

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 2 of 9

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

9 **II. ITEMS PENDING ACTION**

10
11 **1. 93 Rye Road**

- 12
- 13 • The Commission reviewed the comments of the CC/AC and Mr. Natchez
14 provided responses. Mr. Natchez noted that the plan shows that the project
15 would not result in an increase in impervious area and that no mitigation
16 plantings were required. He noted that the project would replace a failing seawall
17 and would provide protection to an adjacent existing County sewer line, which
18 should be considered mitigation.
19
 - 20 • Mr. Natchez stated that a sediment and erosion control plan had been prepared,
21 which would provide protection to the wetland area and adjacent spartina
22 grasses.
23
 - 24 • Mr. Natchez stated that the project has received ACOE permit approval and that
25 NYSDEC approval is anticipated.
26
27

28 **ACTION:** Carolyn Cunningham made a motion, seconded by Peter Larr that the
29 Planning Commission approve wetland permit application number WP275,
30 which was carried by the following vote:

31
32 Barbara Cummings, Chair: Aye
33 Martha Monserrate, Vice- Chair: Aye
34 Carolyn Cunningham: Aye
35 Nick Everett: Absent
36 Hugh Greechan: Aye
37 Peter Jovanovich Aye
38 Peter Larr: Aye
39
40

41 **2. 15 Bradford Avenue**

- 42
- 43 • Jonathan Kraut (applicant's attorney) stated that the applicant revised its plans to
44 clarify any inconsistencies regarding the location of existing and proposed trees.
45 He noted that these inconsistencies were explained in a cover letter

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 3 of 9

1 accompanying the applicant's most recent submission. Mr. Kraut stated that the
2 applicant prepared a landscape plan as mitigation for any tree removal.

- 3
- 4 • The Commission noted that the landscape plan provided 50 new trees,
5 approximately 10-13 of which are considered hardwood trees. The Commission
6 requested that the applicant amend the plan to add more hardwood trees along
7 the Morris Court property line. Richard Horsman (applicant's landscape
8 architect) stated that he would review the plan, but thought that it was possible to
9 add two more hardwood trees in that location.
 - 10
 - 11 • The Commission requested that the plan be revised to show the location of the
12 five trees that were removed just prior to the submission of the subdivision
13 application to the Planning Commission.
 - 14
 - 15 • The Commission noted that it had received a letter from a Morris Court resident
16 requested that the driveway for proposed Lot 1, not be located opposite his drive
17 located opposite the site. The Commission requested that the plan be revised to
18 show the location of the existing driveway so that they could assess whether
19 additional modifications are necessary.

20

21 **3. 3 Lane Way**

- 22
- 23 • The Commission stated that it had received a report from the City Planner, which
24 indicated that trees had been removed on the property, but that the removal did
25 not constitute clear cutting and was not a violation of the City's Wetlands Law.
26 The Commission also noted the information provided by the applicant regarding
27 the tree removal.
- 28
- 29 • Mr. Natchez reviewed the proposed planting plan, noting that four hardwood
30 trees would be provided including one pin oak, two dogwoods and one eastern
31 red cedar.
- 32
- 33 • The Commission agreed that the application was complete for the setting of a
34 hearing and that the applicant should submit the revised landscape plan for the
35 official record.

36

37

38 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the
39 Planning Commission set the public hearing for its next meeting on
40 wetland application number WP281, which was carried by the following
41 vote:

42

43	Barbara Cummings, Chair:	Aye
44	Martha Monserrate, Vice- Chair:	Aye

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 4 of 9

1	Carolyn Cunningham:	Aye
2	Nick Everett:	Absent
3	Hugh Greechan:	Aye
4	Peter Jovanovich	Aye
5	Peter Larr:	Aye

6
7

4. 7 Walden Lane

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9

- 10 • The Commission noted that it had conducted a site walk of the property.
- 11
- 12 • The Commission questioned whether the soil was suitable for the proposed
- 13 location of the rain garden. Alan Pilch responded that the bedrock on the
- 14 property appears to drop off in this area and that rain garden does not go below
- 15 the existing grade. He noted that he would provide soil borings/auger to confirm
- 16 the presence of rock.
- 17
- 18 • The Commission reviewed the revised plan and questioned how reductions in
- 19 impervious area were achieved from the previously submitted plan. Mr. Pilch
- 20 explained that the existing driveway within the wetland buffer would be removed.

21
22

ACTION: Peter Larr made a motion, seconded by Carolyn Cunningham that the
23 Planning Commission set the public hearing for its next meeting on
24 wetland application number WP283, which was carried by the following
25 vote:
26

27

28	Barbara Cummings, Chair:	Aye
29	Martha Monserrate, Vice- Chair:	Aye
30	Carolyn Cunningham:	Aye
31	Nick Everett:	Absent
32	Hugh Greechan:	Aye
33	Peter Jovanovich	Aye
34	Peter Larr:	Aye

35
36

5. 131 Kirby Lane

37

- 38
- 39 • The Commission noted that it had conducted a site walk of the property. The
- 40 Commission questioned the amount of impervious area in the buffer and the how
- 41 the mitigation planting area was delineated on the plan.

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43

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 5 of 9

1 **ACTION:** Peter Larr made a motion, seconded by Carolyn Cunningham that the
2 Planning Commission set the public hearing for its next meeting on
3 wetland application number WP282, which was carried by the following
4 vote:
5
6 Barbara Cummings, Chair: Aye
7 Martha Monserrate, Vice- Chair: Aye
8 Carolyn Cunningham: Aye
9 Nick Everett: Absent
10 Hugh Greechan: Aye
11 Peter Jovanovich: Aye
12 Peter Larr: Aye
13
14

15 6. 7 Frederick Court

- 16
- 17 • Larry Nardecchia (applicant's engineer) stated that the project involved the
18 reconstruction of failing retaining walls located in a wetland buffer. He noted that
19 the wall is located 155 feet from the rear property line and noted that a large
20 portion of the applicant's rear yard consists of wetland.
21
 - 22 • Mr. Nardecchia noted that the plan was amended to show the location of the
23 100-year flood zone and the addition of rain gardens for roof drainage located at
24 the base of the wall. The City Planner requested that a copy of the topographic
25 survey be provided.
26
 - 27 • Mr. Nardecchia provided an overview of the failing condition of the wall and its
28 impact on the applicant's residence. He noted that the wall is required to stop
29 soil sliding and provide protection to deck footings and the residence. He
30 provided photographs and confirmed the Commission's observations from the
31 site walk that the wall was in poor condition and needed to be replaced.
32
 - 33 • Mr. Nardecchia provided an overview of the wall design and construction
34 process. He stated that the existing two walls would be removed and a new wall
35 would be constructed. The top elevation of this wall is proposed to be 53.5 feet.
36 He noted the relationship of the proposed wall to walls on the adjacent
37 properties. He discussed the design of the dry laid wall and noted that a
38 concrete/wet wall was cost prohibitive for the applicant. He noted measures he
39 added to the design to increase the strength of the wall. He stated that
40 approximately 11 cubic yards of fill (consisting mostly of crushed stone) would be
41 imported to the site to complete the construction of the wall.
42
 - 43 • The Commission agreed that the estimated location of the wetland shown on the
44 plan was acceptable for the purpose of processing the wetland application. The
45 Commission noted that given the poor condition of the walls they were not

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 6 of 9

1 interested in adding delay by requiring the applicant to hire a professional to re-
2 delineate the wetland boundary.

- 3
4 • The Commission noted that the applicant should amend its plan to show any
5 other improvements it is considering in the rear of the residence within the
6 wetland buffer. The Commission suggested that any changes in the existing
7 deck(s) be added to the plan.

10 7. Rye Country Day School

- 11
12 • Commission members Hugh Greechan and Martha Monserrate recused
13 themselves from the discussion of this matter.
14
15 • Jonathan Kraut (applicant's attorney) stated that the applicant is seeking to
16 amend its prior site plan approval to accomplish the following 1) convert a
17 temporary parking lot that was used for construction to a permanent parking lot;
18 2) pave, but not expand, a currently crushed stone parking lot located on Boston
19 Post Road; 3) convert the former headmaster's residence to a business office;
20 and 4) eliminate prior conditions in the Planning Commission's 1999 approval
21 that limit the use and operation of the school.
22
23 • Mr. Kraut stated that the proposed conversion of the headmaster's residence
24 would not have an impact on the surrounding residential neighborhood. He
25 stated that the headmaster's residence is currently used for social functions and
26 student meetings. He noted that the headmaster currently resides in a residence
27 recently acquired by the school located on Grandview Avenue. He noted that
28 converting the headmaster's residence to a business administration use would
29 have less impact on adjacent neighbors since it would be a low-impact operation
30 that would not be open on evenings or weekends.
31
32 • The Commission and City Planner noted that the school has requested changes
33 to its site every few years. It has acquired properties and undertaken a number
34 of expansions that have impacts on the surrounding residential area. The
35 Commission noted that the last time the applicant requested changes in the use
36 of the headmaster's residence and elimination of conditions and restrictions the
37 Commission discussed the need for a master plan for the school. The
38 Commission reiterated that request and stated that the school should provide
39 some statement or plan as to its future intentions or philosophy for the future
40 growth and development of the school.
41
42 • The Commission specifically requested that the school conduct a traffic study to
43 assess the volume of traffic from the school and in the area and whether any
44 mitigation measures are necessary to address traffic flow or other traffic related

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 7 of 9

1 concerns such as speeding. The Commission noted that this information is
2 important background information as the Port Chester begins its review of the
3 Gateway project, which proposes to redevelop the former United Hospital site.
4

- 5 • The Commission stated that this information was necessary before it would
6 consider additional changes in the school's operation and modifying prior
7 conditions of approval.
8

- 9 • A resident of 57 Grandview Avenue questioned the location of the proposed
10 conversion of the temporary parking lot to a permanent parking lot. He stated
11 that the school sent a letter to the residents explaining that this lot was a
12 temporary lot only during construction. He also questioned the recent placement
13 of gravel at properties at 50 and 60 Grandview Avenue and whether these were
14 additional parking areas. Mr. Kraut explained that the gravel was an anti-tracking
15 pad for construction vehicles and was a sediment control measure required by
16 the City.
17

18 19 **8. Wainwright House**

- 20
21 • The Commission noted that the City Building Inspector is requiring the applicant
22 to obtain site plan approval from the Planning Commission pursuant to Section
23 197-10 of the City Zoning Code for the installation of temporary seasonal tents.
24 The Commission noted that Wainwright is considered a "Use Permitted Subject
25 to Additional Standards and Requirements." The Commission also noted that the
26 tents encroach in the wetland buffer and require a wetland permit.
27

- 28 • The Commission requested that the applicant provide appropriately detailed
29 information regarding the intended use and activities at the tent and for
30 Wainwright House. The Commission noted that the number of activities, hours of
31 operation, number of attendees and other relevant information is necessary
32 pursuant to the decision-making criteria under 197-10.
33

- 34 • Clifford Davis (applicant's attorney) stated that the tents have been used at
35 Wainwright for the past 15 or 16 years. For the last ten years they have been
36 used in the exact location shown on the plans prepared by the applicant. Three
37 years ago the Building Department required the applicant to obtain a building
38 permit for the installation of the tent. This year the Building Department issued a
39 building permit for the tent, but required the applicant to obtain site plan approval
40 in advance of the 2011 season. He noted that the applicant has complied with
41 those requests and has presented the current application.
42

- 43 • Mr. Davis noted that a portion of the tent is located in a wetland buffer and that
44 the applicant can provide plantings or other reasonable mitigation measures.

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 8 of 9

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- Mr. Davis explained that the tent is used from April to November and is used for a variety of functions. The Commission noted that the nature and intensity of those functions, programs and activities should be provided in writing. The Commission noted that noise and off-site parking are two concerns that it has heard from area neighbors. Measures to minimize those concerns should be presented by the applicant.
- Mr. Davis stated that he would provide the information requested by the Commission. He also confirmed that the prior application for a flagstone patio proposed in the same location as the tent has been withdrawn.

9. 66 Barlow Lane

- The Commission stated that it had conducted a site walk of the property and that the application was complete for the setting of a public hearing.

ACTION: Carolyn Cunningham made a motion, seconded by Peter Larr that the Planning Commission set the public hearing for its next meeting on wetland application number WP285, which was carried by the following vote:

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

10. Discussion of Zoning Text Amendment to Add Child Day Care as a Permitted Use in the B-1 Neighborhood Business District.

- The Commission discussed the comments raised by Councilman Sack in the last City Council meeting in which it set the hearing on the proposed zoning text amendment. The Commission noted that it continues to support providing for more day care opportunities in the City and that it spent considerable time reviewing the matter in prior meetings. The Commission noted that the proposed text amendment has adequate safeguards protecting area neighbors, including the provision that a day care facility cannot exceed 30 children. In addition, the Commission noted that each application for a day care (including the one

Rye City Planning Commission Minutes (Cont.)

April 6, 2010

Page 9 of 9

- 1 seeking a zoning amendment) would be required to obtain site plan approval
2 from the Commission. In that process the Commission would assess whether
3 each application was appropriate.
4
5 • The Commission requested that the City Planner prepare a more detailed
6 memorandum to the City Council regarding the zoning amendment for its review
7 and consideration in advance of its next meeting. The memorandum should
8 include the points noted above and other planning considerations the
9 Commission discussed over the last few months.
10