

Rye City Planning Commission Minutes
August 11, 2009

MEETING ATTENDANCE:

Planning Commission Members:

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

Other:

- Christian K. Miller, AICP, City Planner
 - JoAnn Rispoli, Secretary
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 - John Kirkpatrick, Esq., Special Counsel
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I. HEARINGS

1. Molloy Cottage (Continued)

- The Commission stated that special counsel (John Kirkpatrick, Esq.) advised changes in the processing of the application.

ACTION: Barbara Cummings made a motion, seconded by Peter Larr that wetland permit application number WP261 is determined to be an “Unlisted Action” under SEQR and that the applicant amend its application to provide the applicable environmental assessment form and application for coastal consistency pursuant to Chapter 73, *Coastal Zone Management*, of the Rye City Code and that a new hearing notice be prepared and circulated as required by law reflecting the additional required Planning Commission approvals and that the current hearing be continued, 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:	Aye

- The Commission stated that the application will be revised and that the hearing will be continued. None the less, the Commission acknowledged members of the public in attendance regarding the matter and offered them the opportunity to comment on the application.

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- 1 • Nick Ward-Willis (applicant's attorney) stated that the applicant objects to the
2 Commission's SEQR classification, but that it would comply with the
3 Commission's motion.
4
- 5 • Mr. Ward-Willis stated that the Commission requested additional information at
6 its July 28 meeting including analysis from a maritime engineer regarding the
7 structural integrity of the wall. He noted that the requested analysis was provided
8 to the Commission and in the analysis there is a report dated August 3, 2009
9 from Ocean Coastal Consultants as well as additional information from the
10 applicant's engineer, Richard E. Miller, P.E.
11
- 12 • Ms. Azure Dee Sleicher, P.E. (applicant's coastal engineer) stated that her firm
13 prepared a restricted fetch analysis assuming a FEMA designated 100-year
14 storm event. She noted that her analysis was based on Army Corp of Engineers
15 protocol and evaluated the impact of different wave loads on the applicant's
16 seawall, including potential overturning, sliding and standard forces that would
17 cause harm to the wall. She noted that the analysis shows that the wall could
18 withstand those forces.
19
- 20 • The Commission questioned the maximum wave height assumed for the analysis
21 based on a tidal surge from a 100-year storm event.
22
- 23 • Ms. Sleicher responded that the wave analysis was based on the Army Corps of
24 Engineers methods and that they would exceed those associated with a mean
25 high tide storm surge. She noted that the wave height would be slightly less than
26 elevation 18.
27
- 28 • The City Planner questioned how the analysis compared to the elevations
29 assumed in the FEMA flood maps. Ms. Sleicher stated that she did not refer to
30 the FEMA maps in her analysis.
31
- 32 • Chuck Pateman (Ray Tartaglione's consultant) stated that his client is a site
33 holder on Kuder Island and is concerned about the structural integrity of the
34 seawall and other environmental concerns. He stated that he believed that other
35 agencies including the New York State Department of Environmental
36 Conservation (NYSDEC) and the Army Corps of Engineers (ACOE) have permit
37 jurisdiction over the wall. He stated that he believed that before the Planning
38 Commission can make a determination that the proposed action is unlisted under
39 SEQR that it must first send a notice of intent to be lead agency. Mr. Pateman
40 stated that in the past other wetland permits on Kuder Island included an ACOE
41 application permit and NYSDEC for the construction of a seawall.
42
- 43 • Mr. Pateman noted that the applicant's engineer's amended report was
44 submitted on August 5th and should have been submitted on August 4th. As a
45 result of this delay there was not an opportunity to provide an analysis of the

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1 applicant's submission. He requested that Rick Gilbert (senior engineer with the
2 Marine Division of McLaren Engineer Group) comment on the applicant's
3 engineering report.
4

- 5 • Mr. Gilbert summarized his professional background in engineering and
6 experience with wall failures along the shoreline. Mr. Gilbert clarified that his
7 comments pertained only to the applicant's (MRS) June 30 report and not the
8 wave analysis included in the August 4 report.
9
- 10 • Mr. Gilbert questioned the assessment in the MRS report that proper drainage
11 behind the wall has been provided. It noted that the lack of drainage from the
12 weep holes in the wall is not sufficient evidence that proper drainage is provided
13 from fractured bed rock below the wall. He stated that proper drainage behind a
14 wall is a significant factor in determining the stability of retaining walls along the
15 shoreline. He noted that the MRS report only shows that the intended design for
16 drainage of the wall is not functioning at this time.
17
- 18 • Mr. Gilbert noted that the MRS report cites that the depth of the PVC weep hole
19 was used to determine the thickness of the wall. He noted that this method is not
20 a guarantee as to wall thickness.
21
- 22 • Mr. Gilbert challenged page 8, item 3 of the MRS report observation that the wall
23 has existed for 22 months without failure, which indicates the wall's structural
24 stability. Mr. Gilbert noted that improper drainage behind the wall builds over
25 time, which can lead to increased pressure and compromise the structural
26 integrity of the wall. He noted a retaining wall failure in Staten Island as an
27 example of a similar condition. He noted in that case that the NYSDEC is
28 pursuing enforcement actions against the New York City Department of Buildings.
29
- 30 • Mr. Gilbert objected to page 8, item 6 of the MRS report referring to statements
31 that that wall will not impact coastal erosion. He noted that determinations
32 regarding coastal erosion should be made by the NYSDEC rather than the
33 applicant.
34
- 35 • Mr. Gilbert stated that the NYSDEC has coastal erosion permit jurisdiction. The
36 Army Corps of Engineers also has jurisdiction in the area. Mr. Pateman added
37 that since these other involved agencies have permitting authority with the
38 seawall that the Planning Commission should declare its intent to be Lead
39 Agency, which is a requirement under SEQR.
40
- 41 • Mr. Pateman stated that Mr. Tartaglione wants the City to follow the proper
42 procedures and to be assured of the structural integrity of the wall.
43

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- 1 • Mr. Pateman stated that he believes the application is incorrect since it refers to
2 a proposed wall. He noted that a portion of the wall is new and was constructed
3 without proper permits from the City. He noted that a new application is required.
4
- 5 • The Commission questioned whether Mr. Gilbert would provide a written report to
6 the Commission. Mr. Pateman said that a report would be provided.
7
- 8 • Mr. Ward-Willis stated that the MRS report was submitted on August 4th as
9 requested by the Commission.
10
- 11 • Richard Miller (applicant's engineer) objected to Mr. Pateman's comment that
12 there was improper drainage behind the wall as evidenced by the lack of weep
13 holes. Mr. Miller stated that there are ways other than weep holes to provide
14 adequate drainage behind a wall. He noted that in coastal areas on irregular
15 ledges there is often void space behind the wall, which provides proper drainage.
16
- 17 • Mr. Miller noted that he is unable to determine positively where water collects
18 behind the wall, but he notes that the wall shows no evidence of distress caused
19 by the absence of adequate drainage including no loose mortar, displaced stones
20 or vertical or horizontal differential displacement. He noted that if there was a
21 drainage concern that there would be separations and gaps in the mortar. He
22 noted that the drainage is adequate, particularly given the considerable amount
23 of rain that has fallen in the area over the last two years. Mr. Miller noted that the
24 lack of staining from the weep holes means that they are not providing drainage
25 benefits. He stated that the granular fill behind the wall is preventing the
26 accumulation of water.
27
- 28 • Mr. Miller objected to Mr. Pateman's previous remark that weeps holes must be
29 provided with walls. Mr. Miller noted that walls are built without weep holes
30 including the City wall located opposite City Hall on Boston Post Road. He
31 referred to the plans for that wall, which showed weep holes every ten feet as
32 was provided for the applicant's wall and an alternative in which drainage was
33 provided behind the wall. He noted that the City choose the alternative option.
34 He stated that he has designed similar walls in excess of 20 feet in height,
35 including one in Scarsdale, which provided drainage behind the wall rather than
36 weep holes.
37
- 38 • Mr. Miller stated he re-analyzed the structural integrity of the wall using more
39 rigorous assumptions. He noted that the more conservative Ranking Method of
40 Analysis showed that the wall still preformed. He provided a copy of the analysis
41 to the Commission and a letter from a professional engineer, Robert Frangione,
42 (both documents are part of the official record) affirming Mr. Miller's work.
43
- 44 • Mr. Miller acknowledged that his analysis of the seawall was not an exact science
45 since he did not have access to it during construction. He stated that based on

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- 1 his 31 years of experience that the seawall is structurally in-tact and able to
2 function as it's intended.
3
- 4 • Mr. Pateman stated that the applicant submitted a one-page fax cover letter
5 dated August 4th at 5:27 p.m. transmitting the MRS report. That fax cover letter
6 was stamped "Received" by the City Planner on August 5th.
7
 - 8 • Mr. Pateman requested copies of the tape of the Commission's July 28th meeting
9 so that he could prepare a transcript of the meeting. He was advised that the
10 City is unable to make a copy of the tape.
11
 - 12 • Mr. Pateman stated that he is aware that walls are constructed without weep
13 holes. He noted that unlike the wall constructed across from City Hall, the
14 applicant's wall had no plan or inspections so it is not clear what is behind the
15 wall.
16
 - 17 • Mr. Gilbert added that the planned method of drainage for the wall is weep holes
18 and it is not functioning as planned.
19
 - 20 • Ray Tartaglione (adjoining cottage owner to Molloy) stated Mr. Miller did not have
21 the benefit of being able to see behind the pre-existing wall. He stated that he
22 was advised by others on Hen Island that the reason the wall was originally
23 constructed many years ago was to block a cave that was underneath the Molloy
24 Cottage. This original wall was constructed to prevent children from swimming in
25 the cave. Mr. Tartaglione stated that this cave could be a very important issue.
26
 - 27 • Mr. Tartaglione stated that the statements on pages 4 and 5 of the MRS report
28 were personal attacks against him, which questioned his agenda and rationale
29 for noting concern with the structural integrity of the wall. Mr. Tartaglione stated
30 that his concern is that laws are not being enforced on Hen Island, including
31 those related to sewage systems, potable water and walls that are currently
32 being constructed on the island.
33
 - 34 • The Commission responded that the public hearing relates to the specific matter
35 of the construction of a seawall without a permit. Other concerns regarding
36 enforcement on the island are not the purview of the Commission.
37
 - 38 • Mr. Tartaglione questioned the applicant's engineer (Mr. Miller) as to whether he
39 considered that the original wall considered a retaining wall was actually a wall to
40 stop people from entering a cave.
41
 - 42 • The Commission responded that Mr. Tartaglione's statement was based on
43 hearsay and not personal knowledge. The Commission stated that it's not
44 appropriate to respond to something that may or may not be true. The

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1 Commission suggested that Mr. Tartagliona invite someone to the continued
2 hearing that has personal knowledge of the wall and cave who could speak on
3 the record.
4

- 5 • Mr. Gilbert added that he did not believe that the MRS report examined the
6 capability of the old (pre-existing) wall to support both the gravity and lateral
7 loads of both sides of the new seawall.
8
- 9 • Richard Horsman (applicant's landscape architect) stated that he personally
10 delivered the MRS report to the City Planner's Office at 4:15 PM on Tuesday,
11 August 4th.
12
- 13 • Ben Minard (President of Kuder Island Colony) stated that he witnessed the
14 construction of the original wall in 1957 and there was no cave behind the wall.
15 He stated that the he swam in the cave when he was a child, but that the cave is
16 in a different location on the island.
17
- 18 • Mr. Miller (applicant's engineer) stated that the application relates to the newly
19 constructed wall and not the original wall. He noted that the original wall was
20 pretty much the same as it was before and he assumed no issues regarding it.
21 He stated that he cannot confirm whether the original wall sits on a proper
22 foundation, but he noted that he inspected the wall exterior and sounded it with
23 mallets. He stated that the original wall appeared stable.
24

26 **2. 27 1/2 Beck Avenue**

- 27
- 28 • Rex Gedney (applicant's architect) stated that the project involved the
29 subdivision of an approximately 18,000 square foot property into three building
30 lots. He noted that the property recently had 8 dwelling units in 7 seven
31 structures. Currently, there are four units in three structures on the property.
32 The subdivision proposes two lots on Beck Avenue and one lot on Wainwright
33 Street.
34
- 35 • Mr. Gedney stated that previously the property had seven structures including
36 three on Beck, three on Wainwright and one in the center of the property. Most
37 of the structures date or dated to the turn of the century. The proposed plan
38 would provide adequate parking and reduce impervious area. He noted that a
39 drainage plan was prepared and that deep well tests were conducted to assess
40 soil suitability. Mr. Gedney stated that there is some ledge rock on the property.
41
- 42 • Adrienne Watkins (10 Wainwright Street resident) questioned the final design of
43 the proposed residences. The Planning Commission noted that the subdivision
44 is for the approval of the building lots and related improvements and not the
45 specific design of the residence. Future construction on each lot will be required

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1 to be approved by the City's Board of Architectural Review. Rex Gedney
2 referred to the plan, which showed the building setbacks required by zoning (i.e.
3 "envelope") on each lot. He noted that the current City Zoning Code allows
4 residences to be 28 feet in height.

- 5
- 6 • Mr. Gedney presented the tree preservation plan and noted the location of trees
7 proposed to be removed and preserved.
- 8
- 9 • Louise Iannarelli (30 Wainwright Street resident) stated she was a 45-year
10 resident of her property. She requested that tree number 1453 as shown on the
11 tree preservation plan be removed since it was full of holes and a hazard.
12 Richard Horsman (applicant's landscape architect) noted that the tree was shown
13 on the plan as being in "good to fair" condition.
- 14
- 15 • Paul Berte (17 Wainwright Street resident) complimented the design team and
16 stated that he supported the application.
- 17

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19 **ACTION:** Martha Monserrate made a motion, seconded by Nick Everett that the
20 Planning Commission close the public hearing on subdivision application
21 number SUB312, which was carried by the following vote:

22

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

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32 **3. Coveleigh Club**

33

- 34 • Linda Whitehead (applicant's attorney) stated that the project involved fully
35 enclosing a partially enclosed terrace at the rear of the club. The project would
36 enclose approximately 1,600 square feet of floor area, of which approximately
37 650 square feet is currently covered with roof.
- 38
- 39 • There was no public comment.
- 40

41 **ACTION:** Nick Everett made a motion, seconded by Carolyn Cunningham that the
42 Planning Commission close the public hearing on site plan application
43 number SP315, which was carried by the following vote:

44

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

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8
9 **4. 85 Wappanocca Avenue**

- 10
- 11 • Richard Horsman (applicant’s landscape architect) stated that the applicant is
12 proposing to install a fence along the top of Blind Brook. He stated that the
13 Brook is located in the rear yard and there is a steep slope. The fence would
14 provide protection for children who reside at the property. The proposed fence
15 would consist of split rail with a wire mesh.
16
 - 17 • There was no public comment.

18
19 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the
20 Planning Commission close the public hearing on wetland permit
21 application number WP266, which was carried by the following vote:
22

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

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31
32 **4. Rye YMCA**

- 33
34 • Greg Howells (YMCA Executive Director) stated that the YMCA sewer line has
35 had backups and requires repair. He stated that the YMCA is considering a
36 couple of repair options. The preferred option would not require a wetland permit
37 and would involve lining the existing sewer pipe and making spot repairs. The
38 second option would extend a new sewer line within the wetland buffer and would
39 require a wetland permit. The YMCA is looking to avoid a new sewer line, but is
40 seeking a wetland permit just in case this option is required.
41
- 42 • There was no public comment.

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1 **ACTION:** Carolyn Cunningham made a motion, seconded by Mack Cunningham
2 that the Planning Commission close the public hearing on wetland permit
3 application number WP268, which was carried by the following vote:
4

5	Barbara Cummings, Chair:	Aye
6	Martha Monserrate, Vice- Chair:	Aye
7	Carolyn Cunningham:	Aye
8	Mack Cunningham:	Aye
9	Nick Everett:	Aye
10	Hugh Greechan:	Absent
11	Peter Larr:	Aye

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15 **II. ITEMS PENDING ACTION**

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17 **1. Molly Cottage**

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19 • The Planning Commission requested that the City Planner arrange to have
20 available an independent licensed engineer with marine experience to potentially
21 assist the Commission in the review of engineering matters related to the
22 application. Licensed engineers on the Commission agreed to assist the City
23 Planner in defining the scope of services.

24

25 • John Kirkpatrick, Esq. stated that he would work with the City Planner to prepare
26 the language for the new public notice for the application.

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29 **2. 27 1/2 Beck Avenue**

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31 • The Commission discussed the tree requested in the public hearing to be
32 removed. Richard Horsman (applicant's landscape architect) noted that the tree
33 was recommended to be preserved on the tree preservation, but that pruning
34 dead branches and cabling was also recommended.

35

36 • Bill Sullivan (applicant's attorney) stated that the tree (noted as number "1453" on
37 the plan) appears to be located on the adjacent property and is not the
38 applicant's responsibility to remove. The Commission noted that the tree
39 appears to be located off the applicant's property within the right-of-way area
40 adjacent to the eastern property line. The Commission requested that the
41 applicant advise the neighbor that the tree is located off the property. Title
42 information regarding the ownership of the adjacent right-of-way area should also
43 be provided for the Commission's review.

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- 1 • The Commission requested that construction easements be provided for its
2 review allowing for grading across property lines as shown on the construction
3 drawings.
- 4
- 5 • Rex Gedney reviewed each of the variances obtained by the applicant for each
6 lot from the City Board of Appeals. The City Planner and Planning Commission
7 acknowledged that an additional variance would appear to be required for one or
8 both of the proposed residence(s) on Beck Avenue would have first floor
9 elevations more than three feet above the pre-existing grade.
- 10
- 11 • The Commission agreed to consider a decision on the application after it is
12 provided with additional information.
- 13
- 14

15 **3. Coveleigh Club**

- 16
- 17 • The Commission agreed that the application appeared complete and acceptable.
- 18

19 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the
20 Planning Commission approve site plan application number SP315, which
21 was carried by the following vote:

22		
23	Barbara Cummings, Chair:	Aye
24	Martha Monserrate, Vice- Chair:	Aye
25	Carolyn Cunningham:	Aye
26	Mack Cunningham:	Aye
27	Nick Everett:	Aye
28	Hugh Greechan:	Absent
29	Peter Larr:	Aye
30		

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32 **4. 85 Wappanocca Avenue**

- 33
- 34 • The Commission agreed that the application appeared complete and acceptable.
- 35

36 **ACTION:** Peter Larr made a motion, seconded by Nick Everett that the Planning
37 Commission approve wetland permit application number WP266, which
38 was carried by the following vote:

39		
40	Barbara Cummings, Chair:	Aye
41	Martha Monserrate, Vice- Chair:	Aye
42	Carolyn Cunningham:	Aye
43	Mack Cunningham:	Aye
44	Nick Everett:	Aye
45	Hugh Greechan:	Absent

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1 Peter Larr: Aye

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4 **5. Rye YMCA**

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- The Commission agreed that the application appeared complete and acceptable.

8 **ACTION:** Peter Larr made a motion, seconded by Nick Everett that the Planning
9 Commission approve wetland permit application number WP268, which
10 was carried by the following vote:

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

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21 **6. 40 Kirby Lane**

22

- Brian Smith (applicant's engineer) stated that the applicant is seeking to install a fence around the perimeter of his property. A portion of the fence along the rear property line encroaches into the wetland buffer and requires a wetland permit. The wetland is located off the applicant's property. He noted that the portion of the southern property line within the wetland buffer will not have fencing. Instead, 260 linear feet of landscape mitigation plantings are proposed.

23

- The Commission questioned the need for the fence and its benefit if it is not fully enclosing the property. Mr. Smith stated that the applicant is seeking to fence in his property and that the portion left unfenced was an effort by the applicant to be responsive to spirit of the City's wetlands law. The Commission suggested that the neighbors may not find the proposed chain link fence desirable, but that the only portion of the fence within their jurisdiction is that which encroaches in the wetland buffer. The Commission requested that the plan be revised to provide black PVC-coated fencing along the rear property line, which will make the fence less visually obtrusive.

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30 **ACTION:** Nick Everett made a motion, seconded by Martha Monserrate that the
31 Planning Commission set the public hearing for its next meeting on
32 wetland permit application number WP269, which was carried by the
33 following vote:

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

7. 180 Theodore Fremd Avenue

- Steve Secon (applicant's architect) provided an overview of the project, noting that it involved the conversion of a former 1-story gas station to a 2-story day care center located on a 0.25-acre property at 180 Theodore Fremd Avenue. He noted that the proposed day care facility would not expand the footprint of the existing building on the property. The proposed day care facility would have five staff and 28 children ages two years and nine months to age five. Operating hours would be from 7:30 am to 6:00 PM.
- Mr. Secon stated that the a 2,000 square foot playground would be provided, which would consist of porous rubber matting to reduce impervious area within the 100-foot buffer of the wetland located on the adjacent property. He stated that no more than one class would use the playground at a time. He also noted that plantings would be provided along the western property line to provide a wetland buffer enhancement.
- Mr. Secon discussed the traffic and parking plan. He noted that the proposed 13 spaces would be adequate to meet the parking needs of the facility. He noted that drop-off and pick-up would be staggered to reduce parking demand. He stated that they will be gathering additional information for the Commission of the amount of parking provided at other area day care facilities.
- The Commission requested that additional information be provided regarding the removal of the gas tanks on the property and the environment clean-up reports. The Commission specifically requested that information regarding environmental conditions inside the building. Mr. Secon stated that the existing slab and hydraulic systems would be removed.
- The Commission stated that the proposed use is not permitted by zoning and appears to require an amendment to the Zoning Code, which must be approved by the City Council. The Commission requested that the applicant provide proposed zoning text information for its review. The City Planner noted that the zoning amendment will need to consider other likely amendments required to construct affordable housing on the adjacent Westchester County property.

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- 1 • The Commission noted that parking and traffic is a particular concern. The
2 applicant should provide supporting information that adequate parking is
3 available for the proposed use. In addition, vehicle ingress and egress is a
4 concern, which requires additional information.
5
6 • The Commission discussed with the applicant other available sites for the
7 proposed use. The applicant noted that this location offered the most convenient
8 access to potential day care users.
9

8. Ruby's Oyster Bar & Bistro

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13 • The Commission agreed that the application appeared complete and acceptable.
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15 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr that the
16 Planning Commission approve outdoor dining permit application number
17 OD001, which was carried by the following vote:
18

19 Barbara Cummings, Chair:	Aye
20 Martha Monserrate, Vice- Chair:	Aye
21 Carolyn Cunningham:	Aye
22 Mack Cunningham:	Aye
23 Nick Everett:	Aye
24 Hugh Greechan:	Absent
25 Peter Larr:	Aye

9. Rye Grill and Bar

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30 • The Commission agreed that the application appeared complete and acceptable.
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32 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the
33 Planning Commission approve outdoor dining permit application number
34 OD002, which was carried by the following vote:
35

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:	Absent
42 Peter Larr:	Aye

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- 1
- 2 • The Commission approved with minor modifications the draft minutes of its July
- 3 28, 2009 meeting.