

Rye City Planning Commission Minutes
March 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., (arrived late)
 - JoAnn Rispoli, Secretary
 - Lori DeCaro, Chair CC/AC
 - Ashley Craig, CC/AC (arrived late)
 -
 -
-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

I. HEARINGS

1. 96 Rye Road

- Dan Natchez (applicant's representative) stated that the application involves the rehabilitation of an existing dock and seawall. He stated that the application also proposes to add four piles at the end of the dock. He noted that this will allow the existing gangway to be extended five feet further into the water beyond an existing bump on the bottom of the Sound.
- Mr. Natchez noted that additional information was added to the plan as requested by the Planning Commission to provide more detail regarding construction protocols.
- Mr. Natchez stated that the existing wrought-iron railing on top of the dock would be replaced with a post and cable railing system.
- There was no public comment on the application.

ACTION: Nick Everett made a motion Carolyn Cunningham, seconded by, that the Planning Commission close the public hearing on wetland permit application number WP256, 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: | Absent |

Rye City Planning Commission Minutes (Cont.)

March 24, 2009

Page 2 of 8

2. 41 Crescent Avenue

- Richard Horsman (applicant's landscape architect) stated that the project involves the expansion of a front porch to a residence located in a 100-foot wetland buffer. He noted that the plan proposes 277 square feet of wetland plantings as mitigation for the project.
- There was no public comment on the application.

ACTION: Nick Everett made a motion Mack Cunningham, seconded by, that the Planning Commission close the public hearing on wetland permit application number WP259, 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:	Absent

3. 21 Glendale Road

- Richard Horsman (applicant's landscape architect) stated that the project involves the construction of a garage addition to an existing residence. The project is located within 100 feet of a wetland located on the adjacent property. He noted that the plan proposes 704 square feet of wetland plantings as mitigation for the project.
- There was no public comment on the application.

ACTION: Nick Everett made a motion Carolyn Cunningham, seconded by, that the Planning Commission close the public hearing on wetland permit application number WP260, 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:	Absent

Rye City Planning Commission Minutes (Cont.)

March 24, 2009

Page 3 of 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

II. ITEMS PENDING ACTION

1. 96 Rye Road

- The Commission reviewed the comments of the CC/AC regarding other state and federal approvals and minimizing impacts to the wetland area during construction. The Commission noted that the final resolution of approval should include a condition that no building permit can be issued until the applicant provides copies of approved NYSDEC and ACOE permits. The Commission also note that the plans were amended to include construction protocols to minimize disturbance to the watercourse during construction.

ACTION: Carolyn Cunningham made a motion, seconded by Mack Cunningham, that the Planning Commission approve wetland permit application number WP256, 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:	Absent

2. 41 Crescent Avenue

- The Commission found the plan acceptable.

ACTION: Nick Everett made a motion, seconded by Carolyn Cunningham, that the Planning Commission approve wetland permit application number WP259, 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:	Absent

Rye City Planning Commission Minutes (Cont.)

March 24, 2009

Page 4 of 8

1 **3. 21 Glendale Road**

- 2
3 • The Commission found the plan acceptable.
4

5 **ACTION:** Carolyn Cunningham made a motion, seconded by Nick Everett, that the
6 Planning Commission approve wetland permit application number WP260,
7 which was carried by the following vote:
8

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

16
17 **4. 28-30 Purchase Street**

- 18
19 • The Commission reviewed the revised plans and additional information provided
20 by the applicant. The Commission noted that the revised plan includes noise
21 baffles around the roof-top HVAC units. The Commission requested that the
22 access doors to the HVAC units face towards the rear or south of the building.
23 Doors or gates can allow noise to escape from the baffle system, which could
24 impact neighboring tenants.
25
26 • City Engineer, George Mottarella, arrives at the meeting.
27
28 • The Commission questioned the height of the baffles and whether they would be
29 visible from Purchase Street. Jim Fleming (applicant’s architect) stated that the
30 baffles would be eight feet high. He presented a drawing showing that the
31 baffles would not be visible from Purchase Street, but would be visible from the
32 City car park in the rear of the building.
33
34 • The Commission requested that the final resolution include a condition that the
35 HVAC units shall be properly maintained to insure proper operational noise
36 levels.
37
38 • The Commission acknowledged the receipt of a letter from the attorney
39 representing the owner, Mrs. O’Neil, of the adjacent northern building. The letter
40 states that Mrs. O’Neil recognizes the applicant’s right to cross her property, but
41 that she does not consent to the striping of the driveway access across her
42 property.
43

Rye City Planning Commission Minutes (Cont.)

March 24, 2009

Page 5 of 8

- 1 • The Commission agreed that access to the rear of the building would likely be
2 sufficient for the daily pick-up of refuse and recyclables. The Commission noted
3 that the applicant has voluntarily offered an alternative method of refuse disposal
4 that would require the installation of a lift system in the rear of the property and
5 avoid the need for accessing the rear of the property across an easement on the
6 two adjacent properties immediately to the north. Under this alternative refuse
7 containers would be lifted above the retaining wall along the rear property line
8 and refuse vehicles would access the containers from the City Car Park abutting
9 the rear of the property.
10
11 • The Commission and applicant agreed to a condition of approval that the
12 applicant would return to the Planning Commission six months and twelve
13 months after a certificate of occupancy is issued for the restaurant for the
14 purpose of having the Planning Commission assess whether access to the rear
15 of property is adequate and sufficient to facilitate the daily pick-up of refuse and
16 recyclables. In the event the Planning Commission finds that access to the rear
17 of the property is not adequate or sufficient then it shall have the authority to
18 implement the alternative lift system.
19

20
21 **ACTION:** Carolyn Cunningham made a motion, seconded by Mack Cunningham,
22 that the Planning Commission approve site plan application number
23 SP311, 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:	Absent

32 33 34 **5. Rye-Cottage Holdings** 35

- 36 • Joe Latwin (applicant's attorney) stated that he was before the Commission to
37 get any comments they may have prior to the Board of Appeals April 16 meeting.
38 He noted that the Board of Appeals has been reviewing the application and has
39 determined that one of the required variances is a use rather than an area
40 variance. Mr. Latwin stated that the applicant provided financial information to
41 the Board of Appeals demonstrating that costs exceed the restricted sales price
42 of the affordable units thereby necessitating the need for the requested
43 variances.
44

Rye City Planning Commission Minutes (Cont.)

March 24, 2009

Page 6 of 8

- 1 • Lou Larizza (applicant) stated that the plan proposes that 11 of the 22 units will
2 be affordable. The 11 market rate units are required to make the project
3 economically viable based on the amount of funding from Westchester County.
4 Mr. Larizza noted that he seeking additional commitment from the County to
5 increase the funding for the project so that 18 of the 22 units would be affordable,
6 requiring that only four units would be market rate.
7
- 8 • Mr. Larizza stated that the 11 affordable units would be 800 square-foot, one-
9 bedroom units. The market rate units would be 1,200 square-foot, two-bedroom
10 units. Approximately 1.25 parking spaces per unit would be provided, which
11 would be adequate given the bedroom sizes and the fact that all units would be
12 age restricted to those over age 55. His experience with other properties he has
13 completed in Rye Brook is that most residents will be significantly older than 55.
14 He also noted that the two projects in Rye Brook provided one space per unit and
15 that parking is adequate. Mr. Larizza noted that the proposed project has fewer
16 bedrooms than the 9-unit affordable project he recently completed adjacent to
17 the subject site.
18
- 19 • The Commission noted that it had visited Mr. Larizza's 32-unit Grant Street
20 project in Rye Brook.
21
- 22 • The Commission stated the drainage measures for the project should be
23 designed to avoid runoff onto Cottage Street. The Commission noted that the
24 adjacent project on Cottage Street does not adequately intercept stormwater
25 runoff. Mr. Larizza stated that unlike the adjacent property the subject property is
26 level and that drainage would be easier to address.
27
- 28 • Mr. Latwin reviewed the number and amount of required variances, including
29 percent affordable, parking, units per acre, total number of units and setbacks.
30 The City Planner noted that the property is located in a residential apartment
31 district and that the zoning was modified in the Cottage Street area in connection
32 with the 9-unit affordable project recently completed by Mr. Larizza. He noted
33 that the current applicant requires additional variances to the prior zoning district
34 modifications.
35
- 36 • The Commission questioned the type of HVAC systems. Mr. Larizza stated that
37 each unit would have its own system. Combined systems would not be provided
38 since the proposed units are "for sale" rather than rental as they were on Grant
39 Street.
40
- 41 • The Commission noted that development is proposed on Edgar Place. The
42 Commission requested that it be provided with the title report. Mr. Latwin
43 acknowledged that before construction the City Council would have to de-map
44 the road.
45

Rye City Planning Commission Minutes (Cont.)

March 24, 2009

Page 7 of 8

- 1 • The Commission requested that the vehicle turn around area at the end of the
2 parking area be reduced in size.
3
- 4 • The Commission requested that the applicant return to its April 7 meeting so that
5 it may consider whether it want to provide comments to the Board of Appeals on
6 the variance application.
7

9 **6. 36 and 40 Island Drive**

- 10
- 11 • The Commission reviewed the comments of the CC/AC, which noted that since
12 there was substantial seawall already existing on 36 Island Drive that the
13 proposed wall was reasonable and constituted a replacement in-kind. The
14 CC/AC noted concern with the proposed wall on 40 Island Drive, which would
15 replace a more naturalistic slope with a mortared seawall. The CC/AC requested
16 that other alternatives be considered and that more mitigation plantings be
17 provided. Copies of the CC/AC comments were provided to the applicant.
18
- 19 • Dan Natchez (applicant's representative) stated that the project is consistent with
20 the nine other seawall projects approved by the Planning Commission. He noted
21 that a seawall historically existed on 40 Island Drive; however, it has failed over
22 the years due to storms. He noted that the proposed seawall would stop the
23 substantial erosion and slope failures that are continuing to occur on the
24 property. Given this condition he noted that the proposed seawall would provide
25 an environmental benefit.
26
- 27 • The Commission discussed what environmental conditions might be impacted by
28 the proposed seawall. The Commission acknowledged that seawalls can starve
29 beach replenishment, but that condition was not applicable in the area given the
30 existing number of seawalls. The City Planner suggested that the CC/AC provide
31 more information on the environmental impacts of seawalls and what types of
32 alternative methods would be more environmentally appropriate.
33
- 34 • The CC/AC stated that spartina was in the area. Mr. Natchez said that there was
35 not. The Commission did not observe any on its site walk and that it would
36 generally not be located in this area.
37
- 38 • The Commission discussed the proposed mitigation plan and stated that it be
39 provided with calculations of the increase in buffer disturbance and the amount of
40 mitigation. The City Planner noted that this project is somewhat unique and that
41 he would work with the applicant to establish appropriate mitigation calculations.
42

Rye City Planning Commission Minutes (Cont.)

March 24, 2009

Page 8 of 8

- 1 • The Commission noted that the CC/AC letter requested that the prior mitigation
2 plantings required for 36 Island Drive be shown on the plan. Mr. Natchez stated
3 that they were shown on the plan, but that he would highlight them.
4

5
6

7. **Molloy Cottage**

8

- 9 • Ashley Craig (CC/AC member) arrived at the meeting on behalf of the CC/AC.
10 Lori DeCaro recused herself from the application.
11
- 12 • Richard Horsman (applicant's landscape architect) stated that the application
13 involves the reconstruction of a deteriorated seawall. The work was completed
14 for safety reasons and was done without a permit from the City.
15
- 16 • The Commission discussed the structural integrity of the wall and whether a
17 professional engineer should sign-off on its construction.
18
- 19 • The Commission released the comments of the CC/AC to the applicant and
20 agreed to a May 2 site walk after docks were installed on the Island.
21
22
23
24