

Rye City Planning Commission Minutes
September 23, 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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1 **I. HEARINGS**

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3 **1. 269 Purchase Street**

- 4
- 5 • Jonathan Kraut (applicant's attorney) stated that the applicant is seeking site plan
6 approval to construct a mixed-use commercial/residential building. Mr. Kraut
7 noted that the project complied with the requirements of the zoning code and that
8 it would further enhance this section of Purchase Street. He stated that the
9 project would result in a reduction of impervious area over existing conditions.
10 Traffic flow would be improved because the number of curb-cuts is being
11 reduced from six to two located on Blind Brook Lane. Mr. Kraut noted that the
12 plan would provide stormwater quality measures and provide a new sidewalk on
13 Blind Brook Lane. Mr. Kraut noted that the sidewalks on Purchase Street would
14 be replaced and that new street trees would be provided.
15
 - 16 • In response to comments raised in the last public hearing, Mr. Kraut stated that
17 the landscape plan was revised to increase the size and density of plant material
18 to improve the screening of the project from residents on Wappanocca Avenue.
19 In addition, Mr. Kraut stated that a 1.5-2.0-foot berm is proposed to improve
20 screening. Material for the berm would be used from the property and would not
21 result in the importing of fill due to restrictions of the City Floodplain Management
22 Law. Mr. Kraut reviewed the number and location of plant material on the plan.
23
 - 24 • Richard Horsman (applicant's landscape architect) reviewed the landscape plan
25 noting the number, type and size of plant material along the Wappanocca
26 Avenue property line. He noted that the planting plan was revised to improve
27 screening at planting time. Mr. Horsman noted that larger plant material planted
28 close together will have short-term screening benefits, but some material will
29 require removal as it matures to allow for adequate growing space. Mr. Horsman
30 noted that the proposed screening is a significant improvement over existing
31 conditions. Currently the Wappanocca Avenue frontage includes a long building,
32 limited landscaping and a driveway access.

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- The Commission questioned the proposed berm and its compliance with the City's Floodplain Management Law. The City Planner noted that berms are permitted provided that no fill is imported to the site. He noted that the plan proposes using only material from the property to create the berm.
 - Sis D'Angelo (110 Wapponocca Avenue resident) stated that she was concerned about the potential increase in stormwater runoff and impacts on area flooding. She noted that the Blind Brook cannot accommodate additional runoff. Ms. D'Angelo also noted concern with the increases in traffic, particularly large delivery trucks that block area streets.
 - The Commission noted that the proposed plan reduces impervious area over existing conditions and that the project is designed to be elevated above the 100-year flood elevation.
 - Anthony Mangione stated that he is the attorney for Michael Delesco, owner of 135 Wapponocca. He stated that his client is concerned regarding the visual impact of the project on his property and that he has retained Anthony Zanio (landscape architect) to review the plans. Mr. Zanio stated that he met with the applicant and discussed revisions to the plan. Mr. Zanio noted that Section 197-69 of the City Zoning Code requires a 10-foot evergreen screen along the Wapponocca property line. He requested additional changes including increasing the size of plants designated on the plan as CL-1, CL-2 and INS to 7-8 feet. He also requested that the size of the Holly's be increased to 5-6 feet.
 - Joseph Vales (125 Wapponocca Avenue resident) stated that he concurred with the comments of Mr. Zanio. He requested that no signage be permitted along Wapponocca Avenue. Mr. Vales questioned the height of the building and compliance of the project with the requirements of the City Zoning Code. Mr. Vales questioned the percent reduction in impervious area and suggested that a greater reduction might be appropriate given recent flooding events. Mr. Vales also noted concern that stormwater may run off the property and not be properly captured by drainage measures. Mr. Vales noted concern with increased traffic, particularly delivery vehicles, and requested that access to Wapponocca Avenue be restricted. Mr. Vales questioned the permitted hours of operation and noted that he agreed with the Commission's suggestion to limit food uses on the property.
 - Jonathan Kraut responded that the height of the building is about 33 feet, which is less than the 35 feet permitted by Zoning. He noted the location of the catch basins and sub-surface drainage measures designed to capture stormwater runoff. Mr. Kraut stated that all signage is governed by the City sign law, but he did not anticipate that the applicant would provide a free-standing sign along Wapponocca Avenue within the landscape buffer area. Mr. Kraut stated that

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1 vehicle access would be on Blind Brook Lane only. The existing access on
2 Wappanocca Avenue would be removed. Mr. Kraut stated that the hours of
3 operation would be regulated by the City Zoning Code.
4

- 5 • John Sherman (95 Evergreen Avenue resident) stated that he is pleased with
6 recent changes in the area to remove derelict buildings and gas stations. He
7 stated that he has reviewed the proposed plans and believes that the proposed
8 building will further improve the area and streetscape aesthetic. He stated that
9 he is familiar with the applicant and the quality of his work. Mr. Sherman stated
10 that the applicant recently constructed high-quality single-family homes in his
11 neighborhood, which sold in just two weeks.
12
- 13 • Ms. D'Angelo stated a concern with refuse and HVAC equipment. She noted
14 that behind the Pet Pantry located across the street the refuse is poorly
15 maintained and HVAC units are noisy.
16
- 17 • Marta Kotza (121 Wappanocca Resident) requested that adequate screening be
18 provided along the Wappanocca Avenue frontage.
19

20 **ACTION:** Mack Cunningham made a motion, seconded by Carolyn Cunningham
21 that the Planning Commission close the public hearing final site plan
22 application number SP#305, which was carried by the following vote:
23

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

31 32 33 **2. Rye Country Day School**

- 34 • Martha Monserrate recused herself from this matter.
35
36
- 37 • Jonathan Kraut (applicant's attorney) explained that the applicant had amended
38 its petition. The revised petition seeks only to request approval to modify the size
39 and configuration of the classroom addition approved by the Planning
40 Commission in resolution number 11-2006.
41
- 42 • Mr. Kraut explained that the change in the classroom design was the result of the
43 school retaining a new architect. Mr. Kraut reviewed a plan showing the change
44 in the proposed versus previously approved footprint. He noted that the

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1 proposed addition was internal to the campus and would not adversely impact
2 surrounding neighbors.
3

4 **ACTION:** Carolyn Cunningham made a motion, seconded by Mack Cunningham
5 that the Planning Commission close the public hearing final site plan
6 application number SP#306, which was carried by the following vote:
7

8	Barbara Cummings, Chair:	Aye
9	Martha Monserrate, Vice- Chair:	Recuse
10	Carolyn Cunningham:	Aye
11	Mack Cunningham:	Aye
12	Nick Everett:	Aye
13	Hugh Greechan:	Aye
14	Peter Larr:	Absent

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16
17 **II. ITEMS PENDING ACTION**

18
19 **1. Coveleigh Club**

- 20
21 • Linda Whitehead (applicant's attorney) presented a revised plan showing one
22 tennis court shifted closer to the existing tennis courts on the site. The Planning
23 Commission stated that the setback variance could be reduced even further if the
24 proposed court was separated by only nine feet from the existing court. The
25 Commission noted that this separation was consistent with the setback of other
26 courts on the Club property and that it would preserve more of the setback along
27 Stuyvesant Avenue. Ms. Whitehead stated that the club desired a greater
28 separation, but was agreeable to the Commission's suggestion.
29
- 30 • The Commission agreed that the City Planner should prepare a memorandum to
31 the Board of Appeals supporting the proposed variance, provided that the
32 proposed tennis court was separated by no more than nine feet from the existing
33 tennis court.
34
- 35 • The City Planner requested that the next submission to the Planning Commission
36 include a detailed landscape and tree preservation plan and stormwater drainage
37 measures.
38

39
40 **2. 269 Purchase Street**

- 41
42 • Mr. Kraut reviewed the drainage plan, proposed reduction in impervious area and
43 the location of sub-surface drainage measures. He stated that the reduction in
44 impervious area was over 400 square feet or about a 2% reduction. Mr. Kraut
45 noted that the drainage plan is sized to accommodate a first flush (or 1.3 inches

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1 of rain fall), which will provide water quality benefits. Given the location in the
2 lower reaches of the Blind Brook watershed he noted that larger stormwater
3 detention volumes were not appropriate and that the site is underwater during
4 large storms, rendering all drainage measures useless.

- 5
- 6 • The Commission reviewed and discussed the landscape plan. The Commission
7 agreed with the proposed tree removal. The Commission agreed with the
8 comments of Mr. Zanio and requested that the plan be revised to increase the
9 size of plants designated on the plan as CL-1, CL-2 and INS to 7-8 feet and that
10 the size of the Holly's be increased to 5-6 feet.
- 11
- 12 • The Commission suggested and the applicant agreed to not provide any
13 freestanding signs in the planting area along Wappanocca Avenue.
- 14
- 15 • The Commission discussed traffic flow and considered turn restrictions at the site
16 access and at Blind Brook Lane and Wappanocca Avenue. The Commission
17 agreed that turn restrictions were not appropriate since they are difficult to
18 enforce and would divert all traffic flow to the Blind Brook/Purchase Street
19 intersection. The City Planner suggested that traffic flows in the area would be
20 reviewed as part of the planned roundabout at Wappanocca/Purchase/Hillside
21 Intersection.
- 22
- 23 • The Commission confirmed the location of the proposed HVAC equipment.
- 24
- 25 • The Commission reviewed the building design, height and bulk as compared to
26 other buildings in the area. The applicant provided photos of surrounding
27 properties. The Commission stated that the height of the building is elevated to
28 comply with the requirements of the City's Floodplain Management Law.
- 29
- 30 • The Commission reviewed the hours of operation. The City Planner noted that
31 the City Zoning Code appears to limit the hours of operation in this area to
32 between 7:00 AM and 9:30 PM.
- 33
- 34 • The Commission reviewed the restriction on the food use at the property. The
35 Commission agreed that the applicant's proposed language was acceptable.
- 36
- 37

38 **ACTION:** Martha Monserrate made a motion, seconded by Carolyn Cunningham
39 that the Planning Commission approve final site plan application number
40 SP#305, which was carried by the following vote:

41

42	Barbara Cummings, Chair:	Aye
43	Martha Monserrate, Vice- Chair:	Aye
44	Carolyn Cunningham:	Aye
45	Mack Cunningham:	Aye

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1 Nick Everett: Aye
2 Hugh Greechan: Aye
3 Peter Larr: Absent
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5

6 **3. Rye Country Day School**

- 7
8 • Martha Monserrate recused herself from this matter.
9
10 • The Commission agreed that the revised application was acceptable.

11
12
13 **ACTION:** Carolyn Cunningham made a motion, seconded by Nick Everett that the
14 Planning Commission approve modified final site plan application number
15 SP#306, which was carried by the following vote:

16
17 Barbara Cummings, Chair: Aye
18 Martha Monserrate, Vice- Chair: Recuse
19 Carolyn Cunningham: Aye
20 Mack Cunningham: Aye
21 Nick Everett: Aye
22 Hugh Greechan: Aye
23 Peter Larr: Absent

24
25
26 **4. Minutes**

- 27
28 • The Commission approved with minor modifications the draft meeting minutes
29 of its September 9, 2008 meeting.