

**Rye City Planning Commission Minutes**  
August 13, 2013

**MEETING ATTENDANCE:**

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**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
  - Tracy Stora, CC/AC Representative
  - Melissa Johannessen, AICP, LEED AP
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**I. HEARINGS**

**1. 1 Ford's Lane**

The Commission announced that the public hearing for 1 Ford's Lane would be adjourned until the September 10<sup>th</sup> meeting.

**2. 1 Boston Post Road**

- Mr. Paul Noto, representing the applicant, described the application, which includes increased landscaping, the delineation of parking spaces, replacing fuel pump islands and underground fuel storage tanks, and installation of a canopy over the fuel islands. He noted that the site is currently operating as a Getty gas station that also includes three service bays. He stated that no upgrades have been conducted at the site since the last approval action on the site in 1963. Mr. Noto stated that the proposed canopy is a necessary element for self-service fuel stations and is crucial to retaining customers. He noted that all lighting on the site will be dark-sky compliant and the canopy will have a mansard style roof that will complement the roof of the existing onsite building.
- Mr. Chris Tartaglia, the applicant's engineer, stated that BP is committed to giving the site a much needed upgrade. He summarized the proposed development on the site. He noted that the north, east, and west property lines would all be planted with new landscaping and a new 9"-high curb would be installed at the edge of the pavement to better delineate the parking areas. He noted that a "No Parking" zone will be striped along the south (front) property line. Mr. Tartaglia noted that some of the worst parking situations occur during the periods when students are dropped off and picked up by their parents. He stated that the site operator has been instructed by BP to inform parents that they are not permitted to park on the site.

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- 1       • Mr. Tartaglia described the different parking areas on the site. He stated that  
2       there would be 17 parking spaces in total, which includes an area of 9 spaces  
3       (including one handicapped space) in a tandem configuration to the west of the  
4       existing building. These spaces will be 8' by 18' and are intended to be used by  
5       employees and for cars that are waiting for service or waiting to be picked up.  
6       Adjacent to the handicapped space will be a striped 8' by 18' area for loading and  
7       unloading of handicapped passengers. Mr. Tartaglia noted that a variance will be  
8       required for these spaces because they are smaller than required by the Code.  
9
- 10       • Mr. Tartaglia described a second area of parking along the west side of the site  
11       that includes two parallel spaces and one additional tandem space. The parallel  
12       spaces are 8.5' x 22' as required by the Code. Another area containing five  
13       parking spaces will be provided on the east side of the site. Mr. Tartaglia stated  
14       that these spaces will be 8.5' by 20' as required by the Code and are intended for  
15       use by customers or employees as needed.  
16
- 17       • Mr. Tartaglia described the proposed trash enclosure, which he stated is located  
18       10' back from the front face of the building and will be surrounded by a chain link  
19       fence. He also noted that there will be an automatic irrigation system to maintain  
20       the landscaping.  
21
- 22       • Mr. Matt Welch, of Stonefield Engineering, described the sight distance analysis  
23       that was prepared for the project. He stated that the proposed improvements  
24       would not adversely affect sight distances for vehicles turning left or right onto  
25       Boston Post Road from Hornidge Road. The Commission asked whether the  
26       posted speed limit or the actual observed speed was used in the analysis. Mr.  
27       Welch replied that the posted speed limit is 30 mph and a speed of 35 mph was  
28       used in the analysis as per the design criteria.  
29
- 30       • Mr. Tom Pellegrino, 1 Brevoort Lane – Mr. Pellegrino asked the applicant how tall  
31       the canopy will be and how close to the front property line it will be. He stated  
32       that the canopy is a massive structure and is not necessary to meet fire  
33       suppression requirements. Mr. Pellegrino asked the Commission if they  
34       envisioned canopies on every gas station in Rye, or canopies over pools, tennis  
35       courts, etc. He stated that he felt the canopy was unnecessary.  
36
- 37       • Mr. Tartaglia responded that the canopy height is 21' 10", of which 15' is the  
38       clear height below the canopy ceiling. He stated that the canopy will be 10' back  
39       from the property line, which he said was compliant with the City code, and  
40       approximately 18' from the curb line.  
41
- 42       • Mr. Pellegrino stated that he often hears the back-up warning beeps from trucks  
43       making fuel deliveries in the middle of the night and also hears garbage trucks at  
44       3:00 and 4:00 in the morning. He questioned whether there would be speakers

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1 and/or TVs on the fuel pumps. He also asked the Commission to visit another BP  
2 gas station on Boston Post Road in Port Chester to see the canopy, pumps, and  
3 signage there.  
4

- 5 • Mr. Tartaglia commented that BP does not have a standard for the size of their  
6 canopies. He noted that the proposed canopy is the smallest possible while still  
7 providing adequate protection for patrons against inclement weather. He also  
8 noted that the existing fuel tanks are undersized, so there are frequent fuel  
9 deliveries. He stated that they will be doubling the size of the tanks, so deliveries  
10 would be expected to occur half as often. Mr. Tartaglia stated that the pumps  
11 would not have TVs, but would have speakers to enable the attendant inside the  
12 building to help patrons who need assistance. He stated that they will not be  
13 loud, especially compared to traffic noise along Boston Post Road. Mr. Tartaglia  
14 also noted that the canopy does not have walls, so it does not have the same  
15 apparent mass as a house.  
16

17 **ACTION:** Peter Larr made a motion, seconded by Barbara Cummings, to close the  
18 public hearing on Site Plan application number SP#345, which was carried  
19 by the following vote:  
20

21 Nick Everett, Chair:	Aye
22 Martha Monserrate, Vice-Chair:	Absent
23 Laura Brett:	Aye
24 Barbara Cummings:	Aye
25 Hugh Greechan:	Absent
26 Peter Larr:	Aye
27 Peter Olsen:	Absent
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30 **3. 67 Purchase Street**  
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- 32 • The applicant's attorney described the application and the plan revisions, which  
33 included additional fencing and trash enclosure details.  
34
- 35 • There were no questions from the Commission and no comments from the  
36 public.  
37

38  
39 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to close the  
40 public hearing on Site Plan application number SP#346, which was carried  
41 by the following vote:  
42

43 Nick Everett, Chair:	Aye
44 Martha Monserrate, Vice-Chair:	Absent
45 Laura Brett:	Aye

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1	Barbara Cummings:	Aye
2	Hugh Greechan:	Absent
3	Peter Larr:	Aye
4	Peter Olsen:	Absent

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7 **4. 190 Stuyvesant Avenue**

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9 The Commission announced that the public hearing for 190 Stuyvesant Avenue would  
10 be adjourned until the September 10<sup>th</sup> meeting.

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13 **5. 13 Park Street**

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15 • Richard Horsman, the applicant's landscape architect, described the application  
16 and stated that all neighbors had been notified of the proposed action, as  
17 requested by the Commission at its last meeting.

18

19 • There were no questions from the Commission and no comments from the  
20 public.

21

22 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to close the  
23 public hearing on Wetland Permit application number WP#359, which was  
24 carried by the following vote:

25

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

33

34

35 **II. ITEMS PENDING ACTION**

36

37

38 **1. 1 Ford's Lane**

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40 • There was no discussion of this item. The public hearing was adjourned until  
41 September 10<sup>th</sup>, after which time the Commission will discuss the application.

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45 **2. 1 Boston Post Road**

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- The Commission asked about the hours of operation. Mr. Tartaglia replied that the current hours are 6 AM to 10 PM, but they would like to stay open until 12 AM if the City will allow it. Mr. Tartaglia noted that BP has no control over the timing of fuel deliveries; they may happen in the middle of the night.
  - The Commission asked about speakers on the pumps. Mr. Tartaglia stated that there would be no TVs and the speakers are only there to provide assistance to customers if they have a problem at the pump. He said that the volume is completely adjustable and the applicant would agree to set the volume on the lowest setting if the Commission desires. The Commission stated that it is not possible to enforce a condition like that.
  - The Commission also asked about garbage pickup. Mr. Tartaglia responded that according to the current operator, 10 AM is the scheduled pickup time per an agreement with the contractor.
  - The City Planner commented that lighting levels as shown on the plans were a bit too high. He stated that the lighting level should be around an average of 3 footcandles, with no more than 1 footcandle at the property line. He also stated that the lighting plan should take into consideration light from any nearby streetlights.
  - The Commission asked about existing catch basins. Mr. Tartaglia noted that there are two basins onsite. The City Planner believed that the two tied together and drained to the north. The Commission noted that the area looks like it may be a wetland and directed the applicant to consider water quality treatment of stormwater runoff. The City Planner stated that the applicant should prepare an analysis to determine what measures would ensure treatment of the water quality volume. Mr. Tartaglia commented that he would like to discuss the analysis with the City Engineer and the Commission agreed.
  - The Commission questioned the design of the canopy and asked the applicant whether it could have a flatter, thinner profile. Mr. Tartaglia replied that the proposed canopy was design specifically to complement the existing building on the site. The Commission agreed to defer to the BAR since it will be reviewing the canopy design.
  - The Commission discussed other gas stations in the area that have canopies and noted that there is only one in Rye.
  - Mr. Pellegrino commented that there is no competitive disadvantage to not having a canopy at this site because no other gas stations in the area have a

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1 canopy either. The City Planner noted that canopies are not prohibited in the  
2 Code.

- 3  
4 • The Commission noted that the applicant needed to revise the lighting plan and  
5 provide an analysis of water quality volume treatment. Mr. Tartaglia stated that  
6 he will discuss the water quality volume analysis with the City Engineer.

7  
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9 **3. 67 Purchase Street**

- 10  
11 • The Commission discussed the timing of food deliveries and garbage collection.  
12 The applicant replied that there is no set time, but both are expected to occur  
13 early in the morning. The City Planner noted that garbage would be picked up  
14 according to the City's schedule. The Commission discussed the draft resolution  
15 and made minor revisions.

16  
17 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to approve  
18 Site Plan application number SP#346, which was carried by the following  
19 vote:

20

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

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30 **4. 190 Stuyvesant Avenue**

- 31  
32 • There was no discussion of this item. The public hearing was adjourned until  
33 September 10<sup>th</sup>, after which time the Commission will discuss the application.

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36 **5. 13 Park Street**

- 37  
38 • Mr. Horsman noted that the applicants were present to answer any questions the  
39 Commission may have. The Commission had no questions for the applicant. The  
40 Commission discussed the draft resolution and made minor revisions.

41  
42 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to approve  
43 Wetland Permit application number WP#359, which was carried by the  
44 following vote:

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1  
2 Nick Everett, Chair: Aye  
3 Martha Monserrate, Vice-Chair: Absent  
4 Laura Brett: Aye  
5 Barbara Cummings: Aye  
6 Hugh Greechan: Absent  
7 Peter Larr: Aye  
8 Peter Olsen: Absent  
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11 **6. 20 Island Drive**

- 12  
13 • Jonathan Kraut, attorney for the applicant, described changes made to the site  
14 plan to address the Commission's comments at the last meeting. He noted that  
15 the plan includes a rain garden to address the water quality of runoff from the  
16 rear yard and proposed improvements. Mr. Kraut noted that the rain garden will  
17 be sized in accordance with the New York State Stormwater Management  
18 Design Manual. He noted that the revisions move the pool an additional 3' out of  
19 the wetland buffer, and stated that the plan provides a wetland mitigation ratio of  
20 2.75:1 through mitigation plantings.  
21

22 **ACTION:** Peter Larr made a motion, seconded by Barbara Cummings, to set the  
23 public hearing for Wetland Permit application number WP#357, which was  
24 carried by the following vote:  
25

26 Nick Everett, Chair: Aye  
27 Martha Monserrate, Vice-Chair: Absent  
28 Laura Brett: Aye  
29 Barbara Cummings: Aye  
30 Hugh Greechan: Absent  
31 Peter Larr: Aye  
32 Peter Olsen: Absent  
33

34  
35 **7. 38 Highland Road**

- 36  
37 • Mr. Alan Pilch, the applicant's representative, described the application. He  
38 stated that the Blind Brook is immediately adjacent to the property and the 100'  
39 buffer encompasses the entire property. He stated that no changes are proposed  
40 to the house footprint or the driveway. Mr. Pilch stated that the application  
41 involves raising the house so that the habitable space lies above the 100-year  
42 flood plain elevation of the Blind Brook. He noted that other changes are also  
43 proposed, including: adding a second level to an existing one-story portion of the  
44 house; adding a new entry with additional steps since the house is being raised;  
45 removal of an existing impervious flagstone patio and replacing it with a semi-

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1 pervious deck; and removal of an existing concrete walkway and replacing it with  
2 a semi-pervious grass paver walkway. Mr. Pilch stated that two existing  
3 rechargers in the backyard will be replaced and reconnected following  
4 construction. He also noted that there would be a slight decrease in the amount  
5 of impervious surface area on the property of 47 square feet.  
6

- 7 • Mr. Pilch stated that the first floor of the house is at an elevation of 26.6',  
8 whereas the 100-year flood plain elevation is at 31' according to FEMA mapping.  
9 The applicant proposes raising the first floor elevation of the house to 35.3'. The  
10 City Planner noted that the actual flood elevation at the property may be higher  
11 than the mapped elevation due to the presence of the Highland Avenue Bridge  
12 over Blind Brook.  
13
- 14 • Mr. Pilch stated that several variances would be needed, including for the front  
15 yard setback, side yard setback, the total of two side yards, and FAR.  
16
- 17 • The Commission scheduled a site walk for September 7, 2013.  
18

### 20 8. American Yacht Club

- 21
- 22 • Mr. Rick Parisi, landscape architect, represented the applicant. He described  
23 actions that have occurred on the site to date to address damage caused by  
24 Hurricane Sandy. The actions consisted of removing weeds, stabilizing the boat  
25 and trailer storage area, and re-stabilizing the shoreline.  
26
- 27 • The Commission scheduled a site walk for September 7, 2013.  
28

### 30 9. 100 Purchase Street

- 31
- 32 • Mr. Jim Ryan from John Meyer Consulting, the applicant's engineer, described  
33 the application. He stated that the applicant desires to establish a self-serve  
34 frozen yogurt store within an existing building that was formerly occupied by  
35 Chase Bank. He stated that the site is 6,000 sf and the existing building is 1,900  
36 sf. Mr. Ryan noted that the plan includes an outdoor seating area with seating for  
37 33 patrons and a landscaped pocket park. This will result in a significant  
38 reduction in impervious surface area on the site.  
39
- 40 • Mr. Ryan stated that it is unclear whether the proposed use would be considered  
41 a retail use or restaurant use, which affects the amount of parking required. The  
42 Commission stated that it would be considered a retail use, consistent with other  
43 similar uses located within the downtown area. Mr. Ryan stated that the plan  
44 shows three parking spaces that will be land-banked if required.

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- The Commission discussed the desire for a 5-foot sidewalk adjacent to the site. It was noted that it would be expensive to construct. The Commission directed the applicant to discuss garbage collection and trash storage with the City Planner before the next Planning Commission meeting.
- The Commission scheduled a site walk for September 7, 2013.

**10. Consideration of a Recommendation to the City Council Regarding a Draft Local Law to Amend the Definition of “Story, Half” and the Calculation of Attics in Gross Floor Area.**

- The Commission discussed the details of the recommendation. The Commission noted that the current language regarding attic height provides a “loophole” that allows people to create usable attic space without it counting toward the FAR, and this in turn allows larger homes to be built. The Commission discussed how counting attic space in the FAR would result in lower pitched roofs, which some people might find unattractive. Conversely, counting attic space in the FAR would potentially create bulkier structures, which people might also find unattractive.
- The Commission discussed the definition of “half story” and noted that more clarification might be needed.
- The City Planner noted that it is not the intention of the existing or proposed regulation to control the use of habitable space in residents’ homes, but rather to control the mass and scale of the homes.
- The Commission felt that the proposed recommendation is a logical extension of the 2003 amendments and is an improvement over the current regulations. The Commission directed the City Planner to submit the recommendation to the City Council for consideration.

**11. Minutes**

- The Commission reviewed the minutes from July 23, 2013 and made minor revisions.

**ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to approve as amended the minutes of July 23, 2013, which was carried by the following vote:

Nick Everett, Chair: Aye

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1	Martha Monserrate, Vice-Chair:	Absent
2	Laura Brett:	Aye
3	Barbara Cummings:	Aye
4	Hugh Greechan:	Absent
5	Peter Larr:	Aye
6	Peter Olsen:	Absent
7		