

**Rye City Planning Commission Minutes**  
July 14, 2009

**MEETING ATTENDANCE:**

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**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. NONE**

**II. ITEMS PENDING ACTION**

**1. 30 Elm Place**

- At the applicant's request, this matter was adjourned to the Commission's July 28, 2009 meeting. There was no discussion.

**2. 27½ Beck Avenue**

- Rex Gedney (applicant's architect) stated that as requested by the Planning Commission the plans were revised to modify the proposed grading plan to minimize the use of retaining walls. He noted that the revised plan provides for a level yard on Lot A. Garages under the residences are proposed. The proposed first floor elevations would be similar or lower than the elevations of the existing residences on the property. Mr. Gedney stated that the revised plan also provides additional drainage information requested by the Planning Commission.
- The Commission found the revised plans acceptable for the setting of a public hearing. They noted, however that the plan provides for grading across proposed property lines. The Commission stated that appropriate easements should be provided to allow for grading across property lines in the event the properties are transferred to separate owners. Mr. Gedney stated that the requested easements would be provided, but may be unnecessary since the applicant will be required to remove structures prior to the signing of the subdivision plat. As part of that removal the final grades shown on the subdivision plan could be established.

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- 1       • The Commission questioned whether soil borings were conducted. Mr. Gedney  
2       stated that borings were conducted and that there appears to be a fair amount of  
3       rock on the property. To the extent practical the area where existing buildings  
4       are located will be used for proposed residences.  
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7       **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham, that the  
8       Planning Commission set the public hearing for its August 11, 2009  
9       meeting on subdivision application number SUB312, which was carried by  
10      the following vote:  
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12           Barbara Cummings, Chair:	Aye
13           Martha Monserrate, Vice- Chair:	Absent
14           Carolyn Cunningham:	Aye
15           Mack Cunningham:	Aye
16           Nick Everett:	Aye
17           Hugh Greechan:	Aye
18           Peter Larr:	Aye

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20      **3. 911 Memorial Gazebo**  
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- 22      • Lisa Easton (applicant's architect) stated that the application involves the  
23      construction of a memorial gazebo on the Village Green. She noted that the  
24      gazebo has approximately 200 square feet of impervious area and that bluestone  
25      path is an additional 90 square feet of impervious area.  
26  
27      • The Commission agreed that approximately 490 square feet of mitigation  
28      plantings would be desired and that could be met with the planting of deciduous  
29      trees within the vicinity of the project site. The Commission agreed that it would  
30      consider possible planting locations at its site walk.  
31  
32      • The Commission requested that the application be amended to clarify that the  
33      City's Landmarks Committee did not approve the placement of the gazebo on the  
34      Village Green. Ms. Easton stated that she would clarify the actions taken by the  
35      Landmarks Committee.  
36

37      **ACTION:** Carolyn Cunningham made a motion, seconded by Peter Larr, that the  
38      Planning Commission set the hearing for its next meeting on wetland  
39      permit application number WP#265, which was carried by the following  
40      vote:  
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42           Barbara Cummings, Chair:	Aye
43           Martha Monserrate, Vice- Chair:	Absent
44           Carolyn Cunningham:	Aye
45           Mack Cunningham:	Aye

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1 Nick Everett: Aye  
2 Hugh Greechan: Aye  
3 Peter Larr: Aye  
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## 4. Molloy Cottage

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- 8 • The Commission reviewed the report submitted by the applicant's engineer  
9 regarding the structural integrity of the existing seawall. The City Planner  
10 reported that the City Building Inspector has reviewed the report. The  
11 Commission noted that the wall was located in an area that was not subject to  
12 excessive wave action during storm events. The Commission questioned  
13 whether an inspection of the wall should be conducted every three years as  
14 referred to in the report. The Commission stated that the inspection is a  
15 recommendation for the applicant and should not be a requirement of the City.  
16
  - 17 • The Commission discussed what mitigation measures would be appropriate for  
18 the application given that it did not result in an increase in impervious area.  
19 Typically, impervious area increases are used as the basis for calculating  
20 required landscape mitigation. The Commission agreed that landscape plantings  
21 adjacent to the top of the seawall should be provided consistent with its practice  
22 for other seawalls it has approved. Richard Horsman (applicant's landscape  
23 architect) agreed to provide amended plans showing proposed landscape  
24 plantings in advance of the Commission's next meeting.  
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27 **ACTION:** Peter Larr made a motion, seconded by Mack Cunningham, that the  
28 Planning Commission set the hearing for its next meeting on wetland  
29 application number WP261, which was carried by the following vote:  
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31 Barbara Cummings, Chair: Aye  
32 Martha Monserrate, Vice- Chair: Absent  
33 Carolyn Cunningham: Aye  
34 Mack Cunningham: Aye  
35 Nick Everett: Aye  
36 Hugh Greechan: Aye  
37 Peter Larr: Aye  
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## 5. 6 Laurel Street

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- 41 • The Commission questioned whether the plan proposes to replace impervious  
42 area with new impervious area. Richard Horsman (applicant's landscape  
43 architect) stated that the plan proposes to remove existing impervious steps on  
44 the side of the residence.  
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- 1 • The Commission questioned the appropriateness of English ivy as a mitigation  
2 planting since it is generally considered an invasive species. Mr. Horsman  
3 acknowledged the comment, but noted that existing ivy is in the area and is very  
4 effective at stabilizing the soil along the banks of Blind Brook. He noted that  
5 reducing soil erosion is primary mitigation objective with the proposed plan.  
6
- 7 • The Commission questioned the size of the existing sycamore tree in the rear  
8 yard. Mr. Horsman stated that the tree is approximately 60 inches DBH and is  
9 one of the largest trees he's seen in Rye.
- 10
- 11 • Lori DeCaro questioned whether fill was proposed within the flood zone as  
12 indicated on the application form. Mr. Horsman stated that no fill was proposed  
13 and that appears to be an error on the application form.  
14

15 **ACTION:** Mack Cunningham made a motion, seconded by Peter Larr, that the  
16 Planning Commission set the hearing for its next meeting on application  
17 number WP263, which was carried by the following vote:  
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19	Barbara Cummings, Chair:	Aye
20	Martha Monserrate, Vice- Chair:	Absent
21	Carolyn Cunningham:	Aye
22	Mack Cunningham:	Aye
23	Nick Everett:	Aye
24	Hugh Greechan:	Aye
25	Peter Larr:	Aye
26		

### 27 **6. 36 Howard Place**

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- 29 • The Commission noted that it would provide little substantive comment on the  
30 proposed site development until it conducted a site walk scheduled for July 25,  
31 2009.  
32
- 33 • The Commission requested that the applicant provide appropriate legal  
34 information confirming that the property is a single and separate building lot. Mr.  
35 Messina (applicant's attorney) stated that it is his understanding that the City's  
36 Corporation Counsel is providing the Building Inspector at his request with a  
37 memorandum as to the legality of the building lot.  
38
- 39 • The Commission noted that the application will require the installation of utilities  
40 within Howard Place, which is a narrow private road and right-of-way. The  
41 Commission requested that the applicant provide information confirming the  
42 applicant's right to make such improvements. Mr. Messina acknowledged the  
43 comment and stated that the City Zoning Code requires the road to be suitably  
44 improved.  
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- 1       • The Commission reviewed the zoning compliance table and the variances  
2       required for the application.  
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- 4       • The Commission noted that the proposed design of the residence is not sensitive  
5       to the environmental constraints on the property, particularly the steeply sloping  
6       topography. The Commission noted that an alternative design could reduce site  
7       impacts and neighbor concerns.  
8
- 9       • Lori DeCaro noted that three feet of fill is proposed in the wetland buffer. Richard  
10      Horsman (applicant's landscape architect) stated that the plan proposed a series  
11      retaining walls to reduce site disturbance and minimize encroachment in the  
12      wetland buffer. He noted that only a small portion of the wetland encroaches on  
13      the applicant's property and the eastern wooded portion of the property would be  
14      preserved. Mitigation plantings are not proposed in this area due to the extent of  
15      existing vegetation.  
16
- 17      • The City Planner requested that a drainage report be provided by the applicant.