

Rye City Planning Commission Minutes
June 23, 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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I. HEARINGS

1. Coveleigh Club

- Linda Whitehead (applicant's attorney) stated that the applicant was seeking an amended site plan approval related to the construction of a recently approved tennis court. She stated that during the construction of the tennis court the applicant inadvertently conducted grading beyond the approved grading limit line and removed trees shown to be preserved on the approved plan. Ms. Whitehead stated that the applicant submitted a revised plan showing an alternative grading plan and landscape planting program.

- The Commission questioned the logistics involved in removing the additional soil at the site. Ms. Whitehead stated that the applicant intends to remove soil from the area around the tennis court and relocate it temporarily to the grass parking area. The soil will be stockpiled and stabilized to prevent erosion. Ms. Whitehead stated that in the fall after the summer club season the stockpiled soil would be redistributed on the parking area.

ACTION: Peter Larr made a motion, seconded by Nick Everett, 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:	Absent
Mack Cunningham:	Aye
Nick Everett:	Aye
Hugh Greechan:	Recused
Peter Larr:	Aye

Rye City Planning Commission Minutes (Cont.)

June 23, 2009

Page 2 of 5

1 **II. ITEMS PENDING ACTION**

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3 **1. Coveleigh Club**

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- 5 • The Commission questioned the height of the final grade on the grass parking
6 area. Alan Pilch (applicant's landscape architect) stated that based on
7 calculations of the approved plan that the final grade of the parking area would
8 be increased by approximately six inches. He also identified a second area on
9 the Club property to relocate soil and that that smaller area would increase in
10 elevation by approximately 8 inches. Mr. Pilch noted that his estimates assumed
11 a soil expansion factor and that the total amount of fill was approximately 650
12 cubic yards.
- 13
- 14 • Mr. Pilch stated that his estimates were reasonable, but that final grades could
15 be higher. The Commission agreed that the grade of the lawn used for parking
16 area should not be increased by more than 12 inches and that the City Planner
17 should have the discretion to require an as-built topographic survey of this area
18 to confirm final elevations.

19

20 **ACTION:** Peter Larr made a motion, seconded by Mack Cunningham, that the
21 Planning Commission approve site plan permit application number SP307,
22 which was carried by the following vote:

23

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

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33 **2. 30 Elm Place**

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- 35 • Jonathan Kraut (applicant's attorney) noted that the application received the
36 required area and parking variances from the City's Board of Appeals. He noted
37 that the Board of Appeals liked the off-street parking improvements proposed by
38 the applicant.
- 39
- 40 • Mr. Kraut stated that the applicant has submitted revised drawings at the request
41 of the City Planner to show an alternative location for the building setback from
42 Elm Place. He noted that the City Planner considered the alternative building
43 location a benefit to the Elm Place Streetscape.

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Rye City Planning Commission Minutes (Cont.)

June 23, 2009

Page 3 of 5

- 1 • David Gross (project architect) reviewed the alternative design. He noted that
2 the revised plan sets the building back from the front property line by
3 approximately 18 feet. He noted that the plan opens up the front of the building
4 and works well with the existing building by unifying the streetscape. Mr. Gross
5 presented a plan showing the position of the proposed building relative to the
6 adjacent existing buildings. He noted that the building would be approximately
7 15 feet away from the windows on the adjacent building on the west.
8
- 9 • The Commission requested that the plan be revised to show the location of roof-
10 top mechanical equipment. Mr. Gross referred to a drawing showing the
11 equipment location and stated that he would prepare an additional plan showing
12 that the equipment would not be visible from the street or surrounding properties.
13
- 14 • The Commission reviewed the rear elevation and questioned the depth of the
15 rear lot. Mr. Gross stated that the building would be approximately 14 feet from
16 the rear property line and an additional eight feet to the edge of the City parking
17 lot. Mr. Gross noted that shifting the building towards the rear of the property
18 locates more of the building outside the 100-year flood zone and 100-foot
19 wetland buffer.
20
- 21 • Denis Noskin (owner of 32 Elm Place) noted that he liked the redevelopment of
22 the property, but requested that the building be shifted further from the western
23 property line to increase the setback from his property. He noted that the
24 proposed four-story building would adversely impact the alley/sidewalk along the
25 property line. The alley would be dark and the existing trees along the common
26 property line that encroach on the applicant's property would likely be damaged.
27 Mr. Noskin suggested that by shifting the proposed building to the east the
28 existing alleyway would be more open and could be enhanced with landscaping
29 for the benefit of both properties.
30
- 31 • Mr. Kraut noted that the plan has been revised to respond to the concerns of Mr.
32 Noskin. He noted that the applicant has amended the plan to include windows
33 on the western façade to mitigate concerns that the proposed building would
34 have a blank wall. He also stated that shifting the building towards the rear of the
35 property addresses Mr. Noskin's concerns.
36
- 37 • The Commission preliminarily agreed that the alternative plan was more
38 desirable, but noted that it would conduct an additional site inspection of the
39 property. The Commission requested that the plan be revised to add
40 landscaping in front of the building.
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- 42 • The Commission requested that the plans provide additional detail for the off-site
43 parking improvements in the City parking lot. The Commission requested that
44 the plans include proposed lighting, landscaping and other site plan information
45 before setting a public hearing on the application.

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3. 27 ½ Beck Avenue

- Rex Gedney (applicant's architect) stated that the applicant secured variances for the proposed three-lot subdivision from the City's Board of Appeals. He noted that as requested by the Planning Commission the application was revised to add a grading, drainage and tree preservation plan. Mr. Gedney stated that the test pits indicate that the site has areas of shallow rock, but that the applicant is working with the City Engineer to determine the existence and capacity of a City drain line on Beck Avenue.
- Mr. Gedney noted that the plan proposes preserving existing grades to the maximum extent practical. He stated that Lot B proposes a residence with a garage under the first floor and a walk-out rear yard. Lot A proposes a garage slightly above the street.
- The Commission requested that the grading plan be revised to provide for level back yards. The drainage measures should be designed as much as practical to accommodate the runoff from a 25-year storm event.
- The Commission requested that each plan (subdivision, plat, engineering, tree preservation, etc. plans) be coordinated to reflect the same information.
- The Commission questioned whether the existing fences along the property lines would be removed. Mr. Gedney stated that he was not sure, but that ownership and responsibility of the fences is a dispute with a neighboring property owner.
- The Commission stated that it would set the public hearing after it has received additional information. Mr. Gedney stated that there was no public comment at the Board of Appeals hearing, but he understands that the Commission has received a letter from a neighbor requesting that the plan be revised to provide two residences on Beck Avenue. He noted that the plan was revised consistent with that public comment.

4. Draft Local Law Regarding Seasonal Outdoor Customer Seating

- The Commission reviewed the information provided by the City Planner regarding a draft local law to allow seasonal outdoor customer seating in the City's Central Business District. The Commission supported the proposed law but requested the following revisions:
 - The minimum width of unobstructed sidewalk should be increased from four to five feet.

Rye City Planning Commission Minutes (Cont.)

June 23, 2009

Page 5 of 5

- 1 ▪ The amount of insurance required for outdoor dining on City
2 property should be increased from \$1 million to \$2 million.
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- 4 ▪ The law should be amended to state that the Planning Commission
5 has the authority to impose limitations on outdoor dining during City
6 approved events such as sidewalk sales and Halloween painting.
7

8 **5. Minutes**

- 9
- 10 • The Commission approved draft minutes with minor modifications of its June 9
11 meeting.