

Rye City Planning Commission Minutes
October 8, 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
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I. HEARINGS

1. 41 Elm Place

- Mr. Rex Gedney, applicant and architect, described the application, which consists of elevating an existing commercial building. Mr. Gedney noted that there would be no increase in impervious surfaces. He stated that new masonry steps would be constructed in the front of the building and new wooden steps would be installed at the rear of the property, but these will be located on already existing impervious surfaces.
- There were no comments from the Commission and no questions from the public.

ACTION: Peter Larr made a motion, seconded by Laura Brett, to close the public hearing for Wetland Permit application number WP#362, 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. 979 Forest Avenue

- Mr. David Mooney was present for the applicant. Mr. Mooney noted that the house would be raised to an elevation of 16'. He stated that the required variances have been sought and have been granted.

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 2 of 11

- There were no comments from the Commission and no questions from the public.

ACTION: Peter Larr made a motion, seconded by Laura Brett, to close the public hearing for Wetland Permit application number WP#365, 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. 170 Soundview Avenue

- The City Planner informed the Commission that the applicant was not present yet, but noted that there was a member of the public who wished to speak on the application. The Commission decided to allow the commentor to speak while waiting for the applicant to arrive, and if the applicant was not present when the speaker concluded her comments, the Commission could decide to hold open the hearing.
- Ms. Jody Domotor, resident of 188 Soundview Avenue – Ms. Domotor noted that she was concerned about drainage because her house is at the end of the street and she gets a lot of the water from the houses up the street from her. She also stated that the applicant's home is very near to the wetland and she was concerned about the increase in impervious surface area. She requested clarification about the plans, specifically pertaining to the location of the addition with respect to the existing patio and whether a new patio would be constructed to the rear of the existing patio.
- The City Planner explained that the existing patio is where the addition will be located. He showed Ms. Domotor the plans and noted the existing patio, the area of the addition, and the extent of the new patio. He noted that the footprint of the addition and the footprint of the existing patio were almost the same.
- The applicant, Kelly Murdock, arrived and described the plans. She noted that a staircase would be located outside of the building footprint and an 8' addition would be added to the rear of the house on the location of the existing patio. She stated that to mitigate the increase in impervious area due to the staircase, she is using permeable pavers in the back of the house to create a patio area. Ms. Murdock also noted that she plans to plant a hemlock tree and will maintain the plantings in the front of the house.

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 3 of 11

- 1
- 2 • Ms. Murdock noted that the impervious area is currently 846 sf. The proposed
- 3 impervious area is 904 sf (new house footprint) and an additional 66.5 sf for the
- 4 patio, for a total increase in 124.5 sf. She noted that the patio is 133 sf, but only
- 5 half of the patio square footage counts toward the total impervious area. Ms.
- 6 Murdock also noted that a hemlock tree is now proposed in the rear yard.
- 7
- 8 • Ms. Domotor expressed concern about still not understanding the plan and the
- 9 extent of the patio. Ms. Murdock explained by showing her on the plan and stated
- 10 that the addition will not extend as far out as the existing patio.
- 11
- 12 • Ms. Domotor asked if the applicant would need a dry well. She said she was very
- 13 concerned about getting runoff at her house because she is at the end of the
- 14 street.
- 15
- 16 • Ms. Murdock stated that the runoff will flow into the creek, and the creek is what
- 17 would cause flooding rather than runoff. Ms. Domotor stated that if there is too
- 18 much runoff to go into the ground, it will run into the creek, and then if the creek
- 19 floods, the water goes into her yard.
- 20

21 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, to close the
22 public hearing for Wetland Permit application number WP#364, which was
23 carried by the following vote:

24		
25	Nick Everett, Chair:	Aye
26	Martha Monserrate, Vice-Chair:	Aye
27	Laura Brett:	Aye
28	Barbara Cummings:	Aye
29	Hugh Greechan:	Aye
30	Peter Larr:	Aye
31	Peter Olsen:	Aye
32		
33		

34 **II. ITEMS PENDING ACTION**

35

36 **1. 41 Elm Place**

- 37
- 38 • The Commission reviewed the plans and elevations with the applicant and made
- 39 minor revisions to the draft resolution.
- 40
- 41 • There were no CC/AC comments on this application.
- 42

43 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, to approve
44 Wetland Permit application number WP#362, which was carried by the
45 following vote:

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 4 of 11

1
2 Nick Everett, Chair: Aye
3 Martha Monserrate, Vice-Chair: Aye
4 Laura Brett: Aye
5 Barbara Cummings: Aye
6 Hugh Greechan: Aye
7 Peter Larr: Aye
8 Peter Olsen: Aye
9

10 **2. 979 Forest Avenue**
11

- 12 • The Commission confirmed with Mr. Mooney that the house is in the ABVE zone
13 and that the flood zones are shown on the plans. Mr. Mooney noted that that
14 flood zone lines are not contours; they are approximated on the plans. He stated
15 that the house will meet the required elevation of 2 feet above flood elevation, or
16 16' in this case.
17
18 • The Commission discussed how high the water was on the property during
19 Hurricane Sandy. Mr. Mooney stated that the water did not come into the house,
20 but it did during previous storms in 1992 and possibly in 1997 as well.
21
22 • The Commission requested clarification on the zoning table on the site plan.
23 They asked Mr. Mooney to work with the City Planner to ensure the correct
24 numbers for net and gross land area.
25
26 • There were no CC/AC comments on this application.
27

28 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to approve
29 Wetland Permit application number WP#365, which was carried by the
30 following vote:
31

32 Nick Everett, Chair: Aye
33 Martha Monserrate, Vice-Chair: Aye
34 Laura Brett: Aye
35 Barbara Cummings: Aye
36 Hugh Greechan: Aye
37 Peter Larr: Aye
38 Peter Olsen: Aye
39

40 **3. 170 Soundview Avenue**
41

- 42 • Ms. Murdock noted that the framing of the existing house is substandard, so she
43 will be installing a French drain around the foundation to provide better drainage.
44

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 5 of 11

- 1 • The Commission asked where the drain will empty to. Ms. Murdock stated that
2 the drain pipe has holes in it so the water will flow into the ground. She stated
3 that it will not have an outlet and will not have a pump.
4
- 5 • The Commission noted that the French drain should not be above the basement
6 floor because you would not want water to sit next to the foundation. The
7 Commission also asked about the depth of the drain and the design filler.
8
- 9 • The City Planner noted that the patio is only 9'10" by 13'8" and does not require
10 drainage improvements because it is so small. He noted that it is still subject to
11 the review of the engineering department, which would include review of the
12 French drains.
13
- 14 • Ms. Murdock stated that a variance has already been received and that they are
15 upgrading the electrical system, which requires a building permit.
16
- 17 • The Commission noted that the neighbor raised an issue and the concern about
18 drainage needs to be addressed. The City Planner noted that the increase in
19 impervious area is de minimus and is below the threshold for requiring
20 improvements.
21
- 22 • The Commission clarified with Ms. Murdock that she meant footing drain rather
23 than French drain. The Commission noted that if pavers are designed properly,
24 eventually there will be no runoff. The Commission discussed the need for an
25 engineering design of the drain system prepared by a civil engineer.
26
- 27 • The City Planner asked Ms. Murdock if a Surface Water Control Permit was filed.
28 She responded that it will be filed along with the building permit. She asked if she
29 could include the engineered drawing in her next submittal, which would be
30 simultaneously filed with the building permit. The City Planner agreed.
31

32 **4. Kuder Island Shoreline Wall**

33

- 34 • The Commission directed the City Planner to include the date of the site visit in
35 the resolution. The Commission discussed the concern about the storage of
36 materials and equipment and their transport to and from the site. The City
37 Planner noted that there is a narrative on the matter in the application and a
38 materials storage area is indicated on the plans. The Commission directed the
39 City Planner to also include a condition related to materials storage in the
40 resolution.
41

42 **ACTION:** Peter Larr made a motion, seconded by Laura Brett, to approve Wetland
43 Permit application number WP#350, which was carried by the following
44 vote:

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 6 of 11

1
2 Nick Everett, Chair: Aye
3 Martha Monserrate, Vice-Chair: Aye
4 Laura Brett: Aye
5 Barbara Cummings: Aye
6 Hugh Greechan: Aye
7 Peter Larr: Aye
8 Peter Olsen: Aye
9

10 **5. American Yacht Club**

- 11
- 12 • The Commission noted that the applicant submitted the curb detail. There were
13 no questions from the Commission.
 - 14
 - 15 • The Commission requested that the City Planner add the date of the site visit to
16 the draft resolution.
 - 17
 - 18 • The City Planner noted that this project is a violation, which means it is
19 something the applicant has to do. He suggested adding a condition to the
20 resolution that the project must be completed by December 1, 2013. The
21 Commission agreed.
 - 22

23 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to approve
24 Wetland Permit application number WP#361, which was carried by the
25 following vote:

26

27 Nick Everett, Chair: Aye
28 Martha Monserrate, Vice-Chair: Aye
29 Laura Brett: Aye
30 Barbara Cummings: Aye
31 Hugh Greechan: Aye
32 Peter Larr: Aye
33 Peter Olsen: Aye
34

35 **6. 100 Purchase Street**

- 36
- 37 • The City Planner announced that this item was continued to the October 22nd
38 meeting at the request of the applicant.
 - 39

40 **7. 75 Wappanocca Avenue**

- 41
- 42 • Mr. Jim Murphy, the applicant, submitted two drawings to the Commission. He
43 noted that he and his wife are not happy with the K-turn but understand that the
44 County could not be talked out of it. He noted that the plan to use pavers on half

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 7 of 11

1 of the driveway would cost \$11,500, and to use pavers on the entire driveway, as
2 the Commission suggested at the last meeting, would cost \$30,000. He stated
3 that reducing the Cultecs would save \$4,000, but that would still result in a
4 \$26,000 expense for the driveway. Mr. Murphy stated that he believes there is a
5 way to achieve the municipal objectives of groundwater quality and recharge and
6 still work with the County's requirement.
7

- 8 • Mr. Murphy described a new plan that uses the K-turn but does away with the
9 pavers and instead installs a larger Cultec system, which would be sufficient to
10 capture runoff from the roof as well.
11
- 12 • The Commission asked Mr. Murphy to come back at the next meeting with a full
13 engineering design and calculations.
14
- 15 • The City Planner asked if there was another alternative that was cheaper than
16 pavers but still allowed for some infiltration, such as porous asphalt. He noted
17 that the applicant will implement whatever the City engineering department
18 requires, but stated that he would like to know if there is another alternative.
19
- 20 • The Commission noted that porous asphalt is preferable to a larger Cultec
21 system and directed the applicant to investigate other alternatives. It was noted
22 that excavation and the subbase materials are really what drives the cost, more
23 so than the top treatment.
24

25 **8. 83 Brevoort Lane**

- 26
- 27 • The Commission commented that the plans were difficult to read. The
28 Commission also noted that the applicant should be adhering to the building
29 envelope that was approved in the prior subdivision.
30
- 31 • Mr. David Mooney, the applicant's representative, noted that 90% of the building
32 is in the zoning envelope and it meets the setback for both side yards. He noted
33 that the detached garage is an accessory structure. He stated that a front yard
34 variance may be required. The City Planner noted that if the garage were in the
35 backyard, a variance would not be required.
36
- 37 • The Commission questioned why the applicant couldn't start with a house that is
38 within the previously approved building envelope. The Commission noted that at
39 the time of the subdivision, the building envelope was acceptable and now, to the
40 applicant, apparently it is not.
41
- 42 • Mr. Mooney explained that they are trying to move the house away from the
43 water, raise it, and comply with the new flood zone requirements.
44

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 8 of 11

- 1 • The City Planner pointed out that if the building addition were within the building
2 envelope, there would be no need to go before the zoning board. Mr. Mooney
3 agreed. The Commission requested that a plan be developed that contains the
4 house within the previously approved building envelope. The Commission noted
5 that a considerable amount of time was spent on setting an appropriate building
6 envelope at the time of the prior subdivision.
7
- 8 • The City Planner confirmed with Mr. Mooney that the target flood elevation is 14'
9 and the finished floor elevation of the home would be 16'. He also confirmed that
10 the garage is located partially within the wetland buffer.
11
- 12 • The Commission questioned the status of the wetland improvements associated
13 with the prior subdivision. The City Planner noted that he has been working with
14 the applicant and work has been started.
15
- 16 **9. Rye Golf Club**
17
- 18 • Mr. Stephen Coleman, the applicant's environmental consultant, and Jeri Barrett,
19 the applicant's architect, were in attendance for the applicant. Mr. Chip Lafferty,
20 Superintendent of the Rye Golf Club, was also in attendance.
21
- 22 • Mr. Coleman described the application. He noted that the Rye Golf Club is
23 seeking a wetland permit to improve golf course operations. Mr. Coleman stated
24 that improvements are proposed at three areas:
25
- 26 ○ Area 1) the 18th hole pond, tee box, and fairway;
27 ○ Area 2) the 8th hole tee box; and
28 ○ Area 3) the 8th hole green and fairway.
29
- 30 • Mr. Coleman noted that a DEC permit was required and has been issued for
31 work within the wetland buffer.
32
- 33 • The City Planner clarified that some of the improvements at the 18th hole (Area 1)
34 were previously implemented. Mr. Coleman stated that some improvements were
35 done in 2009 and included stabilization of the stone wall along the shoreline,
36 modifications to the back tee boxes, relocation of existing cart paths, and fairway
37 vegetation maintenance. He stated that the Rye Golf Club also implemented a
38 restoration plan near the salt marsh, installed a flexi-pave cart path, and cleared
39 trees and overgrown invasive plants in 2010/2011. Mr. Coleman noted that the
40 salt marsh restoration area was doing well until storms wiped out nearly all of it.
41 He noted that the applicant agreed to redo the restoration and the DEC approved
42 the restoration plan. Mr. Coleman explained that this time, the restoration will
43 include installation of a jute mesh mat, which will better support the plants and
44 should result in better plant retention.

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 9 of 11

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- Mr. Coleman noted that the proposal includes dredging the pond near the 18th fairway (Area 1). He stated that the dredged material will be deposited in the leaf pile area already existing onsite, where they will be dewatered and then mixed with other materials to form loam to be used as needed on the golf course.
 - The Commission discussed procedure, including the need to set a public hearing for the project. The City Planner noted that work cannot start until a Wetland Permit is issued and there is some anxiousness on the applicant's part because of the growing season. The Commission scheduled a site walk for October 19th, which was rescheduled from October 5th.
 - Mr. Coleman described the proposed improvements at the 8th hole tee box (Area 2). He noted that the existing tee box will be reconfigured so that the championship and men's/women's tees will be separated. The championship tee box will be lowered by 2' and the men's/women's tee box will be lowered by 5'; both will be shifted to the west, further from the tidal wetland. Mr. Coleman stated that the reasons for these improvements include easier access to the tee boxes, as well as increased safety for golf course workers using equipment on the greens. He also noted that the cart path would be moved further away from the freshwater wetland and closer to the Sound, but at a higher elevation. He stated that flexi-pavers will be used where it is affordable to do so, but noted that the applicant hopes to use them site-wide eventually. Mr. Coleman also stated that plans include the removal of invasive species and replanting along the cliff area.
 - Mr. Coleman noted that pipes at the pond near the 8th fairway (Area 3) have corroded and fallen apart. The project includes replacing them in-kind and stabilizing the headwall. He stated that the project also includes stabilizing the edges of the existing sand traps where they have eroded and replacing sand as needed. He noted that sand replacement requires DEC review. Mr. Coleman also stated that bare areas will be planted with coastal grass.
 - Mr. Coleman noted that the project provides more than 1:1 mitigation and improves water quality. The Commission noted that they will want to observe the areas for planting on the site walk.

37 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to set the
38 public hearing for Wetland Permit WP#367, which was carried by the
39 following vote:

40

41 Nick Everett, Chair: Aye

42 Martha Monserrate, Vice-Chair: Aye

43 Laura Brett: Aye

44 Barbara Cummings: Aye

45 Hugh Greechan: Aye

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 10 of 11

1 Peter Larr: Aye
2 Peter Olsen: Aye
3

4 **10. 431 Grace Church Street**
5

- 6 • The Commission asked why this issue was not brought up before. The
7 Commission also asked how the first phase of planting has been going. The
8 applicant's representative stated that the planting is not completed; the house is
9 still being renovated.
10
- 11 • The City Planner noted that the garage has not yet been built and all of the
12 increase in impervious area comes from the garage and associated pavement.
13 The Commission asked whether this application is amending the former permit.
14 The City Planner replied yes, but it still is considered a new process and requires
15 a new public hearing.
16
- 17 • The City Planner noted that the increase in impervious is 95 sf. Carolyn
18 Cunningham mentioned that the walkway could be made of a pervious material.
19
- 20 • The Commission scheduled a site walk for October 19th.
21
- 22 • The Commission asked for the original approval date of the wetland permit. The
23 City Planner replied that it was approved in September 2012 and is under
24 construction.
25

26 **ACTION:** Martha Monserrate made a motion, seconded by Peter Olsen, to set the
27 public hearing for Wetland Permit WP#336, which was carried by the
28 following vote:
29

30 Nick Everett, Chair: Aye
31 Martha Monserrate, Vice-Chair: Aye
32 Laura Brett: Aye
33 Barbara Cummings: Aye
34 Hugh Greechan: Aye
35 Peter Larr: Aye
36 Peter Olsen: Aye
37

38 **11. Minutes**
39

- 40 • The Commission reviewed the minutes from September 24, 2013 and made
41 minor revisions.
42

Rye City Planning Commission Minutes (Cont.)

October 8, 2013

Page 11 of 11

- 1 **ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, to approve as
- 2 amended the minutes of September 24, 2013, which was carried by the
- 3 following vote:
- 4
- 5 Nick Everett, Chair: Aye
- 6 Martha Monserrate, Vice-Chair: Aye
- 7 Laura Brett: Aye
- 8 Barbara Cummings: Aye
- 9 Hugh Greechan: Aye
- 10 Peter Larr: Aye
- 11 Peter Olsen: Aye
- 12