

Rye City Planning Commission Minutes
December 15, 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
 - Lori DeCaro
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1 **I. HEARINGS**

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3 **1. NONE**

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5 **II. ITEMS PENDING ACTION**

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7 **1. Rye-Cottage Holdings**

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- 9 • The Commission reviewed the parking analysis provided by the City Planner and agreed that the proposed project provided adequate on-site parking given the unit count, unit type and intended users. The Commission noted that given concerns regarding parking the resolution of approval should require that units be age-restricted. Any changes in this restriction would require the approval of the Planning Commission. The Commission also agreed that 18 of the 22 proposed units should be affordable.

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17 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the
18 Planning Commission approve site plan application number SP313, which
19 was carried by the following vote:

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

29 **2. 183 Forest Avenue**

- 30
- 31 • The Commission reviewed the concerns with the project history noting that
32 the applicant removed trees required to be preserved on the tree preservation
33 plan approved by the Planning Commission as part of the subdivision for the

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- 1 applicant's property. The Commission reviewed the nature of the
2 disturbances and their impact on the types of restricted areas on the property.
3 The Commission noted that clear cutting did not occur in violation of the City's
4 Wetlands Law. The Commission reviewed the comments of the CC/AC and
5 what mitigation plantings should be provided for disturbances.
6
- 7 • Richard Horsman (applicant's landscape architect) responded to the
8 Commission's comments. He noted that the plan can be revised substituting
9 the proposed buttonbush with another plant material that the CC/AC will find
10 more acceptable.
11
 - 12 • Mr. Horsman agreed that lawn was installed in the wetland buffer, which
13 allows for routine landscaping. The installed lawn also provides an erosion
14 control measure rather than exposing soil disturb as a result of construction.
15
 - 16 • Mr. Horsman stated that a portion of a retaining wall extends into the wetland
17 buffer. He noted that the approved plans allowed for the installation of a
18 drywell system in the buffer, but that system was not constructed in that
19 location due to the extent of rock, which made that system unsuitable in that
20 location. He stated that the wall was shifted in response to the need to
21 change the location of the drywells. He stated that the wall's purpose was to
22 eliminate the need for the placement of fill in this location and to protect the
23 root zone of adjacent trees. Mr. Horsman stated that the wall would provide
24 delineation of the wetland buffer area and help prevent future encroachments
25 and disturbances. He stated that the wall encroachment was not significant.
26
 - 27 • Mr. Horsman acknowledged the concerns of the CC/AC and Commission
28 regarding the use of bamboo on the property. He noted that the bamboo is
29 not located in the wetland buffer. He stated that given the extent of ledge
30 rock in the area and the limited space, bamboo was an effective plant
31 screening material. He noted that the adjacent wall would help prevent the
32 spread of the bamboo. The Commission disagreed and stated that if the
33 bamboo was to remain the more effective measures (such as deep root
34 barriers) would be required to prevent the spread of bamboo roots.
35
 - 36 • Mark Castaldi (applicant) stated that he did not agree that 19 hardwood
37 replacement trees should be provided as mitigation for the 19 trees that were
38 removed. He noted that six of the trees that were removed were dead and
39 that additional trees were permitted to be removed for the installation of a
40 swimming pool and drywells. He provided photos of the dead trees. Mr.
41 Horsman reviewed the landscape plan and noted the location of existing and
42 proposed tree planting, which should be considered acceptable mitigation.
43 The Commission agreed that 19 hardwood trees should be provided on the
44 plan.
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- 1 • Mr. Horsman presented a planting plan for the wetland buffer strip, which
2 required it to be preserved in its natural state. Mr. Horsman noted that the
3 plan was revised to provide additional plant material in this location. The plan
4 keeps recently installed sod as an erosion control and soil stabilization
5 measure. This area is not intended to be maintained and will overtime return
6 to a natural state. The Commission agreed that this portion of the plan
7 appeared acceptable.
8
9 • The Commission agreed that the plan should provide six additional hardwood
10 trees (for a total of 19 on the site) and that these trees should be located in to
11 extent possible in the 100-foot wetland buffer.
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13 • The Commission agreed that the wall encroachment in the buffer was
14 acceptable, but that additional mitigation should be provided. The
15 Commission recommended that the plan be revised to include a mix of low
16 grasses along the rear property line adjacent to the Westchester County
17 property. Wetland mitigation planting markers should be provided along the
18 edge of the planting area. This will help prevent future disturbances and
19 encroachments and reduce lawn area and potential for future pesticide and
20 fertilizer use, which is not permitted by the City's Wetlands Law.
21
22 • Mr. Castaldi stated that the requirement for the additional trees was not
23 appropriate since six of the trees he removed were dead. He also noted that
24 he planted far more trees and shrubs within the restricted landscape area
25 than required by the Commission's original subdivision approval and that he
26 should get credit for these additional contributions.
27
28 • Lori DeCaro suggested that if the bamboo is to remain that the plan should
29 include a detail for a root barrier to prevent the spread of this plant material.
30 The Commission agreed with this suggestion.
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3. **424 Park Avenue**

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35 • Seth Mendelbaum (applicant's attorney) stated that the Commission conducted a
36 site walk of the property on Saturday, December 12, 2009 and that the applicant
37 was seeking comments from the Commission. The noted that the property's
38 size, location, configuration, zoning district and frontage on Park Avenue. He
39 stated that the applicant's are seeking to subdivide their property so that they can
40 stay in their existing residence located on the front half of the property.
41
42 • Mr. Mendelbaum stated that the application requires two variances for existing
43 accessory structures located on the northern property line. These structures,
44 which include an existing shed and detached garage, are pre-existing non-
45 conformities and have not made more non-conforming by the applicant's

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1 proposed subdivision. He stated that consistent with the City's practice he was
2 seeking a referral from the Planning Commission to the Board of Appeals.
3

- 4 • Benny Salanitro (applicant's engineer) reviewed the engineering plans noting that
5 Park Avenue is a County roadway and that there are no wetlands, slopes or
6 other special features on the property. He reviewed the proposed driveway
7 access and lot line configuration. He noted that the lot line was configured to go
8 around an existing stone shed located on Lot 2. The applicant would like to keep
9 this stone shed on their property. The proposed lot line is compliant with the
10 City's required zoning setbacks for accessory structures and does not require a
11 variance. The width of proposed Lot 1 in this location would be 12 feet which
12 would provide adequate access to the proposed residence. The driveway has
13 also been configured to minimize disturbance on the Norway spruce located
14 adjacent to the existing stone shed.
15
- 16 • Mr. Salanitro stated that deep hole and percolation tests will be conducted. The
17 City Planner requested that the City Engineering Department be contacted so
18 that they can witness the deep hole test.
19
- 20 • The Commission noted that the neighborhood is known to have drainage
21 concerns. The City Planner added that a drain line from Lot 1 to an existing drain
22 in Park Avenue would provide additional assurance to address potential drainage
23 concerns from neighbors. He noted that there may be additional potential to
24 improve drainage conditions if easements were provided on the applicant's
25 property to redirect drainage towards Park Avenue rather than LaSalle and Drake
26 Avenues.
27
- 28 • Mr. Salanitro responded that he will confirm with the City Engineering
29 Department that a drain line exists in Park Avenue and the potential benefit to the
30 area. He noted that the proposed driveway would consist of pervious paving
31 material to reduce stormwater runoff. He noted that he would revise his drainage
32 plan to accommodate the storage volume from a 100-year storm event.
33
- 34 • The Commission stated that the applicant should address how groundwater from
35 footing drains would be managed.
36
- 37 • The Commission discussed with Michael Bellantoni (applicant's tree consultant)
38 the likelihood of the Norway spruce tree surviving construction. The Commission
39 noted that a substantial limb that would extend over the proposed driveway
40 would need to be removed since it would result in limited clearance that would
41 block construction, moving emergency service and other vehicles. Mr. Bellantoni
42 stated that the tree would have a medium to high probability of surviving
43 construction. He acknowledged that the limb would need to be removed and that
44 measures (such as air spading) have already begun to prepare the tree for the
45 limb removal. He noted that the applicant's wanted to preserve the tree.

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- The Commission agreed that it did not like the gerrymandered lot line configuration and that it would support a variance that resulted in a straighter lot line. The Commission agreed that the proposed driveway should be designed to minimize impact on the Norway Spruce to the maximum extent practical, but that it would not require the preservation of this tree.
- The Commission requested that the tree preservation plan be amended to indicate the health and condition of each tree.
- The Commission requested that the configuration of the driveway be modified to not run in a straight line and provide separation from the adjacent property to create landscape screening opportunities.

4. Shenorock Shore Club

- Chair Cummings noted that she is a member of Shenorock Club and recused herself for discussion of this application. Vice-Chair Monserrate served as chair for this agenda item.
- George Grossman (Club representative) stated that the club is seeking to modify it existing dock and mooring configuration for better utilization.
- Azure Dee Sleicher (applicant's consultant) reviewed the plan noting the increase in the amount of dock coverage, changes in configuration and the number and size of boats that would be served. She noted that the same number of boats would be served however there would be a reduction in the number of moorings and increase in the number of dock slips. She noted that the project would also eliminate an existing encroachment into the adjacent AYC riparian area.
- The Commission agreed that the application appeared acceptable and that mitigation was not necessary. The Commission noted that the number of piles required for the dock would not be an increase from what exists today. Each pile is approximately 12 inches diameter.

ACTION: Peter Larr made a motion, seconded by Nick Everett that the Planning Commission set the public hearing for its next meeting on wetland permit application number WP272, which was carried by the following vote:

Barbara Cummings, Chair:	Recuse
Martha Monserrate, Vice- Chair:	Aye
Carolyn Cunningham:	Aye
Mack Cunningham:	Absent

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1 Nick Everett: Aye
2 Hugh Greechan: Aye
3 Peter Larr: Aye
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5 **5. Consideration of 2010 Planning Commission Meeting Schedule**

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7 • The Commission approved the 2010 meeting schedule.
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10 **6. Miscellaneous – Changes in Proposed Notification Law**

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12 • The Chair noted that the City Council is considering a local law that would
13 change the notification requirements for local land use approvals. The
14 Commission agreed that it did not have adequate time to review the proposal but
15 that the Chair should work with the City Planner to prepare a memorandum that
16 noted concern with the proposed requirement that notices be mailed certified
17 mail return receipt requested. Such a requirement is inconvenient for notice
18 recipients and does not provide effective notice. The Commission recommended
19 the City Council try to provide as much consistency in the City's notice
20 requirements to avoid redundancy and confusion. Notice requirements should
21 be reasonable.
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