

Rye City Planning Commission Minutes
February 3, 2009

MEETING ATTENDANCE:

Planning Commission Members:

- Barbara Cummings, Chair
- Martha Monserrate
- Carolyn Cunningham
- Mack Cunningham
- Nick Everett
- Hugh Greechan (arrived late)
- Peter Larr

Other:

- Christian K. Miller, AICP, City Planner
 - George Mottarella, P.E., City Engineer
 - JoAnn Rispoli, Secretary
 - Lori DeCaro, Chair CC/AC
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I. HEARINGS

1. Coveleigh Club

- Chuck Utchig (applicant's engineer) stated that the project involved the construction of one tennis court, adding to an existing complex of tennis courts located near the corner of Stuyvesant and Van Wagenen Avenues. Mr. Utchig noted that the location of the tennis court required setback variances, which were granted by the City Board of Appeals. He noted that the grade of the tennis court matches the existing tennis courts and would be approximately 4 to 6 feet below the street elevation. Mr. Utchig stated that the plan was revised as requested by the Planning Commission to provide additional landscape screening.
- There was no public comment.

ACTION: Carolyn Cunningham made a motion, seconded by Peter Larr, that the Planning Commission close the public hearing on site plan application number SP307, 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:	Absent
Peter Larr:	Aye

II. ITEMS PENDING ACTION

1. Coveleigh Club

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- 1 • Hugh Greechan arrives to the meeting. He is a member of Coveleigh Club and
2 recused himself for discussion of this application.
3
4 • The Commission discussed the number of trees proposed to be removed and the
5 number proposed to be planted. Mr. Utchig stated that 16 trees are proposed to
6 be removed. Six trees approximately 6-8 feet in height and 26 shrubs are
7 proposed to be installed. The Commission requested that the plan be revised to
8 change the tree species to consist of three sugar maples and three oaks. The
9 Commission agreed that the spacing between the trees was acceptable.

10
11 **ACTION:** Carolyn Cunningham made a motion, seconded by Peter Larr, that the
12 Planning Commission approve site plan application number SP307, which
13 was carried by the following vote:

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

23 **2. 14 Philips Lane**

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25
26 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham, that the
27 Planning Commission approve wetland permit application number WP252,
28 which was carried by the following vote:

29
30 Barbara Cummings, Chair: Aye
31 Martha Monserrate, Vice- Chair: Absent
32 Carolyn Cunningham: Aye
33 Mack Cunningham: Aye
34 Nick Everett: Aye
35 Hugh Greechan: Aye
36 Peter Larr: Aye

37 38 **3. 160 Osborn Road**

- 39
40 • Jonathan Kraut (applicant's attorney) stated that the application was revised to
41 relocate the pool so that it was outside the wetland buffer. He noted that this
42 revision reduced the extent of impervious area increased, but that the amount of
43 mitigation landscape planting remained unchanged.
44

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- 1 • The Commission reviewed the comments of the CC/AC which stated in its
2 December 20, 2008 letter to the Planning Commission that revised application
3 was “unacceptable,” noting concerns that the detached garage is located in the
4 wetland buffer area, that fill is located in the wetland buffer area and 100-year
5 floodplain fringe and that the pool should be re-oriented to be located outside the
6 wetland buffer.
7
8 • The Commission reviewed the draft resolution and noted the following responses
9 to the CC/AC’s comments:
10
11 • The plan was revised twice to reduce the amount of additional in
12 impervious area in the wetland buffer from 677 square feet to 201 square
13 feet. This increase of 201 square feet is reasonable and is offset by 1,150
14 square feet of landscape mitigation located along the edge of Beaver
15 Swamp Brook in an area currently improved with an asphalt driveway.
16 The plan includes a rain garden and the amount of mitigation exceeds four
17 (4) square feet plantings for every one (1) square foot in buffer
18 encroachment.
19
20 • The applicant revised the plan consistent with the CC/AC’s comment to
21 relocate the swimming pool outside the wetland buffer. The proposed
22 detached accessory structure remains, but has been relocated outside the
23 designated floodway.
24
25 • The plan shows changes in grade, but no fill will be imported to the site,
26 other than topsoil as permitted by law.
27

28 **ACTION:** Mack Cunningham made a motion, seconded by Carolyn Cunningham,
29 that the Planning Commission approve wetland permit application number
30 WP251, which was carried by the following vote:
31

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

40 **4. 3 Dale Street**

- 41
42 • Emilio Escaladas (applicant’s architect) stated that the applicant’s are teachers at
43 Rye High School and recently purchased the home. He stated that they are
44 requesting a modest sized deck in the rear yard. The proposed deck would be
45 located within 100-feet of an off-site wetland. Mr. Escaladas stated that the wood

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1 deck would be placed on three ten-inch diameter piers. The deck surface would
2 be 235 square feet and that 320 square feet of landscape mitigation is proposed
3 along the rear property line. Currently, there is no vegetation in the rear yard
4 other than lawn.

- 5
6 • The Commission requested that the proposed plant material be changed to
7 include types that are better suited to a wetland/wetland buffer environment. The
8 City Planner requested that the plant material be relocated off the existing sewer
9 easement on the property.

- 10
11 • The Commission noted on its site walk that the fence on the property appeared
12 new and should be shown on the plan in case it is determined that it needs a
13 wetland permit. The City Planner will research whether a fence permit was
14 issued and whether it replaced an existing fence, which is a permissible activity
15 under the City's Wetlands and Watercourses Law.

16
17 **5. 56 Sonn Drive**

- 18
19 • The Commission noted that it observed a drain line on the property and
20 questioned whether there was an easement. Rex Gedney (applicant's architect)
21 stated that there is no easement.

- 22
23 • The Commission questioned whether the tree in front of the residence could be
24 saved. Mr. Gedney stated that it is the applicant's intention to relocate the tree,
25 but that he couldn't guarantee its survival and therefore has been shown to be
26 removed on the plan.

- 27
28 • The Commission noted that the project would result in no increase in impervious
29 area and agreed to set a hearing for its next meeting.

30
31 **ACTION:** Carolyn Cunningham made a motion, seconded by Peter Larr, that the
32 Planning Commission set a public hearing for its next meeting on
33 application number WP254, which was carried by the following vote:

34
35 Barbara Cummings, Chair: Aye
36 Martha Monserrate, Vice- Chair: Absent
37 Carolyn Cunningham: Aye
38 Mack Cunningham: Aye
39 Nick Everett: Aye
40 Hugh Greechan: Aye
41 Peter Larr: Aye
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6. 27½ Beck Ave

- The City Planner provided an overview of the prevailing lot widths and areas in the R-6 District. He noted that the applicant's three-lot proposal would require variances that would result in future development that is more consistent with the existing neighborhood than the two lots permitted by zoning. He also noted that the property until a recent fire destroyed one unit had seven buildings supporting eight units. Relief from zoning would appear appropriate since it would potentially create an incentive to subdivide and not perpetuate the existing non-conforming condition.
- The City Planner noted that the precedent of allowing a lot area of approximately 5,600 square feet and 50 feet of width for two of the proposed lots would be reasonable. He noted that no other lot in the R-6 District could be subdivided if these standards were applied. He stated that a four-lot proposal would require an average lot size of less than 4,600 square feet, which would be somewhat small in comparison to the existing lots in the R-6 District and would create a precedent for future subdivision on possibly two or three lots in the district.
- The Commission concurred with the City Planner's analysis and requested that a memorandum be forwarded to the City Board of Appeals supporting the proposed variances. The Commission requested that the City Planner contact a neighborhood representative to advise them of the application and process. The Commission also suggested that the applicant meet with neighbors. Rex Gedney (applicant's architect) stated that the next meeting of the Board of Appeals was March 19.

7. 78 Purchase Street

- Nick Everett disclosed that his wife is a realtor affiliated with the applicant. The Commission agreed that it was not necessary for him to recuse himself from the matter.
- Rex Gedney (applicant's architect) noted that the applicant is seeking to convert a second floor residential apartment to office use. He noted that the change would require a parking variance of 0.3 spaces.
- The Commission discussed potential improvements to the site or area in the rear that could be modified to create an additional parking space. Mr. Gedney stated that no additional parking could be provided on the site.
- The City Planner noted a concern with the office conversion and the loss of residential use in the Central Business District (CBD). He noted the importance of residential use to supporting a healthy CBD. Over the years there has been a notable loss of second floor units. He acknowledged, however, that business

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1 use is permitted and the nature of the application is modest and involves no site
2 improvements.
3

4 **8. 28-30 Purchase Street**

- 5
- 6 • Jim Fleming (property owner's architect) stated that the applicant is seeking to
7 split the former Gap store into two tenant spaces. One space is proposed for a
8 restaurant. He stated that according to City Assessor's information the building
9 was two spaces in 1975 and was converted to a single tenant space in 1986.
10 He noted that the proposed split would return to that prior configuration.
11
 - 12 • Mr. Fleming reviewed the zoning and parking calculations. He noted that the
13 space complies with parking and that an additional parking space could be
14 provided in the rear. The owners of the restaurant described their proposed
15 operation, which could be considered similar to a bakery/café serving
16 sandwiches and salads.
17
 - 18 • The Commission reviewed the size of the kitchen and preparation area and
19 questioned whether the basement would be used. The owners noted that the
20 basement would be limited to office, storage and changing rooms. They noted
21 that catering would not be provided from this facility.
22
 - 23 • The Commission expressed concern with providing adequate access to the rear
24 of the site for refuse pick-up and deliveries. The Commission noted that the site
25 is accessible by an easement across adjacent properties. The Commission
26 requested that copies of the easement be provided for its review. The
27 Commission noted that deliveries directly from Purchase Street would be
28 difficult given the limited parking area. The Commission requested that a
29 complete description of the operation be provided for its review including the
30 number and time of anticipated deliveries and refuse demands and anticipated
31 pick-ups.
32
 - 33 • The Commission discussed the appropriate improvements for the rear of the
34 property. The Commission agreed that enclosing the refuse containers was not
35 necessary. The rear of the site is at a lower elevation and screened by a
36 retaining wall. New asphalt was recommended for the rear of the site.
37
 - 38 • The Commission requested that more detailed information be provided
39 regarding the location and type of all roof-top appurtenances. The Commission
40 noted concerns with the impacts of roof-top vents on streetscape views and
41 second floor tenants in adjacent buildings.
42

43 **9. Minutes**

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- 1 • The Commission approved with minor modifications the draft minutes of its
- 2 January 20, 2009 meeting.