

**Rye City Planning Commission Minutes**  
February 24, 2009

**MEETING ATTENDANCE:**

**Planning Commission Members:**

- Barbara Cummings, Chair
- Martha Monserrate
- Carolyn Cunningham
- Mack Cunningham
- Nick Everett
- Hugh Greechan
- 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. 3 Dale Street**

- The applicant was not in attendance to present the application. The Commission agreed to continue the hearing to its next meeting. There was no discussion on the application.

**ACTION:** Nick Everett made a motion, seconded by Carolyn Cunningham, that the Planning Commission continue the public hearing on wetland permit application number WP253, which was carried by the following vote:

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

**2. 56 Sonn Drive**

- Rex Gedney (applicant's architect) stated that the application involves the demolition and re-construction of a residence. Mr. Gedney stated that the property is located within 100-feet of an off-site wetland located along the rear property line. He stated that the plan proposes a net reduction in impervious area within the wetland buffer. This reduction was achieved by removing a large asphalt driveway located in the rear yard and relocating the garage to the front of the proposed residence.

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- 1       • There was no public comment on the application.
- 2
- 3       • Mr. Greto (property owner) stated that he contacted area neighbors regarding the
- 4       application and provided the Commission with letters of support.
- 5
- 6

7       **ACTION:** Carolyn Cunningham made a motion, seconded by Mack Cunningham,

8       that the Planning Commission close the public hearing on wetland permit

9       application number WP254, which was carried by the following vote:

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

19       **II. ITEMS PENDING ACTION**

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21       **1. 3 Dale Street**

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- 23       • The applicant was not in attendance to present the application. The Commission
- 24       agreed to continue the hearing to its next meeting. There was no discussion on
- 25       the application.
- 26

27       **2. 56 Sonn Drive**

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- 29       • The Commission reviewed the comments of the CC/AC, which noted concern
- 30       regarding potential fill in the rear yard and requested that landscape plantings be
- 31       provided as mitigation for the increase in the size of the residence. Mr. Gedney
- 32       noted that no fill is proposed and that the driveway in the rear would be removed
- 33       and restored with topsoil to the current grade.
- 34
- 35       • Lori DeCaro requested that the applicant review the impervious area
- 36       calculations. Mr. Gedney noted the removal of existing asphalt and the size and
- 37       configuration of the new residence. He noted that the new residence would be
- 38       slightly further away from the wetland than the existing residence. Mr. Gedney
- 39       stated that since the wetland is located off the applicant's property it's exact
- 40       location is not known. The wetland was assumed to be along the rear property
- 41       line.
- 42
- 43       • The Commission questioned the configuration of the proposed driveway and
- 44       stated that it would likely be difficult to back out of the proposed garage. The

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1 Commission requested that the driveway be modified and that voluntary wetland  
2 plantings be provided on the plan.  
3

- 4 • The applicant agreed to show an area in the rear/side yard for landscape  
5 plantings to address the CC/AC's concerns. The City Planner would review the  
6 plant material.  
7

### 8 **3. 28-30 Purchase Street**

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- 10 • The Commission reviewed and discussed the proposed number, types and  
11 times of deliveries for the proposed restaurant. The applicant stated that most  
12 deliveries would occur between 4:00 AM and 6:00 AM. The Commission  
13 acknowledged that these deliveries would result in vehicle loading on Purchase  
14 Street and that just deliveries should be no later than 8:00 AM to avoid traffic  
15 and parking impacts.  
16

- 17 • The Commission reviewed the easement, which provides access to the rear of  
18 the building. The Commission noted that daily trash pick-up would be required  
19 for the restaurant and that it is important that the access to the rear not be  
20 blocked. Jim Fleming (property owner's architect) suggested that pavement  
21 striping and/or signage be provided alerting vehicles to not block the driveway.  
22 The Commission agreed with the suggestion, but noted that signage or  
23 improvements off the property would likely require permission from adjacent  
24 property owners.  
25

- 26 • The applicant's engineer reviewed the roof plan and showed the location of the  
27 proposed kitchen vents. He noted that the vents would be located to the rear  
28 center of the building to avoid impacts on adjacent building tenants. He noted  
29 that the vents would have about six feet of vertical and 25 feet of horizontal  
30 separation from the closest window on the adjacent building.  
31

- 32 • The Commission reviewed the refuse area and noted that it must be maintained  
33 in neat and clean condition. The Commission discussed ways to reduce the  
34 waste by requiring the applicant to dispose of recyclables to a City facility rather  
35 than having City pickup.  
36

- 37 • The Commission discussed the kitchen operation and food preparation. The  
38 applicant noted that no deep fryer would be provided and that the restaurant  
39 provides largely prepared foods. The basement would not be used for food  
40 preparation. The Commission noted that it would likely make these conditions  
41 of its decision to minimize impacts.  
42

43 **ACTION:** Martha Monserrate made a motion, seconded by Carolyn Cunningham,  
44 that the Planning Commission set the public hearing for its next meeting

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1 site plan application number SP311, which was carried by the following  
2 vote:  
3  
4 Barbara Cummings, Chair: Aye  
5 Martha Monserrate, Vice- Chair: Aye  
6 Carolyn Cunningham: Aye  
7 Mack Cunningham: Aye  
8 Nick Everett: Aye  
9 Hugh Greechan: Absent  
10 Peter Larr: Absent  
11  
12

### 13 4. 30 Elm Place

- 14
- 15 • Jonathan Kraut (applicant's attorney) stated that the applicant is requesting to  
16 redevelop a property formerly known as Mike's Bike Shop. The proposed  
17 development requires variances, but provides a good balance between zoning  
18 compliance and community planning. He stated that the application would  
19 remove the existing building and construct a new four-story building with retail on  
20 the first floor and three stories of residential (two units per floor).  
21
  - 22 • Mr. Kraut stated that the application complies with the uses and floor area ratio  
23 (FAR) permitted in the City's B-2 Central Business District. He noted that the  
24 redevelopment would be consistent with the surrounding development pattern  
25 and other mixed-used developments recently approved by the Commission within  
26 walking distance of the train station.  
27
  - 28 • Mr. Kraut stated that the property building requires a height variance, but that the  
29 need for this variance is triggered in part by the requirement to elevate the first  
30 floor to comply with the requirements of the City's Floodplain Management Law.  
31 He noted that an additional variance would be required for parking and the  
32 number of stories.  
33
  - 34 • Mr. Kraut presented a zoning compliant plan in which parking would be provided  
35 on the first floor and residential units provided above. Mr. Kraut stated the  
36 proposed plan would provide, increased retail opportunities in the CBD, an  
37 improved streetscape and an open plaza/park area in the rear of the building that  
38 would be publically accessible. These benefits would not be possible with an  
39 "as-of-right" plan.  
40
  - 41 • The Commission reviewed the floodplain and first floor elevations. The  
42 Commission discussed the location of the building and its setback from the side  
43 property lines. The Commission requested that more information be provided  
44 regarding the wetland permit application including the increase in impervious  
45 area, the location of the 100-foot buffer and the proposed mitigation measures.

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1 The Commission discussed the treatment of the rear portion of the site and the  
2 location of the refuse area. The City Planner noted that more detailed  
3 engineering plans are required.  
4

- 5 • The Commission preliminarily supported the concept, but agreed that they would  
6 reserve final opinion until after it conducted a site walk and more detailed  
7 information was provided.  
8

### 9 **5. Rye-Cottage Holdings**

- 10
- 11 • Joe Latwin (applicant's attorney) stated that the applicant is seeking to construct  
12 a mixed-income development on Cottage Street. He noted that the property  
13 would be immediately adjacent to a nine-unit affordable-housing development  
14 recently completed by the applicant Lou Larizza. Mr. Latwin presented the site  
15 plan, which proposes 22 units of age-restricted housing, 11 of which would be  
16 market rate and the other 11 would be affordable. He noted that one-bedroom  
17 units are proposed, which would reduce parking demand.  
18

- 19 • Mr. Latwin noted that the property is located in an RA-1 District. He reviewed the  
20 variances that would be required and pending before the Board of Appeals.  
21

- 22 • Mr. Larizza stated that the unit type and configuration would be the same as that  
23 he constructed in Rye Brook. He noted that those units are generally occupied  
24 by residents in their 70's and that the parking demand is low. The Commission  
25 agreed that they would visit the Rye Brook properties as part of their site walk.  
26 Mr. Larizza stated that funding for the project would come from Westchester  
27 County, but that he needs half of the units to be market rate to make the project  
28 economically viable.  
29

- 30 • Mr. Larizza stated that the units he recently completed on Cottage Street have  
31 garages on the bottom floor and that their total height was 35 feet. The  
32 proposed units would not have garages and their height would be 26 feet.  
33

- 34 • The Commission stated that the size of the garbage/turn-around area be  
35 reduced.  
36

- 37 • The Commission requested that better screening be provided for the refuse  
38 enclosure in the front of the property.  
39

- 40 • The Commission requested that the City confirm whether a fire hydrant is  
41 required.  
42

- 43 • A tenant of the existing residence of the applicant's property questioned the  
44 timing for the proposed development. He noted that he will need to find another

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1 place to live. The Commission stated that it does not control the timing of  
2 projects. Mr. Larizza stated that construction would likely not start until 9 to 12  
3 months after the project is approved.  
4

### 5 6 7 8 **6. Minutes**

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- 10 • The Commission approved with minor modifications the draft minutes of its  
11 February 3, 2009 meeting.  
12

### 13 **7. Miscellaneous**

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- 15 • The Commission discussed the compliance of the recently completed Rye Grill  
16 and Bar with the approved plans. The City Planner noted that there were some  
17 deviations from the plans and the use of the second floor. The Commission  
18 requested that the changes be brought before them for their review and  
19 approval.  
20
  - 21 • The Commission requested that the City follow-up on a complaint that the  
22 construction of a residence on 300 Grace Church Street may be diverting  
23 ground water and impacting area wetlands.  
24
  - 25 • The Commission requested that the City review the approval of the Rye Medical  
26 Building on Theall Road for compliance. They noted the lack of available  
27 parking and a recent newspaper article noting that a new surgical facility is  
28 proposed.  
29