGS

1. Apawamis Club

- Member Larr recused himself and left the hearing room. Vice-chair Martha Monserrate serves as chair for the meeting.

- Vice-Chair Monserrate read the public notice. The City Planner stated that he received an affidavit from the applicant indicating that the public notice had been circulated to area properties as required by law.

- Jonathan Kraut (applicant's attorney) stated that the application involves a request for amended site plan, use permitted subject to additional standards and requirements, and wetland permit approval. Mr. Kraut stated that the application proposes to expand and modify the existing athletic facilities at Apawamis Club including modification of the existing squash courts, modify pool deck and construct an accessory golf training building. Mr. Kraut stated that the application complies with the requirements of the City's R-1 District.

- Mr. Kraut provided an overview of the history of the application noting that it was first presented to the Commission in June 2005 for an informal review. The application was formally presented to the Commission in February 2006 and discussed at additional meetings throughout 2006. During the review period the applicant made significant modifications to the plan to address the concerns of the Commission and public. Mr. Kraut stated that on December 4, 2006 a revised alternate plan was submitted to the Commission and shared with many area neighbors.

- Mr. Kraut stated that the revised plan includes a number of substantial revisions including a reduction in the size, height and bulk of the building addition, reduction in the amount of rock removal, improvements to vehicle ingress and egress at the site and provisions for additional parking. He noted that revised

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1 elevations prepared by the applicant show a reduction in the visual impact of the
2 building on Highland Road. In addition, the new addition has been relocated to
3 the rear of the existing club building.
4

- 5 • Rob Aiello (applicant's engineer) provided an overview of the project noting which
6 portions of the existing building would be removed. He noted that the new
7 addition would be located over an existing tennis court in the rear of the building.
8 The existing tennis court would be located over the existing sport court located
9 within a 100-foot wetland buffer. He noted the location of the small golf swing
10 training building, where modifications to the existing pool house would occur, the
11 location of 20 new parking spaces and the location of the new children's pool.
12 He stated that 10 additional parking spaces would be created by re-configuring
13 the existing parking area.
14
- 15 • Mr. Aiello reviewed the landscape plan, noting that plant material would be
16 provided along Highland Road and abutting the building to screen the building
17 from the adjacent neighborhood. He noted that new free-standing lighting would
18 be provided on the site that would have a mounting height of 10 feet and would
19 include shields to prevent lighting from impacting adjacent neighbors. He stated
20 that the proposed light fixture is the same as that provided on the parking lot
21 expansion approved by the Commission a few years ago.
22
- 23 • Mr. Aiello stated that the project would result in an approximately 11,000 square
24 foot increase in impervious area. Most of this impervious area is associated with
25 additional parking spaces that are required to be provided by the City Zoning
26 Code. He noted that his impervious analysis was conservative and did not take
27 "credit" for existing rock outcroppings or areas of shallow over-burden that are
28 currently impervious.
29
- 30 • He stated that the applicant has agreed at the Commission's request to provide a
31 financial contribution to a planned City drainage project in the area, or in the
32 alternative, the applicant would provide on-site infiltration to address its increase
33 in stormwater runoff. The infiltration measures include cultec units located under
34 the proposed relocated tennis court and within the vicinity of the new golf training
35 building.
36
- 37 • Mr. Aiello stated that the plan also includes wetland plantings at a ratio of 2:1 for
38 the increase in impervious area within the wetland buffer associated with the
39 relocated tennis court.
40
- 41 • Christine Ford (2 Seneca Street resident) stated that she had concerns regarding
42 the proposed landscaping and lighting. She noted that she lived across the
43 street from the club and that the existing lighting in the parking lot seemed
44 adequate. She noted that the existing parking lot was served by one light located
45 on the building and a second pole-mounted light. She stated that the site plan

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1 proposes 14 lights in the parking lot, which is excessive and would adversely
2 impact property. She stated that the proposed shields on the lights would be
3 inadequate to protect her residence from excessive lighting impacts. She stated
4 that the parking lot is rarely used in evening hours and that existing lighting or a
5 reducing the number of poles by half would be more than adequate to serve the
6 applicant's needs. She also requested that the proposed lighting include motion
7 sensors and be subject to time limitation to avoid the continuous operation of the
8 lights at inappropriate hours.
9

- 10 • Ms. Ford stated that the proposed landscape plan along Highland Road was
11 inadequate and would not provide appropriate screening of the building from her
12 property. She stated that much of the existing plant material along Highland
13 Road was dead or dying or consists of cedar trees that do not provide suitable
14 screening. She stated that the proposed under-story plant material of taxus and
15 rhododendrons are inadequate. Ms. Ford recommended that taller evergreen
16 species be added to the plan.
17
- 18 • Ms. Ford noted concern with the number of trees that are proposed to be
19 removed. She stated that there are nine trees in the vicinity of the proposed pool
20 house addition that are listed on plan SP-4A as "TBR". Their removal appears
21 unnecessary and that these trees buffer noise, light and views of the tennis court.
22 She stated that the proposed four flowering trees to offset this tree loss are not
23 adequate. She requested that these nine trees near the pool house be retained.
24
- 25 • Andrew Goodenough (25 Mohawk Street resident) stated that he was a member
26 of the flood action committee, which was create by area residents in consider
27 flood mitigation strategies in response to the March and April floods in Indian
28 Village. He stated that many residents in Indian Village were impacted by the
29 flood and that the rebuilding process continues. He stated that since the flood
30 the "game has changed" and the City and Planning Commission needs to
31 evaluate the impact new development has on contributing to flood conditions in
32 the Rye.
33
- 34 • Mr. Goodenough stated that Apawamis Club should consider implementing
35 drainage projects that would benefit the Blind Brook similar to projects
36 Westchester County Club implemented to benefit Beaver Swamp Brook. He
37 stated that Apawamis recently installed pipes to drain an area in front of the first
38 tee that impounded stormwater runoff. He noted that this stormwater runoffs of
39 the golf course more rapidly contributing to the existing already undersized City
40 storm drain in Highland Road. He stated that this change impacts area
41 neighbors and that the City is considering implementing a project to increase the
42 size of this drain.
43
- 44 • Mr. Goodenough stated that the Club has historically been a good neighbor to
45 Indian Village and that it should implement measures to retain all stormwater

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1 from its property on its site. There should be no consideration of reducing on-site
2 detention requirements and the Club should consider measures to reduce
3 stormwater already coming off the site. Mr. Goodenough suggested that a berm
4 be added near the existing cart barn to reduce stormwater flow off the property.
5

- 6 • David Ahl (65 Highland Road resident) requested that the plan be amended to
7 include a drain at the property driveway to direct stormwater toward Highland
8 Road. He also stated that water from Locust Avenue and Graham Court was
9 directed toward a storm drains across Apawamis property and toward Indian
10 Village.
11

- 12 • Sean Traynor (101 Mendota Avenue resident) stated that he was a two-year
13 resident of Indian Village and that his residence was impacted by the March 2
14 and April 15 floods. He stated that he was not familiar with the Planning
15 Commission's role addressing flood concerns, but that approving a project of the
16 size proposed by the club is bad timing and sets a bad precedent. He noted that
17 there appear to be changes in conditions given that there was flooding in the
18 1970s, a 25-year dry period, followed by three flooding events in the last three
19 years. He stated that the community is reviewing measures that it can implement
20 to reduce flooding impacts in Indian Village including acquiring up-stream
21 properties and other measures. He stated that the flood action committee has a
22 realistic perspective and anticipates that implementation of these strategies
23 would take 5-10 years.
24

- 25 • The Commission stated that it would carefully consider the stormwater impacts of
26 the proposed development in work session.
27

- 28 • Tom Julian (20 Onondaga Street) requested more detail on the plans regarding
29 how increases in stormwater from the proposed development would be
30 managed.
31

- 32 • Mr. Kraut responded to public comment by noting that the Club intends to
33 continue to be a good neighbor and that it would consider modifications to the
34 lighting and landscape plan. He noted that the existing fir trees noted by the
35 resident are in poor health, but are located within the City right-of-way of
36 Highland Road. He stated that the concept of the lighting plan was to shield
37 lighting away from neighbors while providing some enhancement to lighting in the
38 parking lot.
39

- 40 • Mr. Kraut stated that as a 40-year Rye resident he appreciated the neighbors'
41 concerns regarding flooding. He noted that the Club will meet its requirement to
42 manage any net increase in stormwater runoff as required by City Code. He
43 noted that Rye is located in the bottom third of the Blind Brook watershed. He
44 stated that as a general rule on-site detention of stormwater is not recommended
45 since the release of stormwater could coincide with flood peaks and actually

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1 contribute to increasing flood elevations. He noted that by releasing the water
2 quickly this is actually a beneficial measure and that the applicant was willing to
3 make a financial contribution to the planned City drainage project in Highland
4 Road. Mr. Kraut noted that that project would not solve flooding in Indian Village,
5 but would address an icing condition on Highland Road and reduce some
6 overland flow of stormwater in smaller storm events. He noted he would
7 continue to discuss the matter in work session and implement the stormwater
8 measures desired by the Commission.
9

- 10 • Mr. Goodenough stated that Mr. Kraut's suggestion that stormwater should be
11 released quickly was opposite of the concepts being considered by the
12 community.
- 13
- 14 • Peter Sinnott (60 Mendota Avenue resident) stated that he is an Apawamis Club
15 member and on the flood action committee. He stated that he spoke with the
16 president of the club and represented that the president stated that the club will
17 be a good neighbor and that something will be implemented to address drainage
18 concerns.
- 19
- 20 • James Dugan (86 Mendota Avenue resident) stated that the club should consider
21 measures, such as french drains, which would divert stormwater flows.
22
- 23 • The Commission stated that it would discuss in work session concerns regarding
24 ingress/egress, lighting, parking adequacy, landscape screening and stormwater.
25

26 **ACTION:** George Pratt made a motion, seconded by Nick Everett, that the Planning
27 Commission continue the public hearing on site plan application number
28 SP102G, which was carried by the following vote:

30	Barbara Cummings, Chair:	Absent
31	Martha Monserrate, Vice- Chair:	Aye
32	Carolyn Cunningham:	Aye
33	Nick Everett:	Aye
34	Hugh Greechan:	Absent
35	Peter Larr:	Recuse
36	George Pratt:	Aye

37

38 2. 6 Dalphin Drive

39

- 40 • Commission member Larr returns to the hearing room.
- 41
- 42 • Alan Pilch (applicant's consultant) provided an overview of the application noting
43 the location of the property, surrounding uses and zoning of the property. He
44 stated that the applicant is proposing an addition and modification to an existing
45 residence with a 1,630 square foot footprint.

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- Mr. Pilch stated that the proposed plan is located adjacent to a salt marsh located below an existing seawall on the property. He stated that the wetland was delineated in March 2002 and the boundary was confirmed in 2007. He stated that nearly the entire property is located within the 100-foot wetland buffer. He noted that the project would not have any disturbance of wetland and that there would be no disturbance of below elevation 10 and would therefore be outside NYSDEC jurisdiction. He noted that the FIRM elevation for the 100-year flood was elevation 14.
 - Mr. Pilch provided an overview of the changes and additions to the residence including the closure of an existing porch, location of new terrace, location of building additions and modifications to the driveway. He stated that the proposed plan was revised to address the concerns of the Commission and that there would be a net increase of impervious area of 261 square feet. He stated that over 750 square feet of mitigation plantings would be provided. He noted that a rain garden would be provided as requested by the Commission and that this rain garden would manage the stormwater runoff for a NYSDEC water quality volume.
 - There was no public comment.

23 **ACTION:** George Pratt made a motion, seconded by Carolyn Cunningham, that the
24 Planning Commission close the public hearing on wetland permit
25 application number WP220, which was carried by the following vote:
26

27	Barbara Cummings, Chair:	Absent
28	Martha Monserrate, Vice- Chair:	Aye
29	Carolyn Cunningham:	Aye
30	Nick Everett:	Aye
31	Hugh Greechan:	Absent
32	Peter Larr:	Aye
33	George Pratt:	Aye

34 35 **II. ITEMS PENDING ACTION**

36 37 **1. Apawamis Club**

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- Member Larr recused himself and left the meeting room.
 - Mr. Kraut stated that he spoke with Peter Sinnott who confirmed that it was merely his opinion that the Club would provide additional stormwater measures. Mr. Kraut stated that Mr. Sinnott is not a club representative authorized to commit the club to implement the kinds of stormwater measures stated in the public hearing.

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- The Commission reviewed the lighting plan and requested that more information be provided for its review at its next meeting. The Commission suggested that the applicant review its plans to confirm that the proposed number of lights were the minimum required to meet its needs. Mr. Kraut stated that the applicant would review those concerns.
 - The Commission reviewed the landscape plan and requested that the plan be amended to include more holly trees along Highland Road. The Commission stated that the landscape plan be revised to indicate the health condition of the trees proposed to be removed. The Commission requested that the applicant revisit the landscape plan to reduce the proposed amount of tree loss. Rob Aiello (applicant's engineer) stated that some of the trees will be preserved and that some of tree removal indicated on the plan was related to the prior application, which has now been modified.
 - The Commission discussed the drainage plan and whether it preferred on-site detention of stormwater or no detention and a contribution to the City's Highland drainage project. The Commission reviewed the proposed drainage design for the club and area drainage conditions with the City Engineer. The Commission requested that the City Engineer provide a rough analysis of whether releasing stormwater from the site given the Club's location in the watershed was the most appropriate course of action to reduce potential flooding impacts. The City Engineer confirmed that in concept releasing water quickly when located in the bottom third of the watershed is preferred and that the City needs the Highland drainage project to address an icing condition on the road. Mr. Kraut confirmed that financial contribution to the project would be about \$45,000.
 - The Commission questioned the applicant's calculation of impervious area to generate the volume for the 25-year storm event design required by the City Code. The Commission requested that the impervious calculations be broken out for its review and that the drainage design be based on true impervious area, not semi-pervious materials such as hartru courts.
 - Mr. Kraut stated that the club understands the sensitivity of the flooding issue and would be willing to implement either course of action requested by the Commission.
 - The Commission noted that it found the wetland mitigation plan acceptable.

44 2. 6 Dalphin Drive

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- 1 • Commission member Larr returned to the meeting room for the remainder of the
- 2 meeting.
- 3
- 4 • The Commission noted that it found the revised plan acceptable.
- 5
- 6

7 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham, that the

8 Planning Commission approve wetland permit application number WP220,

9 which was carried by the following vote:

10		
11	Barbara Cummings, Chair:	Absent
12	Martha Monserrate, Vice- Chair:	Aye
13	Carolyn Cunningham:	Aye
14	Nick Everett:	Aye
15	Hugh Greechan:	Absent
16	Peter Larr:	Aye
17	George Pratt:	Aye
18		

19 **3. 296 Purchase St**

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- 21 • The City Engineer stated that he inspected the site and area roadways and
- 22 confirmed that the proposed building would not impact vehicle sight distance
- 23 looking southbound on Purchase Street from Hillside Road.
- 24
- 25 • The Commission noted that the proposed monitoring plan provided by the
- 26 applicant was acceptable and that the resolution of approval will require the
- 27 applicant to provide the City with all information regarding NYSDEC and WCDOH
- 28 approvals related to the on-going sub-surface clean-up of the property.
- 29

30 **ACTION:** Peter Larr made a motion, seconded by George Pratt, that the Planning

31 Commission approve site plan application number SP330, which was

32 carried by the following vote:

33		
34	Barbara Cummings, Chair:	Absent
35	Martha Monserrate, Vice- Chair:	Aye
36	Carolyn Cunningham:	Aye
37	Nick Everett:	Aye
38	Hugh Greechan:	Absent
39	Peter Larr:	Aye
40	George Pratt:	Aye
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44 **4. 220-224 Purchase St**

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- 1 • The City Planner provided an overview of the application noting that the applicant
2 is seeking to consolidate two existing properties with existing development that
3 significantly exceeds the requirements of the City Zoning Code. The proposed
4 development would require a number of variances from the City Board of
5 Appeals, but appears to have potential benefits to the community by creating a
6 unified development that significantly increases on-site parking opportunities.
7 Currently, parking for the existing multi-family building occurs on the adjacent
8 Elizabeth Street, which is inconsistent with current parking restrictions. The City
9 Planner advised the Planning Commission to consider the application's benefits
10 and to consider what additional site enhancements and public amenities could be
11 provided by the applicant.
12
13 • Jonathan Kraut (applicant's attorney) stated that the applicant is seeking a sense
14 from the Commission as to whether the application is reasonable and something
15 worth pursuing. He noted that there is an existing dilapidated multi-family
16 structure that would be eliminated and that there would be additional parking.
17
18 • David Mooney (applicant's architect) stated that there would be the equivalent
19 parking on the property of one parking space for each apartment unit.
20
21 • The City Planner noted that because of the lot width the Zoning Code limits the
22 use of the property at 220 Purchase Street to a single-family dwelling, which
23 would not be consistent with area development patterns. Mr. Kraut added that it
24 was his opinion that he could likely secure a variance from the Board of Appeals
25 for a two-family dwelling given the circumstances.
26
27 • The Commission agreed that it would conduct a site inspection of the property
28 before presenting its comments and opinion to the applicant.
29

30 **5. 79 Wappanocca Ave**

- 31
32 • David Mooney (applicant's architect) stated that both the applicant's business on
33 Blind Brook Lane and his residence at 79 Wappanocca Avenue sustained
34 significant damage as a result of the April 15, 2007 flood. He noted that the
35 applicant is seeking to remove the existing structure and build a new modular
36 residence where the first habitable floor is elevated above the 100-year flood
37 elevation. He noted that the residence would be fully compliant with the
38 requirements of FEMA and Chapter 100 of the City Code.
39
40 • Mr. Mooney stated that the proposed project would result in an approximately
41 1,500-square foot increase of impervious area in the 100-foot wetland buffer. He
42 noted that the lowest floor would be limited to garage and storage use consistent
43 with FEMA mandates and that it would be designed to allow the flow of flood
44 waters through the lowest level.
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- 1 • The Commission discussed the elevation of the deck in the rear yard. Mr.
2 Mooney stated that it would be 9 or 10 feet above grade.
3
- 4 • The Commission agreed that it would conduct a site walk and discuss the matter
5 at its next meeting.
6

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8 **6. Review of CC/AC Comments on Amendments to the City Tree Law**

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- 10 • The Planning Commission discussed the April 20, 2007 letter from the CC/AC
11 regarding changes in the City's Tree Law to address clearing cutting.
12
 - 13 • The Commission was supportive of the concepts in the letter. They noted
14 concern with a recent application where clear cutting occurred prior to the
15 submission of a subdivision application, which would have been subject to the
16 tree preservation provisions of Chapter 170 of the City Code.
17
 - 18 • The Commission requested that it be provided with examples of tree protection
19 ordinances from other communities that might be appropriate for use in Rye.
20 The Commission noted that the proposed revisions would require a discretionary
21 approval for tree removal that currently does not exist. The Commission was
22 curious as to what thresholds for review are established in other communities
23 and what boards considers those applications.
24
- 25