

Rye City Planning Commission Minutes
May 21, 2013

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Laura Brett (arrived late)
- Barbara Cummings
- Hugh Greechan
- Peter Larr
- Peter Olsen

Other:

- Christian K. Miller, AICP, City Planner
 - Carolyn Cunningham, CC/AC Chair
 - Melissa Johannessen, AICP, LEED AP
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I. HEARINGS

1. Coveleigh Club

- Seth Mandelbaum, attorney representing the applicant, described the current application. He stated that the application includes two new 1,800-sf paddleball courts, an 880-sf patio, a 12' high chain link fence around the courts, and six new lights for each court (12 new lights in total). Mr. Mandelbaum stated that the lights will be on 20' poles and that they will be less bright than the existing lights and will have cutoffs directing light downward. He also noted that in response to concerns that were recently raised about the intensity of the existing lighting, the Coveleigh Club has agreed to retrofit the existing lighting so that all 24 lights (12 existing and 12 new) will be lower wattage with cutoffs. Mr. Mandelbaum submitted a cut sheet from the lighting company to the Commission. Mr. Mandelbaum noted that the new courts are at a lower elevation than the existing courts.

- Warren Keegan (resident of 210 Stuyvesant Avenue) stated that the existing lighting is a problem, especially in winter when the leaves are off the trees. He stated that the lights are on until midnight and that the lighting is very harsh. Mr. Keegan stated that lighting from the Wainwright House is also a problem and in that area there is almost no night sky because of light pollution. He stated that he was pleased to hear that the applicant will retrofit the existing lights to be consistent with the proposed lower wattage lights, but stated that the details of the lighting are important. He stated that he wants to make sure the Commission is aware of the details of the lights to ensure that they meet the highest standard for avoiding impacts to the night sky.

- The Commission asked Mr. Mandelbaum what type of light is proposed. Mr. Mandelbaum replied that it was not indicated on the plans and he was not sure of the specific type of light. The Commission noted that the intent to retrofit the lights was appreciated, but the specific type of light needed to be identified. Mr.

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- Hugh Greechan disclosed to the public that he is a member of the Coveleigh Club but is not on any boards and did not participate in the Commission’s vote to set the public hearing on the application.

ACTION: Peter Larr made a motion, seconded by Martha Monserrate, to close the public hearing on Site Plan application number SP#343, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Laura Brett:	Absent
Barbara Cummings:	Absent
Hugh Greechan:	Aye
Peter Larr:	Aye
Peter Olsen:	Absent

II. ITEMS PENDING ACTION

1. Coveleigh Club

- The Commission asked members of the Coveleigh Club who were in attendance whether the existing lights are currently on a timer. A Club member replied that they were. The Club member also stated that the lights cannot be turned on after a certain time. Mr. Mandelbaum stated that he will obtain information on the timers and more details on the existing and proposed lights from the applicant, and that he will have all of the additional requested information for the June 4th Planning Commission meeting.

2. 75 Milton Road

- Seth Mandelbaum, attorney representing the applicant, stated that the Commission had several questions at its last meeting on May 7th and he wanted to respond to them. He noted that the applicant has agreed to install solar-powered Rectangular Rapid Flash Beacons (RRFBs) at the crosswalk location on poles that the applicant has already agreed to upgrade. He stated that the applicant will work with City staff as to the appropriate placement and specifications.
- Mr. Mandelbaum noted that the landscaping plan was revised to include a mix of evergreen tree species that have a better chance at long-term survival on the site. He also noted that the evergreens were moved northward to provide for more sunlight.

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- 2 • Mr. Mandelbaum noted that an additional 9,100 sf of impervious area is now
- 3 being captured for stormwater treatment, particularly in the northeast and
- 4 northwest areas of the property.
- 5
- 6 • Finally, Mr. Mandelbaum noted that the proposed lighting fixtures in the parking
- 7 lot will be 55.8-watt, energy efficient LED bulbs mounted on 12' tall poles. He
- 8 stated that the footcandle level of these lights will be zero at the property lines,
- 9 thus indicating that there will not be any light spillage onto adjacent properties.
- 10
- 11 • Mr. Risillo from Maser Consulting (applicant's traffic consultant) described the
- 12 typical RRFB configuration. He stated that there will be a minimum of 7 feet
- 13 between ground level and the lowest sign to prevent interference with vehicles
- 14 and visibility. He noted that on the southbound side of Milton Road, the RRFB will
- 15 be placed north of the utility pole so that it is not blocked by the pole. Mr. Risillo
- 16 stated that the unit would have a solar reflector on the top with a cabinet
- 17 containing a battery. A push-button for pedestrians would be located at a
- 18 standard height of 42" from ground level.
- 19
- 20 • The Commission asked how much time would elapse between the button being
- 21 pushed and the lights beginning to flash. Mr. Risillo replied that it would be nearly
- 22 instantaneous. The Commission also asked about whether shade would be a
- 23 concern with respect to the solar panels. Mr. Risillo replied that there are no trees
- 24 immediately adjacent to the driveway, and noted that the street has a north/south
- 25 orientation which would limit the amount of shade as well.
- 26
- 27 • The Commission discussed potential concerns with the RRFBs, including
- 28 whether motorists would understand what the flashing lights meant and whether
- 29 the RRFBs would give pedestrians a false sense of security. The Commission
- 30 discussed signage that could be used on the poles to warn pedestrians to use
- 31 caution before crossing the street. The Commission also discussed referring the
- 32 project to the TAPS Committee.
- 33

34 **ACTION:** Peter Larr made a motion, seconded by Hugh Greechan, to set the public
35 hearing on June 4, 2013 for Site Plan application number SP#339, which
36 was carried by the following vote:

37		
38	Nick Everett, Chair:	Aye
39	Martha Monserrate, Vice-Chair:	Aye
40	Laura Brett:	Absent
41	Barbara Cummings:	Absent
42	Hugh Greechan:	Aye
43	Peter Larr:	Aye
44	Peter Olsen:	Absent
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3. 141 Apawamis Avenue

- Alan Pilch, the applicant's consultant, responded to several concerns raised by the Commission at the last meeting. Mr. Pilch briefly discussed the findings of the arborist's report. He stated that the report noted varying degrees of tree health on the property, ranging from poor to very good. The report indicated that the large beech tree (tree #8) and two white pines (trees #9 and #11) are in good condition and are proposed to remain. Mr. Pilch noted that the report made specific recommendations about removing the pavement in the vicinity of the beech tree. Mr. Pilch noted that three hemlocks near the existing house were identified as in poor condition and that the applicant is now proposing to remove them. He also stated that the applicant is proposing to remove all of the existing Norway Spruce trees along the front property line due to concerns about windthrow, as well as potential impacts from the proposed subsurface stormwater system on Lot 1.
- Mr. Pilch noted that at the last meeting, the Commission had concerns regarding stormwater runoff flowing along the driveway down to Apawamis Avenue (a length of approximately 220 feet). Mr. Pilch stated that the applicant is proposing to install a curb along the eastern edge of the driveway to block stormwater from flowing onto the adjacent property. A trench drain will be installed at the bottom of the driveway, which will direct stormwater runoff into a subsurface stormwater management facility comprised of Cultec chambers in the front yard of Lot 1.
- Mr. Pilch described existing utility service to the property. He stated that utility services (electricity, cable television, and telephone) are currently provided from utility poles on the north side of Apawamis Avenue. The utility pole located near the existing garage building at the rear of the site supplies electricity to the garage from the house. Mr. Pilch stated that the utilities to serve the proposed house on Lot 2 will be placed in trenches underneath the driveway, along with the water and sewer lines. Following installation of utilities and the curbing along the eastern edge of the driveway, the driveway will be repaved.
- Mr. Pilch also noted that the overall area of disturbance on the site is calculated to be 1.0 acre, which requires a Stormwater Pollution Prevention Plan (SWPPP) to be prepared.
- The Commission noted that the placement on Lot 1 of the stormwater management facility for Lot 2 would require an easement. The City Planner stated that the easement should not only give Lot 2 the right to use the area proposed for the stormwater management facility, but should also require the stormwater management facility to be implemented. The Commission agreed.
- The Commission asked whether percolation tests had been done yet to determine the suitability of the soil for infiltration. Mr. Pilch replied that tests had

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1 not yet been done but could be done now. Members of the public who were in
2 attendance confirmed the presence of standing water at times in the area of the
3 existing Norway Spruces. The Commission requested that tests be completed
4 prior to the June 4th meeting.
5

6 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, to set the
7 public hearing on June 4, 2013 for Subdivision application number
8 SUB#325, which was carried by the following vote:
9

10	Nick Everett, Chair:	Aye
11	Martha Monserrate, Vice-Chair:	Aye
12	Laura Brett:	Absent
13	Barbara Cummings:	Absent
14	Hugh Greechan:	Aye
15	Peter Larr:	Aye
16	Peter Olsen:	Absent

18 4. 101 Theall Road

- 19
- 20 • Seth Mandelbaum, attorney representing the applicant, introduced the project.
21 He stated that the applicant, Miriam Osborn Memorial Home Association (“the
22 Osborn”) is seeking approval of a site plan modification to allow the construction
23 of a new 88-space parking area along Theall Road and 25 new grasscrete
24 parking spaces along the Boston Post Road access drive. Mr. Mandelbaum
25 noted that the grasscrete spaces were initially approved by the Planning
26 Commission in 2003 but were not constructed at that time. Mr. Mandelbaum
27 noted that the project would also include associated stormwater, landscaping,
28 and lighting improvements. He noted that the additional parking was needed to
29 meet the demands of a growing staff, especially with respect to the growing
30 demand for private nurses and caretakers who work round the clock on a one-
31 on-one basis with patients.
32
- 33 • The City Planner asked Mr. Mandelbaum to discuss the prior approval to
34 construct parking at the Osborn. Mr. Mandelbaum stated that the applicant
35 received approval from the Commission for the construction of 437 parking
36 spaces in 1993, and an additional 47 parking spaces were approved by the
37 Commission in 2003, for a total of 484 approved parking spaces. Mr.
38 Mandelbaum stated that of the 484 spaces approved, 443 had been constructed.
39
- 40 • Laura Brett arrived at the meeting.
41
- 42 • The City Planner noted that the aesthetic impacts of parking along Boston Post
43 Road were a concern when the previous application was before the Commission.
44 He noted that the Boston Post Road corridor is more sensitive than Theall Road,
45 particularly because there would be parking where there are currently only

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1 landscaped areas. He stated that he wants to make sure that the proposed
2 parking areas are responding to the actual parking need. Mr. Mandelbaum stated
3 that he will confirm the locations where home health aides are used the most and
4 where the greatest demand for parking is. He also noted that the Osborn has
5 seen an increase in the number of short-term rehabilitation patients as well.
6

- 7 • Joseph Modafferi, RLA of John Meyer Consulting (applicant's consultant) gave
8 an overview of the site plan and described the areas where new parking is
9 proposed. Mr. Modafferi stated that Area A includes 50 spaces, which were not
10 part of the prior approval but were presented to the Commission in 2003. Two
11 speed humps area also proposed. Mr. Modafferi stated that a retaining wall
12 would be required along a portion of the parking lot, which would range in height
13 from approximately 4' to 7'.
14
- 15 • Mr. Modafferi noted that 27 trees are proposed to be removed and will be
16 replaced at a 1:1 ratio. He stated that a total of 113 shrubs are also proposed.
17 The Commission stated that the replacement ratio for trees should be at least 2
18 to 1.
19
- 20 • The Commission was concerned over the placement of the speed humps in that
21 a car backing up out of a parking space would be backing up right onto the speed
22 hump. Mr. Modafferi replied that the grade of the speed humps is very gradual,
23 with roughly a 4" reveal over a distance of 12'.
24
- 25 • Mr. Modafferi stated that Area B includes seven new parking spaces in two small
26 areas. The City Planner asked why more spaces were not proposed in that area.
27 Mr. Modafferi responded that there are two large trees and a light pole in
28 between the two proposed areas.
29
- 30 • Mr. Modafferi noted that Area C is located at the northern end of the site and
31 would consist of two lots with an additional small area of parking along the loop
32 road. He also stated that between the two proposed lots is a small area currently
33 used for storage and landscaping activities, which would be enlarged and paved
34 with gravel and would allow space for rubbish, contractor parking, landscaping,
35 etc. The Commission stated that the design did not appear to make sense and
36 questioned why the two parking areas would not be connected to ease the flow
37 of traffic. The Commission also stated that the facilities area should be smaller.
38 Mr. Modafferi stated that they will look at the design, but noted that the intent was
39 to keep visitor traffic and truck/contractor traffic separate. He also noted that
40 there are areas of large trees on either side of the existing driveway to the
41 storage area.
42
- 43 • Mr. Modafferi stated that Areas D, E, and G included speed humps only. He
44 described Area F as the area along Boston Post Road that is proposed for 25
45 grasscrete parking spaces.

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- 2 • The City Planner asked if the project was zoning compliant and asked about the
- 3 required parking setbacks from Boston Post Road and Theall Road. Mr.
- 4 Mandelbaum replied that he did not think there were any zoning compliance
- 5 issues but would make sure. Mr. Modafferi stated that he believed the setback is
- 6 5' from Theall Road. The City Planner believed the setback from Boston Post
- 7 Road is 100' from the centerline of the road.
- 8
- 9 • The Commission agreed to do a site walk on June 1st. The applicant agreed to
- 10 take another look at the contractor area parking, review the zoning compliance
- 11 and setbacks, review the locations of the speed humps, and determine where
- 12 parking is needed the most to meet demand.
- 13

14 **5. Minutes**

- 15
- 16 • The Commission reviewed the minutes from April 23, 2013 and May 7, 2013 and
- 17 made minor revisions to both documents.
- 18

19 **ACTION:** Martha Monserrate made a motion, seconded by Peter Larr, to approve as

20 amended the minutes of April 23, 2013 and May 7, 2013, which was

21 carried by the following vote:

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23	Nick Everett, Chair:	Aye
24	Martha Monserrate, Vice-Chair:	Aye
25	Laura Brett:	Aye
26	Barbara Cummings:	Absent
27	Hugh Greechan:	Aye
28	Peter Larr:	Aye
29	Peter Olsen:	Absent
30		