

**Rye City Planning Commission Minutes**  
April 7, 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.,
- JoAnn Rispoli, Secretary
- Lori DeCaro, Chair CC/AC
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2 **I. HEARINGS**

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4 **NONE**

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6 **II. ITEMS PENDING ACTION**

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8 **1&2. 36 and 40 Island Drive**

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- 10 • The Planning Commission reviewed the additional information provided by the
  - 11 applicant, which classified the area of the slope into seven different types of land
  - 12 cover categories. The applicant's analysis included the amount of rock or
  - 13 impervious area within each category. This information was provided at the
  - 14 request of the CC/AC and Planning Commission.
  - 15
  - 16 • The City Planner stated that he reviewed the detailed information and
  - 17 recommended that the applicant provide 1:1 landscape mitigation for those
  - 18 categories of slope that resulted in significant changes in land cover as
  - 19 compared to existing conditions. The City Planner provided the following
  - 20 mitigation recommendations, which were supported by the Planning Commission.
  - 21

<b>Natchez Slope Categories</b> (per March 31, 2009 letter)	<b>36 Island</b> (square feet)	<b>40 Island</b> (square feet)
<b>Mortared Concrete Seawall</b> (allow 50% of area to be deducted from required mitigation)	<b>-998</b> (total area 1,997)	<b>-52</b> (total area 104)
<b>Large Rock/Boulders</b> (No mitigation required)	<b>0</b> (total area 4,597)	<b>0</b> (total area 6,268)
<b>Intertidal Area</b> (No mitigation required)	<b>0</b> (total area 463)	<b>0</b> (total area 311)
<b>Plantings/Vegetation/Grass</b> (Mitigate 1:1)	<b>857</b> (total area 857)	<b>417</b> (total area 417)
<b>Extreme Erosion</b> (No mitigation required. Proposed wall is	<b>0</b> (total area 849)	<b>0</b> (total area 575)

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<b>Natchez Slope Categories</b> (per March 31, 2009 letter)	<b>36 Island</b> (square feet)	<b>40 Island</b> (square feet)
mitigation by eliminating this adverse condition.)		
<b>Earth and Rock/Boulder</b> (Mitigate 1:1)	<b>603</b> (total area 603)	<b>1,376</b> (total area 1,376)
<b>Scrub Veg. &amp; Large Rock Mix</b> (No mitigation required)	<b>0</b> (total area 0)	<b>0</b> (total area 2,887)
Prior Mitigation Requirement	<b>400</b> (WP#198)	<b>0</b>
Required Mitigation	862	1,741
Proposed Mitigation	1,138	1,624
<b>Additional Mitigation Required</b>	<b>None (1:1.32 ratio provided)</b>	<b>117</b>

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- The Commission discussed the possible assessment of a fee for the trucking associated with the proposed development as mitigation for potential impact to City roads. The City Planner noted that the City has no law, policy or prior practice for assessing damage to City roads and assigning appropriate fees to projects. He stated that he consulted with the Chair of the Traffic and Transportation Committee who has conducted pre- and post-construction road impact assessments, however they have been done for projects involving thousands of trucks rather than the less than 200 trucks required for the applicant's project.

**ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham, that the Planning Commission set public hearings for its next meeting on application numbers WP257 and WP258, 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:	Aye
Peter Larr:	Aye

**3. Rye-Cottage Holdings**

- The Commission noted that it was considering preparing a memorandum regarding the project to the Board of Appeals, which is considering variances.
- Joe Latwin (applicant's attorney) provided a comparison of the density of the proposed projects to other similar projects completed by the applicant. He noted

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1 that the project density would be comparable to the Grant Street project that the  
2 Commission visited in Rye Brook. That project had 32 affordable units on  
3 approximately 51,000 square feet of property (or 1,594 s.f. per unit). The  
4 proposed Cottage Street project has 22 units on 42,656 square feet of property  
5 (or 1,939 s.f. per unit). He also provided a comparison of total parking, noting  
6 that the proposed project would have more parking than other projects.  
7

- 8 • Mr. Latwin stated that the Commission had previously requested that the size of  
9 the trash/turn-around area be reduced. Mr. Latwin stated that the revision would  
10 be made as the project moves forward into final detail site plan design.  
11

- 12 • Mr. Latwin noted that the Commission requested a copy of the title report  
13 confirming the applicant's interest in Edgar Place, which is a mapped, but  
14 unimproved street. Mr. Latwin stated that he had not yet received a copy of the  
15 title report.  
16

- 17 • Mr. Latwin provided an update on the Board of Appeals review, noting that they  
18 requested information regarding the applicant's construction cost and profit  
19 analysis. This information was provided to the Planning Commission. The City  
20 Planner stated that the Planning Commission does not need to consider that  
21 information for its review. He advised the Commission to consider whether the  
22 number of affordable units and project density was acceptable. The Commission  
23 should also consider any site planning and potential impacts.  
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- 25 • The Commission discussed with the applicant increasing the number of  
26 affordable units from 11 to 18. Mr. Larizza stated that he would like to provide as  
27 many affordable units as Westchester County is willing to fund. The Commission  
28 agreed that increasing the number of affordable units would be desirable and that  
29 if the project approval was conditioned on the providing 18 affordable units that it  
30 might help the applicant secure the necessary funding from Westchester County.  
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- 32 • The Commission agreed that the City Planner should send a memorandum to the  
33 Board of Appeals noting its support for the project and required variances subject  
34 to 18 of the 22 being affordable as defined in the City Zoning Code.  
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### 36 37 **4. 30 Elm Place**

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39 • The City Planner reviewed the parking required for the application. He noted that  
40 the Zoning Code provides for a 5.52-space credit for the property because it is  
41 located in a "B" parking district. Six are required for the six proposed residential  
42 units. The parking requirement for the 1,431 square of first floor commercial  
43 space varies depending on the final use. He noted that total required parking  
44 could vary (including the parking credit) from 2 spaces required if the first floor is  
45 used for restaurant to 8 spaces if the first floor is used for retail.

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- Ryan Coyne (applicant's engineer) reviewed a plan to add six parking spaces in Carpark two located immediately behind the applicant's property. He noted that the plan would add parking spaces and improve traffic flow to the section of the parking lot near Chase bank.
- Jonathan Kraut (applicant's attorney) stated that the applicant would be willing to provide the parking lot improvements at its expense. The Commission noted that drainage improvements may also be required. Mr. Kraut stated that the applicant is also considering possibly eliminating one parking space in the car park to improve access to the rear of the building. The City Planner noted that the car park lacks handicapped parking and that the same benefit could be achieved if two handicapped spaces were provided with a shared loading space adjacent to the property.
- The Commission agreed that the City Planner should send a memorandum to the Board of Appeals supporting the requested variances subject to the following:
  - The applicant providing at least six parking spaces in Car Park 2 as shown on the applicant's parking improvement plan.
  - The open space on the site plan being publically accessible.

### 5. Colahan Subdivision

- Leo Napior (applicant's attorney) stated that the applicant is seeking a modification of the Commission's original subdivision approval to eliminate the previously approved driveway easement on Lot 2, which allowed for vehicle access to the garage on Lot 1. He noted that relocating the garage doors avoids the need for an easement on the adjacent property to access the garage. The driveway alignment on Lot 1 would remain essentially unchanged. The tree protection measures for the existing Beech tree and curb-cut location on Forest Avenue would also remain unchanged.
- The Planning Commission agreed to the modification subject to the applicant providing a turn-around on Lot 1 to avoid vehicles backing out onto Forest Avenue.

**ACTION:** Carolyn Cunningham made a motion, seconded by Martha Monserrate, that the Planning Commission approve modification to subdivision permit application number SUB 292 to eliminate the driveway easement, which was carried by the following vote:

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1	Barbara Cummings, Chair:	Aye
2	Martha Monserrate, Vice- Chair:	Aye
3	Carolyn Cunningham:	Aye
4	Mack Cunningham:	Aye
5	Nick Everett:	Aye
6	Hugh Greechan:	Aye
7	Peter Larr:	Aye

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### 10 **6. 27 ½ Beck Avenue**

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12 • Rex Gedney (applicant's architect) stated that he received a copy of a letter to  
13 the Planning Commission from a Wainwright Street resident. Based on that letter  
14 Mr. Gedney presented an alternative to the three-lot subdivision with two lots on  
15 Beck Avenue and one lot on Wainwright. The Commission reviewed the plan, lot  
16 configurations, driveway access, tree preservation and other planning  
17 considerations. The Commission noted that the proposed development with two  
18 homes on Beck Avenue would allow for garages under the proposed residences  
19 consistent with the sloping grade. The on-site vehicle parking opportunities  
20 would be more limited with the subdivision plan providing for two lots on  
21 Wainwright Street.

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23 • The City Planner noted that the plan needs to be finalized so that the appropriate  
24 variances can be identified. Mr. Gedney noted that the alternative plan would  
25 require an additional front yard setback variance. Mr. Gedney stated and the  
26 Commission agreed that the application should continue in the Board of Appeals  
27 process, which has a scheduled and noticed public hearing on April 16. The  
28 Commission requested that the alternative plan be presented to the Board of  
29 Appeals and for the applicant to report any comments from the board or public on  
30 the plan.

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32 • The Commission noted that it would indicate its support for a three-lot subdivision  
33 of the property, but that it was still considering which was the preferred  
34 subdivision configuration.

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### 36 **7. Rye Grill and Bar**

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38 • The Commission noted that the approved plan included portions of the second  
39 floor of the approved restaurant being limited to office use. Those areas are  
40 currently being used as a restaurant. The Commission felt that the applicant  
41 misrepresented the project during the approval process. The approved plan was  
42 also shown to the City Council when it allowed the implementation of the  
43 streetscape improvements on the adjacent City property. A different plan was  
44 presented to the Board of Architectural Review. The Commission also noted that  
45 an additional access appears to have also been added to the plan.

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- Jonathan Kraut (applicant's attorney) stated that he understands the Commission's concerns, but the applicant did not change plans to be deceptive. Mr. Kraut noted that the applicant is an up-standing member of the community and that at the time of the approval it was his intent to move his office operation on Locust Avenue to the second floor of the new Rye Grill and Bar. Mr. Kraut noted that the plans and certificate of occupancy were approved by the City and that there were no changes in the internal configuration of the building that violated any City Code or required the applicant to return to the Planning Commission.
  - The City Planner noted that staff reviewed the applicant's revised floor plan and that the increase in the amount of patron area would require one off-site parking space. He noted that such a space existed on the rear of the site.
  - The Commission discussed the impact of the change including additional parking and traffic demand.
  - Jim Sullivan (applicant) stated that a change was made during construction to improve the project. He noted that he thought the office space was needed at the time of the approval. He stated that most of the second floor restaurant space would be used for parties a few times of the week.
  - The Commission agreed that the City Planner should confirm with the Building Inspector that the required off-street parking space is acceptable and does not conflict with the Building Code egress requirements for the basement space access.

## 29 8. 78 Purchase Street

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32 **ACTION:** Carolyn Cunningham made a motion, seconded by Mack Cunningham,  
33 that the Planning Commission set a public hearing for its next meeting on  
34 application number SP310, which was carried by the following vote:

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36 Barbara Cummings, Chair: Aye  
37 Martha Monserrate, Vice- Chair: Aye  
38 Carolyn Cunningham: Aye  
39 Mack Cunningham: Aye  
40 Nick Everett: Aye  
41 Hugh Greechan: Aye  
42 Peter Larr: Aye  
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1 **9. Minutes**

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- The Commission approved with minor modifications the draft minutes of its March 10, 2009 and March 24, 2009 meetings.