

Rye City Planning Commission Minutes
June 10, 2008

MEETING ATTENDANCE:

Planning Commission Members:

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

Other:

- Christian K. Miller, AICP, City Planner
- JoAnn Rispoli, Secretary
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I. HEARINGS

1. Wainwright House

- Cliff Davis (applicant's attorney) stated that the application involves the repair/reconstruction/construction of a seawall, installation of fencing on top of the seawall and the installation of safety stairs within the 100-foot wetland buffer. Mr. Davis noted that the wetland permit jurisdiction is limited to those activities within the wetland buffer. He noted that the repair of the seawall and the paving of the gravel driveway located outside the wetland buffer are not subject to permit review by the Planning Commission. Mr. Davis requested that the Commission establish itself as Lead Agency under SEQRA.
- Ben Graviano (applicant's engineer) stated that he had just received a letter from Bertrand De Frondeville, but that the applicant has not had an opportunity to review it. Mr. Graviano stated that the project involves the repair of 98 linear feet of existing seawall and the construction of 141 linear feet of new wall. A fence would be located on top of the wall.
- The Commission noted that the applicant has requested the fence for safety purposes. The Commission questioned whether anyone had fallen into the water necessitating the need for the fence. Chris Nef (Wainwright Co-president) stated that he was not aware of anyone falling in the water, but stated that the Wainwright House's insurance carrier has recommended that a fence be installed.
- The Commission questioned the wall appearance. Mr. Graviano stated that the wall would be stone and match the existing seawall on the property.
- The Commission re-stated its prior concern with the adverse aesthetic impact of the proposed paving of the gravel driveway in front of the Wainwright House. The Commission noted that the paving would be inconsistent with the look of the Chateau. Mr. Graviano stated that the paving would be safer and more

Rye City Planning Commission Minutes (Cont.)

June 10, 2008

Page 2 of 6

1 convenient for those using the facility. The existing gravel is not suited for
2 women in heeled shoes at formal events. The Commission suggested that the
3 applicant consider an alternative paving plan that paves only a portion of the
4 driveway to provide an asphalt path or walkway for users.
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- 6 • Mr. Nef responded that the existing gravel is a tripping hazard and challenging
7 for the elderly. He stated that snow removal is also more difficult with the
8 existing gravel drive. He stated that Wainwright would consider the
9 Commission's alternative suggestion. The Commission stated that this
10 alternative be strongly considered by Wainwright and that the gravel drive is
11 consistent with the character of the area, the Wainwright House and the history
12 of the property.
13
- 14 • The City Planner questioned the height of the wall. Mr. Graviano stated that the
15 wall is between 6 and 7 feet.
16
- 17 • Helen Linz (230 Stuyvesant Avenue resident) stated that she was a 35-year
18 resident abutting the Wainwright House property. She stated that there has
19 never been a problem with erosion and that the seawall was not necessary. She
20 stated that proposed wall and fence would have an adverse visual and aesthetic
21 impact and that the existing stairs are adequate and do not need repair.
22
- 23 • Ms. Linz stated that the proposed wall would be inconsistent with an agreement
24 between Wainwright and Edith Reed Sanctuary located on the opposite side of
25 the harbor.
26
- 27 • Ms. Linz stated that as an alternative to a permanent fence that a temporary
28 fence could be installed for major events and parties. She noted that use of the
29 property is intensifying disruptive to the residential area and inconsistent with the
30 environmental and spiritual mission of Wainwright. She reviewed the history of
31 Wainwright including its establishment as a spiritual and environmental institution
32 for the community. Ms. Linz stated that the property belongs to the people and
33 that many changes have occurred (such as tree removal and relocation or
34 removal of sculptures) that are inconsistent with the history and mission of
35 Wainwright. Ms. Linz stated that local architect Barbara Anderson should review
36 the proposed plans. She stated that a few years ago Ms. Anderson was
37 responsible for a sensitive addition to the front of the building.
38
- 39 • The Commission noted the importance of Wainwright to the community, but
40 stated that its jurisdiction was limited to the City's Wetland and Watercourses
41 Law. The Commission noted that Marshlands Conservancy not Edith Reed
42 Sanctuary was located opposite the Wainwright House on the Harbor and that it
43 was not aware of any agreement or restriction and that Ms. Linz submit any
44 documents she may have.
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Rye City Planning Commission Minutes (Cont.)

June 10, 2008

Page 3 of 6

- 1 • The Commission requested that the applicant provide a written statement from
2 Wainwright's insurance company regarding the need to install the fence. Mr. Nef
3 stated he would provide the Commission with the requested information.
4
- 5 • Mr. Davis stated that the applicant is not aware of any restriction or covenant that
6 prevents the installation of the proposed wall and fence.
7
- 8 • Mr. Graviano stated that he disagreed with Ms. Linz stated that the wall is
9 unnecessary. He stated that the wall is proposed in locations where erosion has
10 occurred. He added that the existing steps are narrow and treacherous and are
11 being replaced to make them safer and more user-friendly.
12
- 13 • The Commission questioned the location and height of the fence. Mr. Graviano
14 stated that the fence would be located on top of the seawall located at the bottom
15 of the existing slope. He stated that the fence would not be located at the top of
16 slope and would not be visible as viewed from the Wainwright property. He
17 stated that only minor fill would be required behind the proposed wall.
18
- 19 • The Commission questioned whether any lighting is proposed. Mr. Nef stated
20 that no lighting is proposed at this time. The Commission noted concern with
21 potentials segmentation.
22
- 23 • Ms. Linz stated that existing walls have been installed without required permits.
24
- 25 • Barbara Anderson stated that the existing historic character of the building and
26 property should be preserved. She objected to the proposed repaving of the
27 gravel driveway in front of the building. She also stated that a fence located at
28 the top of the slope would be a visual obstruction.
29

30 **ACTION:** Mack Cunningham made a motion, seconded by Hugh Greechan that the
31 Planning Commission close the public hearing on wetland permit
32 application number WP243, which was carried by the following vote:
33

34	Barbara Cummings, Chair:	Aye
35	Martha Monserrate, Vice- Chair:	Aye
36	Carolyn Cunningham:	Abstain
37	Mack Cunningham:	Aye
38	Nick Everett:	Aye
39	Hugh Greechan:	Aye
40	Peter Larr:	Aye

41
42 **2. 120 Old Post Rd**
43

Rye City Planning Commission Minutes (Cont.)

June 10, 2008

Page 4 of 6

- 1 • Phillip Doyle (applicant's planner) stated that the applicant is seeking Planning
2 Commission approval to amend its prior condition of approval restricting the
3 office building at 120 Old Post Road to a single tenant. He stated that the
4 building is approximately 69,000 square feet and is located in a B-4 Office
5 Building District. He stated that the applicant would continue to adhere to the
6 restriction required by the Commission's prior approval and Zoning limiting the
7 total number of employees to 300. He noted that the building's previous tenant
8 fully occupied the building and had only 240 employees.
9
- 10 • Mr. Doyle stated that the applicant prepared information concluding that multi-
11 tenant use of the building would not increase impacts. He noted that a traffic
12 analysis prepared by Michael Galante of Frederick P. Clark Associates
13 concluded that a multi-tenant office building would generate less traffic and
14 parking demand than a single-tenant use. He stated that the principle reason for
15 this reduction is that a multi-tenant building requires more common area and
16 other space that does not generate employees.
17
- 18 • Mr. Doyle stated that prior to 1997 the Commission's approval permitted the use
19 of the building by up to 12 tenants. He stated that when the building was
20 expanded in 1999 the applicant had a single tenant (Mobius), which has now
21 been purchased by ASG and has downsized the number of employees at the
22 building.
23
- 24 • Alan Weisman (building owner) stated that multi-tenant use was required to
25 improve the marketing of the building. He stated that Mobius/ASG has three
26 years left on its lease, but that it only has about 70 employees at the building. He
27 stated that a multi-tenant building would result in less lease space since more
28 space would need to be devoted to staircases, reception areas and other similar
29 spaces.
30
- 31 • The Commission noted concerns with growing traffic conditions in the area,
32 particularly at the Old Post Road/Playland Parkway intersection. A member of
33 the Commission questioned whether the applicant's traffic analysis was accurate
34 and questioned whether traffic count and more study was required to assess
35 whether a traffic signal was required at this intersection and whether the
36 emergency access drive on Old Post Road should be open to full access. The
37 Commission acknowledged the potential concerns and agreed to discuss in the
38 work session whether or not to refer the matter to the City's Traffic and
39 Transportation Committee for their review and comment.
40
- 41 • Mr. Weisman stated that traffic counts and study were not necessary given the
42 findings by the applicant's traffic consultant that the proposed multi-tenant use
43 would reduce traffic demand. He stated that as part of the 1999 Commission
44 approval the applicant was required to put in escrow significant money towards
45 the installation of a traffic signal at the Old Post Road/Playland Parkway

Rye City Planning Commission Minutes (Cont.)

June 10, 2008

Page 5 of 6

1 intersection. He noted that studies were conducted, no improvements were
2 made and the escrow funds were returned to the applicant. Mr. Weisman stated
3 that activity has increased as a result of the Westchester Medical use of the
4 former office building at One Theall Road, but that the nature of the use does not
5 result in high peak-hour traffic flows. Mr. Weisman also stated that the access on
6 Old Post Road was specifically restricted by the Planning Commission as part of
7 its prior approvals to address concerns of area neighbors.
8

9 **ACTION:** Peter Larr made a motion, seconded by Hugh Greechan that the Planning
10 Commission close the public hearing on site plan application number
11 SP100, which was carried by the following vote:
12

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

21 II. ITEMS PENDING ACTION

23 1. Wainwright House

- 25 • The Commission requested that the City Planner provide the Commission with a
26 memorandum at its next meeting describing how Wainwright is regulated by local
27 land use laws. The Commission noted that it wanted to consider how the use of
28 the property could be contributing to the need for improvements on the property
29 including those in the wetland buffer.
30
- 31 • The Commission requested that the applicant provide information from the
32 applicant's insurance provider regarding the need for the proposed fence.
33
- 34 • The Commission requested that the site plan be revised to correct/coordinate the
35 wall and fence details to show a 42-inch high fence.
36

37 2. 120 Old Post Rd

- 39 • The Commission agreed to refer the application to the City's Traffic and
40 Transportation Committee for their review and comment.
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42 3. Minutes

- 43 • The Commission approved with minor modifications the draft meeting minutes
44 of its May 20, 2008 meeting.
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Rye City Planning Commission Minutes (Cont.)

June 10, 2008

Page 6 of 6

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