

Rye City Planning Commission Minutes
February 2, 2010

MEETING ATTENDANCE:

Planning Commission Members:

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

Other:

- Christian K. Miller, AICP, City Planner
- JoAnn Rispoli, Secretary
- Lori DeCaro
- George Mottarella, P.E.,
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I. HEARINGS

1. NONE

II. ITEMS PENDING ACTION

1. Molloy Cottage

- The Commission reviewed the draft resolution prepared by the City Planner. The Chair noted that she requested some non-substantive changes in the resolution that will be reflected in the final document.

ACTION: Peter Larr made a motion, seconded by Martha Monserrate that the Planning Commission adopt the resolution denying wetland permit application number WP261, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Aye
Carolyn Cunningham:	Aye
Nick Everett:	Aye
Hugh Greechan:	Absent
Peter Jovanovich	Aye
Peter Larr:	Aye

2. Rye-Cottage Holdings

- The Commission noted that it had received a letter from Westchester County requesting that the City consider eliminating the condition in its December resolution of approval requiring that the project be age-restricted. This

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1 requirement will reduce the project's priority and likely make it ineligible for
2 County affordable housing funding.

- 3
- 4 • The Commission debated the impact of removing the restriction and the
5 adequacy of available on-site parking. The City Planner noted that the ITE
6 Manual notes that the 22-unit project should have between 27 and 32 parking
7 spaces. Thirty spaces are proposed, but the City Planner noted that one
8 additional parking space would be added to the plan.
 - 9
 - 10 • The Commission agreed to remove the age-restricted condition, noting that it
11 appeared that adequate on-site and off-site parking appeared available for the
12 project.

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15 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate that the
16 Planning Commission approve modified site plan application number
17 SP313, which was carried by the following vote:

18
19 Barbara Cummings, Chair: Aye
20 Martha Monserrate, Vice- Chair: Aye
21 Carolyn Cunningham: Aye
22 Nick Everett: Aye
23 Hugh Greechan: Absent
24 Peter Jovanovich Aye
25 Peter Larr: Aye
26

27 3. 36 Howard Place

- 28
- 29 • The Commission requested that the City Planner prepare a resolution for its
30 consideration at its next meeting not approving the applicant's request to modify
31 the Planning Commission's Standard for Private Street. The Commission noted
32 that the resolution should include the concerns raised in its previous discussions.

34 4. 183 Forest Avenue

- 35
- 36 • The Commission reviewed the plan with Richard Horsman (applicant's landscape
37 architect) the number and type of hardwood trees proposed as part of the
38 mitigation plan. The Commission noted that 12 trees were located in the wetland
39 buffer and 8 trees were located outside the wetland buffer. The Commission
40 requested that the plans be revised to more clearly differentiate existing and
41 proposed trees.

42
43 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the
44 Planning Commission set the public hearing for its next meeting on

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1 subdivision application number SUB272, which was carried by the
2 following vote:

3
4 Barbara Cummings, Chair: Aye
5 Martha Monserrate, Vice- Chair: Aye
6 Carolyn Cunningham: Aye
7 Nick Everett: Aye
8 Hugh Greechan: Absent
9 Peter Jovanovich Aye
10 Peter Larr: Aye

11

12 5. 180 Theodore Fremd Ave

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- 14 • The Commission reviewed standards (including parking requirements) for child
15 day care uses in other Westchester County Communities. The Commission
16 agreed that the proposed zoning text amendment to allow such uses appeared
17 appropriate. The Commission requested that a memorandum to the City Council
18 be prepared supporting the proposed text amendment.

19

20 6. 424 Park Avenue

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- 22 • The Commission reviewed the revised subdivision plan, which modified that
23 proposed lot line as per its previous discussion. The Commission also noted that
24 an overflow drainage pipe would extend towards Park Avenue, which addresses
25 drainage concerns. The Commission noted that the drainage plan should be
26 confirmed by the City Engineer.

27

- 28 • The Commission requested that the driveway be modified to be less linear. The
29 project engineer noted that he needed to provide a more curved driveway, but
30 was limited by the width of the lot. Pinch points will be created, which may be
31 difficult for larger vehicles, such as sanitation trucks, to use.

32

- 33 • The Commission requested that a memorandum to the Board of Appeals be
34 prepared supporting the required variances.

35

36

37 7. 15 Bradford Avenue

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- 39 • The Commission requested that the plan be revised to improve drainage flow
40 between the two proposed building lots.

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42 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate that the
43 Planning Commission set the public hearing for its next meeting on

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1 subdivision application number SUB315, which was carried by the
2 following vote:

3		
4	Barbara Cummings, Chair:	Aye
5	Martha Monserrate, Vice- Chair:	Aye
6	Carolyn Cunningham:	Aye
7	Nick Everett:	Aye
8	Hugh Greechan:	Absent
9	Peter Jovanovich	Aye
10	Peter Larr:	Aye
11		
12		

13 8. 170 Bradford Avenue

- 15 • The Commission noted that the applicant constructed a sidewalk and driveway
16 that was not shown on the approved plan. The existing improvements result in a
17 substantial increase in impervious area that would have been a challenging
18 application for the Commission to consider if it was proposed. The Commission
19 questioned whether the mitigation proposed by the applicant would be effective
20 given his prior track record of not complying with approved plans.
21
- 22 • Richard Horsman (applicant's landscape architect) noted that the applicant's
23 property is subject to regular flooding and the area where the sidewalk was
24 constructed is the only useable area on the property. He noted that this area is
25 outside of the flood zone. He stated that the previously approved mitigation has
26 suffered from damage from deer which have eaten and rutted plant material. He
27 suggested that by selecting different plant material including more trees and
28 increasing plant density that the plants will survive. He noted that increasing the
29 mitigation planting area in the rear yard will provide a substantial wetland benefit.
30
- 31 • The Commission agreed that it would consider a more substantial mitigation
32 plan. It noted that there may be potential benefits of the mitigation verses the
33 impact of the existing sidewalk that merit consideration. The Commission noted
34 that it was concerned with the precedent of approving such an application and
35 the mitigation must be substantial. The Commission also debated whether a
36 conservation easement or some other property restriction would be appropriate
37 to enhance protection and make future owners aware of their obligation to
38 preserve the mitigation area.
39

40 9. Purchase Street Mixed-Use Building

41
42 **ACTION:** Carolyn Cunningham made a motion, seconded by Nick Everett, that the
43 Planning Commission grant a one-year extension of time from the date of
44 expiration for original approval for wetland permit application number
45 SP#309, which was carried by the following vote:

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1		
2	Barbara Cummings, Chair:	Aye
3	Martha Monserrate, Vice- Chair:	Aye
4	Carolyn Cunningham:	Aye
5	Nick Everett:	Aye
6	Hugh Greechan:	Absent
7	Peter Jovanovich	Aye
8	Peter Larr:	Aye
9		

10. Discussion of Public Notification Law

- 12 • The Commission reviewed the proposed draft law amending the notification
13 requirements for the City's land use boards. The Commission agreed to the
14 following:
 - 15 ○ The local laws should be simple and consistent.
 - 16 ○ Confirmation of delivery should be by certification of mailings. Personal
17 delivery should be removed from the existing laws.
 - 18 ○ Notification distances should be reduced to 300 feet for most planning
19 applications. Existing notification distances for Wetland Permits, BAR
20 approvals, and Telecommunication applications is acceptable. The
21 Commission recommended that a sample of notices required for specific
22 properties be provided for the Council.
 - 23 ○ Notice should not be provided to each unit identified on the City's
24 apartment list.
 - 25 ○ Newspaper notification should be only be required where required by
26 State law.
 - 27 ○ Notification periods should be a consistent 10 days before a meeting.
28 Telecommunication notice periods should remain unchanged.
 - 29 ○ There should be no changes in existing requirements for notification signs.
 - 30 ○ The law should clarify that the term abutters, includes properties located
31 across the street.
- 32 • The Commission agreed that the City Planner should prepare a memorandum
33 with the Chair that notes the above comments.

11. Review of 2009 Planning Commission and Department Annual Report

- 37 • The Commission approved with minor modifications the 2009 Annual Report.

12. Minutes

- 41 • The Commission approved with minor modifications the minutes.