

Rye City Planning Commission Minutes
January 22, 2008

MEETING ATTENDANCE:

Planning Commission Members:

- Barbara Cummings, Chair
- Martha Monserrate, Vice-Chair
- Carolyn Cunningham
- Mack Cunningham
- Nick Everett
- Hugh Greehan
- Peter Larr

Other:

- Christian K. Miller, AICP, City Planner
- George Mottarella, P.E., City Engineer
- JoAnn Rispoli, Secretary
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I. Annual Organizational Meeting

- Chair Cummings stated she was re-appointed as Chair of the Planning Commission by the City Council. Ms. Cummings nominated Martha Monserrate to continue to serve as Vice-Chair. The Commission unanimously confirmed her nomination.

II. Hearings

1. 130 Grace Church St

- Richard Horsman (applicant's landscape architect) stated that the application involved the construction of a deck in the rear of the residence. He noted that not providing the deck on the original application approved by the Commission last year was an oversight by the applicant. He noted that he revised the plans to indicate the total amount of buffer encroachment and required plantings based on the Commission's current mitigation practices. He stated that based on current standards 135 square feet of mitigation plantings was required and that 163 square feet was provided.
- There was no public comment.

ACTION: Peter Larr, made a motion, seconded by Carolyn Cunningham, that the Planning Commission close the public hearing on wetland permit application number WP237, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Absent
Carolyn Cunningham:	Aye
Mack Cunningham:	Aye
Nick Everett:	Aye

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1 Hugh Greechan: Aye
2 Peter Larr: Aye

3
4 **2. 30 Norman Drive**

- 5
6 • Richard Horsman (applicant's landscape architect) stated that the application
7 involved the construction of an in-ground swimming pool. He noted that as
8 requested by the Commission the location of the pool was changed to reduce the
9 extent of encroachment into the wetland buffer. He noted that 216 square feet of
10 mitigation plantings are proposed.
11
12 • The Commission noted that CC/AC members questioned whether mitigation
13 plantings as required for prior wetland permits on this property were installed.
14 Mr. Horsman stated that he personally witnessed and inspected the installation of
15 required plantings and that to the best of his knowledge the plantings were
16 provided.
17
18 • There was no public comment.

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21 **ACTION:** Peter Larr, made a motion, seconded by Carolyn Cunningham, that the
22 Planning Commission closed the public hearing on wetland permit
23 application number WP238, which was carried by the following vote:

24
25 Barbara Cummings, Chair: Aye
26 Martha Monserrate, Vice- Chair: Absent
27 Carolyn Cunningham: Aye
28 Mack Cunningham: Aye
29 Nick Everett: Aye
30 Hugh Greechan: Aye
31 Peter Larr: Aye

32
33 **3. 43 Highland Rd**

- 34
35 • Frank Marsalla (applicant's architect) stated that the application involved the
36 lifting of an existing residence to just under three feet above the 100-year FEMA
37 flood elevation and the construction of a rear addition. He noted that the
38 proposed residence would comply with the City's Floodplain Management Law.
39 He stated that the project would remove the existing detached garage, patio and
40 portions of the existing driveway resulting in a net reduction in impervious area
41 within the 100-foot wetland buffer of 852 square feet.
42
43 • There was no public comment.

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1 **ACTION:** Carolyn Cummings, made a motion, seconded by Nick Everett, that the
2 Planning Commission close the public hearing on wetland permit
3 application number WP241, which was carried by the following vote:
4

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

12
13 **II. ITEMS PENDING ACTION**

14
15 **1. 130 Grace Church St**

- 16
17 • The Commission found the application acceptable.
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19 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham, that the
20 Planning Commission approve wetland permit application number WP237,
21 which was carried by the following vote:
22

23	Barbara Cummings, Chair:	Aye
24	Martha Monserrate, Vice- Chair:	Absent
25	Carolyn Cunningham:	Aye
26	Mack Cunningham:	Aye
27	Nick Everett:	Aye
28	Hugh Greechan:	Aye
29	Peter Larr:	Aye

30
31
32 **2. 30 Norman Dr**

- 33
34 • The Commission and City Planner discussed the prior approvals and the
35 mitigation by those approvals required. The City Planner provided the
36 Commission with a plan showing the size and location of the mitigation planting
37 area associated with two prior wetland permits. The Commission requested that
38 the City Planner confirm that all required plantings have been provided.
39

- 40 • The Commission discussed where the stormwater measures for the pool would
41 be located, noting that if located in the wetland buffer they may require wetland
42 permit approval. Richard Horsman (applicant's landscape architect) stated that
43 he was not clear what the City Engineering Department would require, but that
44 he noted that stormwater measures could be located in an area outside of the
45 wetland buffer on the north side of the pool.

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ACTION: Peter Larr made a motion, seconded by Nick Everett, that the Planning Commission approve wetland permit application number WP238, which was carried by the following vote:

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

4. 43 Highland Rd

- The City Planner noted the FEMA flood elevation on the property and that the new FEMA flood maps increased flood elevations in this portion of Blind Brook by 2.5 feet. He noted that a prior addition to the residence approved by the Commission in 2002 was constructed to match the existing first floor elevation of the residence, which was two feet above the then applicable FEMA flood elevation. The addition and existing residence had water on the first floor in the April 2007 flood.
- Mr. Marsalla (applicant's architect) noted the required variances for the elevated structure, which were approved by the City Board of Appeals at their January 10, 2008 meeting.
- The Commission noted the suggestion of the CC/AC that stormwater measures be encouraged. Mr. Marsalla stated that he expected to install the measures, but that they were not required since the project resulted in a net reduction of impervious area on the property. The Commission agreed that if measures are to be provided that should be shown on the site plan.

ACTION: Carolyn Cunningham made a motion, seconded by Nick Everett, that the Planning Commission approve wetland permit application number WP241, which was carried by the following vote:

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

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4. American Yacht Club

- Leo Napior (applicant's attorney) stated that the plans were revised to provide a dimension as requested by the Commission showing the distance from the reconfiguration perimeter to the closest point of the Rye Town Dock. The Commission reiterated its concerns regarding the expansion of the reconfiguration perimeter and its potential impact on Rye Town Dock users. The Commission stated that the reconfiguration area could allow docks and boats to be located significantly closer to the Town Dock.
- Michael Ludwig (applicant's consultant) stated that reconfiguration area was intended to give AYC the flexibility to configure its docks without having to return to state approving agencies. He noted that such reconfiguration of docks closest to the Town Dock would likely be only on a temporary basis. He noted that it was not in the interest of AYC to have conflicts with those fishing at the Town Dock. He also noted that the area needed to be clear since that is where the sailing school launches its boats.
- The Commission stated that rather than providing a dimension from the perimeter area to the Town Dock that the club consider restrictions on the use of the area to prevent potential conflicts. Jonathan Kraut (applicant's attorney), after consulting with his client, agreed to amend the plan and the club's application to the state to not expand the reconfiguration area closest to Rye Town Dock. The existing reconfiguration area (which is currently 66 feet to the tip of the Town Dock) would remain unchanged.
- The Commission agreed with the applicant's offer and requested that it be provided with revised plans in advance of the public hearing.

ACTION: Mack Cunningham, made a motion, seconded by Carolyn Cunningham, that the Planning Commission set the public hearing for its next meeting on wetland permit application number WP239, which was carried by the following vote:

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

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1 **5. 290 Stuyvesant Ave**

- 2
- 3 • The City Planner recommended that the Commission grant a one-year extension
4 of time to its prior approval as requested by the applicant. He noted that
5 construction will likely be underway, but not substantially completed within the
6 one-year time restriction of the wetland permit.
- 7

8 **ACTION:** Mack Cunningham, made a motion, seconded by Carolyn Cunningham,
9 that the Planning Commission grant a one-year extension of wetland
10 permit application number WP218, which was carried by the following
11 vote:

12

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

20
21

22 **6. Review of 2007 Planning Commission and Department Annual Report**

- 23
- 24 • The Commission reviewed and approved the Annual Report.
- 25
26

27 **7. Discussion of Planning 2008 Opportunities**

- 28 • The Commission reviewed a memorandum from the City Planner regarding
29 planning projects for the Commission to consider in 2008. He noted that
30 because of work commitments associated with other City projects, he would not
31 be able to provide much support to the Commission's efforts.
- 32

33 **8. Minutes**

- 34
- 35 • The Commission approved with modifications the draft meeting minutes of its
36 January 8, 2008 meetings.
- 37