

**Rye City Planning Commission Minutes**  
June 25, 2013

**MEETING ATTENDANCE:**

---

**Planning Commission Members:**

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Laura Brett
- 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
  - 
  - 
  - 
  -
- 

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**I. HEARINGS**

**1. 75 Milton Road (continued hearing)**

- Seth Mandelbaum, attorney for the applicant, explained that this hearing was a continuation from June 4<sup>th</sup>. He noted that the applicant submitted a written response to the Commission regarding comments received from the Traffic and Transportation Committee at its June 13<sup>th</sup> meeting. He also noted that the applicant submitted detailed drawings of the RRFBs as the Commission requested, and provided a description of how the LED parking lot lights would function. He described that the lights would be activated at dusk with a photocell and then dimmed late at night with the photocell.
- The Commission directed the applicant to explain the RRFB drawings to the public. Peter Russillo, the applicant's traffic engineer, displayed the drawings and explained them to the public.
- There were no questions from the Planning Commission.
- Heather Sweeney, Blind Brook Lodge (BBL) shareholder: Ms. Sweeney stated that she questions whether reasonable alternatives to the project have been considered. She presented the Commission with three alternatives that she said added green space and still satisfied the need for parking. She stated that the site is a bucolic scene that will forever be lost.
- The City Planner asked Ms. Sweeney who prepared the alternative plans, and whether the plans provided 97 parking spaces. Ms. Sweeney responded that she could reveal the preparer of the plans later and noted that the difference is how far into the barn area the parking extends.
- Miguel Vivez, BBL shareholder: Mr. Vivez stated that he believed he spoke for the "silent majority" in support of the project. He stated that he felt the concerns other than public safety were a delay tactic, and what really needs to be done is

# Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 2 of 13

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

- Nancy Belone, BBL shareholder: Ms. Belone commented about the crossing to Midland being dangerous and questioned whether the City was paying for any of the proposed improvements because correcting the safety issue is really a benefit for the City. Ms. Belone also asked what color the lights on the RRFBs are and whether there are any locations in Rye where RRFBs are already operating. She stated that she wants to make sure people are familiar with RRFBs and understand what to do. She mentioned that there is something similar near the Rye Ridge shopping center.
- The Commission responded that the applicant is paying for all of the improvements, the lights are yellow, and there are no operating RRFBs in the Rye, but other locations are under consideration.

**ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, to close the public hearing on Site Plan application number SP#339, which was carried by the following vote:

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

## 2. 101 Theall Road

- Seth Mandelbaum, attorney for the applicant, described the application. He noted that the applicant has provided several things that were requested by the Commission at its last meeting, including: a description of how the population at The Osborn has changed over time and how that has affected the need for parking; updated plans based on comments from the June 1<sup>st</sup> site walk and the June 4<sup>th</sup> Planning Commission meeting; a cut sheet with information about the plastic grasspave pavers that are proposed for Area F; and information from The Osborn about how employee parking will be managed, which includes assigning parking based on where employees work and utilizing vehicle decals for enforcement.
- Joseph Modafferi of John Meyer Consulting (applicant's engineer) went over the site plan in greater detail, describing the proposed improvements in Areas A through G. He also noted that the applicant proposes to plant 32 trees and 146 shrubs.

**Rye City Planning Commission Minutes (Cont.)**

June 25, 2013

Page 3 of 13

- 1
  - 2
  - 3
  - 4
  - 5
  - 6
  - 7
  - 8
  - 9
  - 10
  - 11
  - 12
  - 13
  - 14
  - 15
  - 16
  - 17
  - 18
  - 19
  - 20
  - 21
  - 22
  - 23
  - 24
  - 25
  - 26
  - 27
  - 28
  - 29
  - 30
  - 31
  - 32
  - 33
  - 34
  - 35
  - 36
  - 37
  - 38
  - 39
  - 40
  - 41
  - 42
  - 43
  - 44
- Mr. Mandelbaum noted that the applicant is still working through the various lighting options to replace the existing 150W sodium lights. He stated that the applicant may consider retrofitting the existing lights after the new ones are installed. Mr. Mandelbaum said that the lighting plan would be completed by the July meeting.
  - There were no questions from the Commission and no comments from the public. The Commission discussed continuing the public hearing to allow for comments on the lighting plan, once it is received.

**ACTION:** Peter Larr made a motion, seconded by Barbara Cummings, to continue the public hearing on Modified Site Plan application number SP#344, which was carried by the following vote:

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

**3. 50 Kirby Lane**

- Jonathan Kraut, attorney representing the applicant, described the application and went over several items from the record of the previous application that were incorporated by reference into the current application.
- There were no questions or comments from the Commission.
- Dan Richmond, attorney representing the Hargraves and Daniel O'Day – Mr. Richmond noted that his clients still have serious concerns about the project. He noted that it is still a large house adjacent to the largest wetland system in the area. He stated that ultimately, the project does not mitigate impacts to the maximum extent possible and still involves excessive disturbance. Mr. Richmond commented that it was not clear whether the applicant considered the wetland buffer in the calculation of FAR and said that the setback should not have been considered in the FAR.
- Mr. Richmond asked the Commission to consider what the owner knew when the property was purchased. He stated that the courts repeatedly affirmed that property owners cannot expect the same development rights as owners of unencumbered properties. He recommended that the Commission deny the

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 4 of 13

1 application as too grandiose and then the applicant could come back with a plan  
2 that is actually reduced. Mr. Richmond stated that his clients had reasonable  
3 expectations that the City's wetland laws would be upheld.  
4

- 5 • Mr. Richmond said that the basement is problematic, as is the amount of ground  
6 disturbance. He also stated that the 2,900 sf of impervious surface area is 1,000  
7 sf more than similar projects in wetlands. He stated that the application violates  
8 the setback requirements, which the applicant has not seriously addressed. He  
9 also noted that construction management and post-construction maintenance are  
10 still concerns. He also noted that pipes under the driveway will be discharging  
11 stormwater onto his client's property.  
12
- 13 • The City Planner asked Mr. Richmond if there was any location outside of the  
14 buffer where his clients would support a house. Mr. Richmond noted that there is  
15 no real area outside of the buffer. The Commission felt that there was no need to  
16 discuss this issue again.  
17
- 18 • Daniel O'Day, 70 Kirby Lane – Mr. O'Day commented that he was impressed  
19 with the Commission's thoughtful deliberations of this issue. He stated that his  
20 concerns remain the same, that the house is too large for this lot and would  
21 provide a disturbing precedent. He questioned how the safety of the wetland  
22 would be ensured, especially with a basement. He referenced a project on Grace  
23 Church Street where runoff was diverted into a sewer line and also referenced  
24 flooding behind 40 Kirby. He noted that because the wetland stretches the entire  
25 length of Kirby Lane, it is an important resource for the whole community.  
26
- 27 • Gordon Hargraves, 60 Kirby Lane – Mr. Hargraves thanked the Commission for  
28 its careful consideration. He stated that the denial resolution on the former  
29 application raised many concerns that still have not been addressed and noted  
30 that the CC/AC still finds the application unacceptable.  
31
- 32 • Ellen Douglas, 5 Kirby Lane – Ms. Douglas stated that she joins with her  
33 neighbors in opposing the project.  
34
- 35 • Ms. Van der Voort, 134 Kirby Lane – Ms. Van der Voort noted that she had the  
36 same concerns as with the previous application. She stated that there had been  
37 very little change and commented that the project is designed to provide  
38 maximum profit to the builder who has no ties to the community. She wanted to  
39 make sure no blasting would occur because of the damage it can do to tree  
40 roots.  
41
- 42 • The Commission discussed whether Steven Coleman should review the  
43 application and decided there was no need.  
44

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 5 of 13

- 1 • Mr. Kraut commented that utilizing pipes to keep existing water flowing across  
2 the land is not a violation of common law. It would be continuing the existing  
3 hydrology.  
4

5 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, to close the  
6 public hearing on Wetland Permit application number WP#356, which was  
7 carried by the following vote:  
8

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

## 17 II. ITEMS PENDING ACTION

### 19 1. 75 Milton Road

- 21 • The Commission expressed some concern about the lights in the parking lot  
22 being dimmed at a certain time and then coming up to 100% when there is  
23 activity in the lot, as indicated by occupancy sensors. There was a feeling that  
24 this may be more disturbing to area residents than having a constant light level.  
25 The City Planner noted that the draft resolution does not address lighting levels  
26 or timing so that the applicant has the flexibility to find what works best.  
27
- 28 • The Commission noted that the Traffic and Transportation Committee (TTC)  
29 asked about sight distances from the parking lot driveway during its review of the  
30 project at its June 13<sup>th</sup> meeting. Mr. Russillo confirmed that there was adequate  
31 sight distance for both vehicles and pedestrians in both directions from the  
32 driveway to the parking lot.  
33
- 34 • Mr. Russillo stated that according to the manufacturer, shielding of the RRFBs is  
35 not possible. He noted that the lights on the RRFBs have a visual spread of 30  
36 degrees (15 degrees to each side) and it would be possible to direct the beacon  
37 toward the center of the road to limit encroachment onto adjacent properties. The  
38 Commission stated that they wanted the lights aimed toward the center of the  
39 road. There was a discussion about the brightness of the lights, and the City  
40 Planner noted that the lights are no brighter than the lights on emergency  
41 vehicles. Mr. Russillo confirmed that there is a minimum of 7 feet to the bottom of  
42 the sign and the poles are a total of 13-14' in height.  
43
- 44 • The Commission asked if bump-outs could be used, as suggested by the TTC.  
45 Mr. Russillo stated that bump-outs were not recommended in this location

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 6 of 13

1 because of potential impacts to street sweeping/snow removal, drainage, and  
2 right-turn movements into the Blind Brook Lodge entry drive.  
3

- 4 • The Commission also asked Mr. Russillo about the length of the gaps that was  
5 used in the traffic study because the TTC suggested that a longer gap length  
6 should have been used. Mr. Russillo stated that the majority of the observed  
7 gaps were greater than 15 seconds, and with the RRFBs, pedestrians should  
8 have more time to cross since vehicles will be coming to a stop at the crosswalk.  
9 The Commission noted that the 87% compliance rate with the use of RRFBs was  
10 impressive.  
11

- 12 • The City Planner mentioned the need to better enforce parking restrictions  
13 around the crosswalk to allow for better visibility of pedestrians. The idea of  
14 eliminating on-street parking on Milton Road was discussed, but the City Planner  
15 stated that it was not possible to do at this time because it is needed for the Blind  
16 Brook Lodge. It was discussed that either the City Manager or the City Council  
17 has the authority to eliminate on-street parking.  
18

- 19 • It was discussed that the crosswalk was not in an ideal location, but since it is  
20 there, it needs to be made safer considering the increasing level of activity  
21 expected.  
22

- 23 • The Commission discussed the drawings submitted by Ms. Sweeney during the  
24 public hearing. It was noted that in some instances, the layouts she provided  
25 violated the agreement with the Harts and in others, the layout encroached more  
26 into the gardens. The Commission noted that the plans were not proposed by the  
27 applicant and that Ms. Sweeney did not tell the Commission who had prepared  
28 the plans.  
29

- 30 • Mr. Mandelbaum stated that the current plan proposed by the applicant takes into  
31 consideration many different factors and is consistent with applicable regulations  
32 and requirements. The Commission reviewed the draft resolution prepared by the  
33 City Planner and made a few minor edits.  
34

35 **ACTION:** Peter Larr made a motion, seconded by Barbara Cummings, to approve  
36 Site Plan number SP#339, which was carried by the following vote:  
37

38	Nick Everett, Chair:	Aye
39	Martha Monserrate, Vice-Chair:	Aye
40	Laura Brett:	Aye
41	Barbara Cummings:	Aye
42	Hugh Greechan:	Aye
43	Peter Larr:	Aye
44	Peter Olsen:	Aye

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 7 of 13

### 2. 101 Theall Road

- Mr. Mandelbaum noted that a lighting plan is still being prepared and referred the Commission to a photo of a lamppost similar to what the applicant is considering. The City Planner noted that that particular light is not shielded. The facility manager for The Osborn stated that the light could be shielded. Mr. Mandelbaum stated that the lighting plan will show footcandles at the property line.
- The Commission expressed concern over Area A where the parking lot would be very close to Theall Road, and wanted to make sure that Area A would not significantly intrude into the view as vehicles travel along Theall Road. The Commission suggested that the applicant look into adding some lower trees to the landscaping plan to provide additional screening.
- Mr. Modafferi informed the Commission that some residents of The Osborn would like to preserve the lawn in the vicinity of Area F, which is known as “the South Lawn.” He stated that as a result, the applicant is considering moving the parking spaces on the west side of the loop road to the east side. The Commission noted that its preference is to keep the majority of the parking on the west side, as moving it to the east could result in greater visual impacts from Boston Post Road. The Commission stressed the need for a more detailed landscaping plan, paying particular attention to Areas A and F and views from Theall Road and Boston Post Road, respectively.
- Mr. Mandelbaum noted that curbing will be provided to prevent vehicles from parking on the grass. The City Planner said that the road may be too narrow for curbs and could affect the ability of emergency vehicles to get through the site. A comment was made about how curbing can impede stormwater infiltration. Mr. Modafferi stated that openings in the curbing could be maintained every so often to allow for infiltration.
- The Commission directed the applicant to provide road widths and drainage with respect to curbing.

### 3. 50 Kirby Lane

- The Commission asked the City Planner how the FAR would be calculated based on what was suggested during the public hearing. The City Planner replied that the City Code sets out the method for determining FAR. He stated that deducting for the buffer is not a good idea as a matter of course, and there would be concern about setting a precedent. He noted that the Commission should focus on what mitigates the impacts of the project and that the house size is relevant only to the extent that it relates to the footprint.

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 8 of 13

- 1       • The Commission discussed whether the basement could be eliminated, which  
2       would be beneficial in reducing disturbance without changing the house footprint.  
3       The Commission also commented that continuous pumping of the drains is  
4       possible during high groundwater. The City Planner noted that the Commission  
5       does not need to dictate how the house is to be used, in terms of what is  
6       contained within the basement and whether utilities are in the basement or  
7       elsewhere. It was noted that the footprint is presently 1,764 sf.  
8
- 9       • Mr. Kraut noted that in the December submission, the house footprint of  
10       Alternative 1 was 2,280 sf, Alternative 2 was 2,635 sf, and Alternative 3 was  
11       2,577 sf.  
12
- 13       • Mr. Gedney described that the basement as currently proposed is under the main  
14       body of the house and is not beneath the garage or the breezeway. He stated  
15       that the house has a second story only in the center of the building, not under the  
16       roof eaves. Mr. Kraut noted that the basement was 1,000 sf.  
17
- 18       • Mr. Kraut said that he would discuss the option of eliminating or reducing the  
19       basement with the applicant. It was noted that another possibility would be to  
20       eliminate the basement and add the square footage to the second story, since it  
21       would not affect the footprint.  
22
- 23       • Drainage and impacts relating to the elimination of the basement were  
24       discussed. It was stated that only a small grade is needed for gravity flow.  
25
- 26       • The Commission discussed the basement and generally agreed that eliminating it  
27       would be beneficial. The City Planner suggested that the applicant prepare two  
28       alternatives, one with slab on grade construction, and one with a crawl space.  
29
- 30       **4.     1 Ford's Lane**  
31
- 32       • Barbara Cummings recused herself from the discussion of this application.  
33
- 34       • Robert Schaeffer from CVM Construction and Tom Ahneman from Ahneman  
35       Kirby represented the applicant. Mr. Ruegger, the applicant, was also present.  
36
- 37       • The Commission asked if there was a survey of where the wall was before  
38       Hurricane Sandy and if the wall's location could be plotted on the plan. Mr.  
39       Schaeffer pointed out the location of the wall on the plan and stated that it was  
40       based on a 2008 survey of the property. He also noted that half of the wall that  
41       did not collapse in the storm was surveyed in January 2012.  
42
- 43       • The City Planner asked Mr. Schaeffer how far from the original wall the installed  
44       piles currently are located. Mr. Schaeffer stated that they are 2'10" further out

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 9 of 13

- 1 toward the water on the north side of the property. He stated they smoothed out  
2 the sharp edge to better attenuate energy, and due to boulders in the area, they  
3 got as close as possible to the former location without having to move them. He  
4 stated that there are two distinct areas where the wall location differs from the  
5 former wall location.  
6
- 7 • The Commission asked Mr. Schaeffer what the thought process was in going  
8 forward without City permits. He replied that they wanted to get a head start on  
9 the DEC permit process. He stated that the NOI happened at the same time that  
10 they received a permit from the Building Inspector. The Commission asked if the  
11 returns were part of the previous wall. Mr. Schaeffer replied that they are not  
12 really seawalls, but are more like garden walls. The Commission asked if they  
13 were aware of the City's wetland law and Mr. Schaeffer replied that they were  
14 not.  
15
  - 16 • Mr. Ruegger commented that he had completed a multi-million dollar renovation  
17 of his property and at that time he was told that it was impractical to raise his  
18 house above the flood elevation.  
19
  - 20 • Mr. Schaeffer confirmed the grade elevations of 10 feet at the water side and  
21 eight feet at the side walls, and stated that the wall is 13.3' at the water side. He  
22 noted that the house is at 9' to 9.5', with the first floor at approximately 11'. The  
23 pool and deck are at 10.5', so the yard would flood.  
24
  - 25 • The City Planner asked Mr. Ruegger what function the wall will serve when the  
26 house will still flood and questioned the benefit of building the wall to 13' if the  
27 house will still flood. Mr. Ruegger replied that the wall would take away the force  
28 of the water before the house would flood.  
29
  - 30 • Mr. Schaeffer noted that the return walls are constructed differently from the main  
31 sea wall. He stated that they will be concrete clad in stone, like a typical retaining  
32 wall, except that they will be retaining water instead of earth. The Commission  
33 asked if the returns were needed to control wave energy and Mr. Schaeffer  
34 responded that they would serve more to hold back water.  
35
  - 36 • Mr. Schaeffer also noted that the wall has riprap pits to allow water to flow out if  
37 the yard is flooded, and also allows water in.  
38
  - 39 • The Commission discussed the proposed landscaping. Mr. Schaeffer stated that  
40 the applicant intends to plant Spartina closer to the wall in a greater area than it  
41 was pre-Sandy. The Commission directed the applicant to submit a true  
42 landscaping plan prepared by a Registered Landscape Architect that shows  
43 mitigation. The Commission also requested planting around the edges of the  
44 walls to prevent scour of the shoreline. Mr. Schaeffer noted that the landscaping

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 10 of 13

1 plan will show how the applicant plans to stabilize the ground surface in front of  
2 the wall.  
3

- 4 • The Commission asked about the status of the applicant's submission to the  
5 NYSDEC for the approval of the additional height and the returns. Mr. Schaeffer  
6 replied that it was submitted 4-6 weeks ago and they expect it to be another  
7 three weeks, but do not have a certain date.  
8

- 9 • It was noted that the City only approved the wall to 10.5' and it is already being  
10 constructed to 11.5'. Mr. Schaeffer noted that the NYSDEC approved extensions  
11 up to 10', but did not authorize the additional 20' extensions or the 10' returns on  
12 each side.  
13

- 14 • The Commission noted the need for more information about the benefits of the  
15 wall and why the additional height is necessary, and expressed concern about  
16 the potential to set precedent. Mr. Ruegger questioned why there was so much  
17 concern about the wall height when other properties in the area have higher  
18 walls. The Commission responded that there is concern about armoring the  
19 coastline, in addition to the fact that the applicant is not just replacing what was  
20 there. The Commission also noted a concern about possible impacts to  
21 neighboring properties due to waves being reflected off in a different direction  
22 with the addition of the returns. Mr. Schaeffer responded that this would not be a  
23 concern given the distance of the neighbors across the cove.  
24

- 25 • Mr. Schaeffer noted that the NYSDEC representative recommended that the wall  
26 be increased to 13' in height and the City Planner stated that he believed she  
27 was under the impression that the house would not flood at that height.  
28

- 29 • The Commission reiterated that the applicant needs to provide a true  
30 landscaping plan that shows mitigation and new plantings, and stated that due to  
31 the violation resulting from work being done without a permit, the Commission  
32 will need to figure out how best to proceed.  
33

### 34 **5. 1 Boston Post Road** 35

- 36 • Paul Noto and Greg Tompkins, representing the applicant, described the  
37 application to the Commission. The application involves renovating the site,  
38 replacing the fuel dispenser islands, piping, and underground storage tanks,  
39 adding landscaping, delineating parking, improving the exterior of the building,  
40 adding a canopy, and adding a handicap ramp to the building. Mr. Noto stated  
41 that the applicant is not proposing to add a retail store.  
42

- 43 • Mr. Noto stated that the four existing light poles on the site would remain,  
44 although some would be relocated slightly. All additional lighting will be housed

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 11 of 13

1 within the canopy and all lighting would be LED. He described the canopy as  
2 having asphalt roof shingles to match the existing building with a white and green  
3 detail typical of BP. It was discussed that approval for signs (on the canopy and a  
4 pylon sign at the site's corner) would be sought separately from the BAR.  
5

- 6 • The fuel tanks were discussed. It was confirmed that the existing tanks (two  
7 3,000-gallon tanks and two 2,000-gallon tanks) would be removed and replaced  
8 with one 10,000-gallon tank and one 12,000-gallon tank. It was discussed that a  
9 variance would be needed for the tank size, as the City Code limits total tank  
10 capacity to 20,000 gallons. Mr. Noto confirmed that the site had no reported spills  
11 and stated that the new tanks will be of much better, stronger construction than  
12 the existing ones.  
13
- 14 • The Commission noted that the applicant needs to submit a lighting plan showing  
15 the expected footcandles at the property lines. The Commission also stated that  
16 the landscaping plan is not satisfactory and needs to be improved.  
17
- 18 • The City Planner mentioned the ongoing problem of the site operator storing cars  
19 on the site and the impact it has on the site's aesthetics. He noted that there  
20 could be 15-20 cars onsite at any given time. He directed the applicant to review  
21 the prior approval for the site and see what amount of parking was allowed, then  
22 present that to the Commission as the baseline for the current application. The  
23 City Planner noted that there have been many complaints about this property and  
24 felt that the public will speak up at the public hearing.  
25
- 26 • The Commission discussed a tentative date for a site walk of July 13<sup>th</sup>.  
27

### 28 **6. 67 Purchase Street**

- 29 • Seth Mandelbaum, attorney representing the applicant, Christopher Hull,  
30 applicant's architect, and David Masliah, the applicant, were present to describe  
31 the application. Mr. Mandelbaum stated that the project consists of renovating  
32 2,458 sf of space within an 8,700 sf building to convert a former retail use to a  
33 restaurant use. Mr. Hull noted that the work consists primarily of interior work, but  
34 will also replace the sidewalk on Purchase Street in front of the building, as well  
35 as expand the garbage area and install a new fence around the trash enclosure.  
36  
37
- 38 • The Commission noted that the site plan needs to identify the two 2-yard  
39 containers within the trash area as for the use of Encore Bistro. The Commission  
40 also noted that the interior storage area is not identified on the floor plan (Sheet  
41 A1).  
42
- 43 • The Commission discussed the trash area and the applicant confirmed that the  
44 only way to get trash outside is to carry it down the interior hallway, up the stairs,

## Rye City Planning Commission Minutes (Cont.)

June 25, 2013

Page 12 of 13

1 and outside. The Commission asked the applicant to describe the trash collection  
2 at his Larchmont restaurant, which he stated was the same as in Rye – twice  
3 weekly with one pickup for cardboard and one pickup for recyclables. He stated  
4 that the arrangement worked well for his other restaurant.

- 5
- 6 • The Commission discussed scheduling a site walk for July 13<sup>th</sup>.
- 7

### 8 **7. 20 Island Drive**

- 9
- 10 • Jonathan Kraut, attorney for the applicant, described the application. He stated  
11 that the applicants are currently in the process of rebuilding a home on the site  
12 that is substantially smaller than the previous home. There is an existing pool  
13 within the wetland buffer that the applicants desire to remove and rebuild in a  
14 different location, still within the wetland buffer. Mr. Kraut stated that the existing  
15 pool is in disrepair and is also not in an ideal location on the property from a site  
16 design perspective, as the applicants feel it disrupts the flow of the usable rear  
17 yard.

- 18
- 19 • Mr. Kraut noted that there would be a slight increase of 191 sf of impervious  
20 surface area with the relocation of the pool, from 855 sf to 1,046 sf. He said that  
21 the applicant is proposing to use semi-pervious materials for the pool terrace,  
22 patio, and boardwalks. He stated that the applicants are proposing a 2-to-1  
23 mitigation ratio for wetland impacts, which would consist of 1,400 sf of mitigation  
24 plantings.

- 25
- 26 • The Commission asked about stormwater runoff and Mr. Kraut stated that it  
27 currently flows as sheet runoff from the pool and terrace, but a stormwater  
28 system is proposed.

- 29
- 30 • The Commission asked whether the applicant would consider moving the pool to  
31 the rear of the house outside of the wetland buffer. Mr. Kraut replied that it is not  
32 an ideal location and is not better than what is being proposed. He pointed out  
33 that the area to the left of the garage is where the applicant intends to plant a  
34 vegetable garden.

- 35
- 36 • Mr. Kraut noted that while the house is under construction, all of the other  
37 accessory structures are still conceptual at this point. The Commission  
38 commented that several other applications have been before them where the  
39 house was under construction and a pool was being proposed in a less than ideal  
40 location. Mr. Kraut questioned what the basis would be for denying a pool in the  
41 buffer in one location when there is already a pool in the buffer in another  
42 location.

43

