

Rye City Planning Commission Minutes
November 12, 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. 10 Captains Lane

- Ms. Linda Whitehead, attorney for the applicant, Mr. Benny Salanitro, the applicant's engineer, and Mr. Richard Horsman, landscape architect, were present for the applicant. Ms. Whitehead briefly described the application. She stated that the project is a two-lot zoning-compliant subdivision with each lot having 0.55 acres. She stated that lots in the project vicinity vary in size from 0.13 acres to 0.5 acres, with some larger lots. Ms. Whitehead noted that historically, the site was two lots that were merged into one.
- Ms. Whitehead noted that revisions were made to the plans with respect to grading, retaining walls, and tree preservation, and tree mitigation is proposed at a ratio of 1 to 1, resulting in 19 new trees. Ms. Whitehead also described two conceptual alternative driveway configurations for Lot 2 off of Rye Road. She stated that one scheme shows a driveway with a 15% grade, which would enter the house on the main level. She stated that the second scheme shows a flat driveway that would enter under the proposed house. She noted that such a steep grade would not be permitted in the first scheme, and in the second scheme, two significant walls would be required, as well as more grading, a longer driveway, more impervious surface area, and additional tree removal. Ms. Whitehead stated that neither of the two alternative schemes is desirable and the applicant is sticking with the original plan.
- Mr. Salanitro stated that he was stepping in for Mr. Marsella as the project architect since Mr. Marsella could not attend the public hearing. He stated that the sensitivity questions asked by the Commission had been analyzed. He stated that the plans reflect the changes requested, including drainage improvements, tree preservation, and tree mitigation.
- Mr. Salanitro noted that the applicant had an arborist conduct an assessment of Tree #46, the large 48" oak tree on Lot 2. He stated that the arborist found the

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1 tree to have fungal growth at its base and it had a split in the trunk, and for these
2 reasons the arborist stated the tree should be removed because it was a safety
3 hazard. Mr. Salanitro also stated that the evaluation of access to Lot 2 from Rye
4 Road indicated that it was not practical.

- 5
- 6 • There were no questions from the Commission.
- 7
- 8 • Mr. Eric Gordon, attorney at Keane & Beane, representing the owner of 11
9 Captains Lane – Mr. Gordon stated that his client's general position is that
10 creating two small houses on two lots is not in keeping with the character of the
11 neighborhood. He stated that his client's preference would be to restore the
12 existing house. He noted that his client appreciates the time and effort of the
13 Commission in reviewing the project and its zoning conformity.
- 14
- 15 • Mr. Gordon stated that his client is very concerned about the construction
16 impacts of the project. He noted that Captains Lane is a very narrow street and
17 construction vehicles parked on the street would impede traffic and affect
18 pedestrian safety. Mr. Gordon also stated that his client is requesting that
19 construction materials be stored onsite and that there is no construction entrance
20 on Captains Lane. He stated that if one is needed, the proper protocols to ensure
21 public safety should be in place.
- 22
- 23 • Mr. Gordon also stated that the proposed new plantings in front of the houses is
24 a little light and better screening should be provided with larger, more mature
25 trees. He stated that there should be a replacement plan in place in case the
26 planted trees do not survive.
- 27
- 28 • Mr. Robert Marrow, resident of 56 Rye Road – Mr. Marrow noted that he
29 supports the driveways off of Captains Lane. He also stated that the project will
30 be very disruptive to the environment and the neighborhood. He stated that if the
31 driveway goes down into the house, it will look like a trench. The Commission
32 noted that no one is suggesting it do that.
- 33
- 34 • Mr. Lawrence Baschkin, resident of 2 Captains Lane – Mr. Baschkin noted that
35 he had lived at his residence for 46 years and is concerned about safety. He
36 stated that there have been two incidents of children hit by cars at the Rye
37 Road/Captains Lane intersection. He noted that there was also a close call in
38 1968, which he knows because he was the child who was almost hit.
- 39
- 40 • Mr. Baschkin noted that the hedges in the front yard present a sight line issue
41 and wanted to know if the architect had done enough due diligence to ensure
42 adequate sight distances. He said that the sight distance will be worse with the
43 new houses.
- 44

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- 1 • Ms. Leora Elliot, resident of 9 Captains Lane – Ms. Elliot stated that she bought
2 her house because of the beautiful houses in the neighborhood. She stated she
3 feels that the construction would make a huge mess. She noted that during
4 previous construction activities, her husband's car was hit when he was backing
5 out of their driveway. She stated that adding another driveway would be even
6 more dangerous. Ms. Elliot also stated that the arborist report should not be too
7 heavily relied on, as it was her experience that three different arborists could say
8 three different things about the same tree.
9
- 10 • Ms. Judy Walsh, resident of 6 Captains Lane – Ms. Walsh indicated that she
11 agreed with Ms. Elliot that the proposed application would change the whole
12 essence of the neighborhood. She noted that three huge tree limbs have fallen
13 on her driveway and feels that many trees are not suitable to remain and should
14 be removed. She also stated that there is a fence that is falling down and overall,
15 the property should be cleaned up.
16
- 17 • Mr. Stephen Waldman, resident of 11 Captains Lane – Mr. Waldman stated that
18 Mr. Gordon is his attorney. He stated that he understands that half-acre lots are
19 common; however, his lot is 1.4 acres. He stated he purchased the house in
20 2009 and restored the structure at a great expense. He stated that some people
21 are able to spend the money to do that.
22
- 23 • Mr. Waldman stated that the property is an oddly shaped lot, and Captains Lane
24 is a very narrow road with stone walls and hedges along much of it. He noted
25 that it is a busy road. He also stated that the property is located near the top of a
26 crest in the road where there is very limited sight distance. Mr. Waldman stated
27 that it would be unsafe to have construction vehicles parked there or exiting and
28 entering.
29
- 30 • Mr. Waldman stated that having the principle construction entrance and sole
31 parking area on Captains Lane is a mistake. He said that he has seen many
32 near-accidents happen and the applicant should consider alternatives. Mr.
33 Waldman also noted that there are many mature trees on the property, which
34 contribute to the character of the site and the neighborhood. He said that he
35 requests that the number of trees removed be kept to a minimum. He also stated
36 that the size of the proposed replacement trees is not satisfactory, as they are
37 only 3".
38
- 39 • Mr. Waldman noted that the property is not the appropriate size to subdivide. He
40 said he had heard that a subdivision of his property was denied in the past.
41
- 42 • The Commission asked whether a sight analysis had been done. Mr. Salanitro
43 said no studies have been done. He noted that there is a lot of brush and debris
44 that needs to be removed that would improve sight distances.
45

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- 1 • The City Planner commented that there were a lot of landscaping concerns in
2 Greenhaven and there were opportunities that could be discussed. Mr. Salanitro
3 stated that the applicant is willing to remove the brush and Ms. Whitehead said
4 that they would be happy to remove some of the vegetation.
5

6 **ACTION:** Peter Larr made a motion, seconded by Barbara Cummings, to close the
7 public hearing for Subdivision application number SUB#328, which was
8 carried by the following vote:
9

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

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19 **II. ITEMS PENDING ACTION**

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21
22 **1. 10 Captain's Lane**

- 23
24 • The Commission discussed the sight distance at the property. The City Planner
25 noted that the crest of the hill is past the property. The Commission directed the
26 applicant to engage a traffic engineer to evaluate the sight distances and to
27 return with specific information. The City Planner noted that low-lying hedges will
28 be a problem and that Lot 1 really needs to be reviewed with respect to the
29 landscaping. Ms. Whitehead stated that the hedges around Lot 1 will be looked
30 at.
31
32 • The Commission noted that it rarely approves subdivisions where cars have to
33 back out onto the street. The City Planner noted that they should see what the
34 sight line analysis indicates.
35
36 • The Commission noted that the existing vegetation needs to be looked at and
37 trees in the right-of-way will need to be removed. Ms. Whitehead indicated that
38 the applicant will look at the City trees and will clear out the underbrush to
39 improve visibility.
40
41 • The Commission stated that if trees are planted in the City right-of-way, that
42 means the City needs to maintain them. The Commission suggested that more
43 trees could be planted on the subject property. The Commission also stated that
44 the typical replacement ratio is 2:1, not 1:1, and with such small trees being
45 proposed, a ratio greater than 1:1 would make sense. Mr. Horsman noted that

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1 more trees could be added and that he would examine the area in the back
2 corner of the property that was noted as a concern.
3

- 4 • The Commission discussed the construction period. Mr. Salanitro stated that the
5 intention was to use the existing driveway entrance as a construction staging
6 area. The Commission noted that equipment and materials could be stored on
7 the Rye Road portion of the property because it is flat. The Commission also
8 stated that construction contractor vehicles would not fit well along Captains
9 Lane. Ms. Whitehead noted that a temporary parking area will be shown off of
10 Rye Road.
11

- 12 • There was a question from the audience about a large tree on the site that is
13 covered with ivy. The speaker stated that it doesn't seem safe. The Commission
14 directed her to talk to Mr. Horsman and the issue will be addressed at the next
15 Commission meeting.
16

- 17 • Mr. Salanitro said it is the applicant's intention that the foundations be
18 constructed simultaneously. The City Planner noted that a plan needs to be
19 provided in the case that construction does not happen simultaneously. He noted
20 that each lot needs to be planned for independently of the other because there is
21 no guarantee that they will be built at the same time. Ms. Whitehead stated that
22 the plans could show one area that would work for both lots and an alternate in
23 case Lot 2 sells before Lot 1.
24

- 25 • Mr. Waldman noted that during construction of his property, construction vehicles
26 were not parked in the street. The Commission commented that this is what they
27 are trying to achieve in this case.
28

29
30 **2. Rye Golf Club**

- 31
32 • The Commission stated that Mr. Coleman had responded to all CC/AC
33 comments point by point. The Commission had no additional questions or
34 comments for the applicant.
35

- 36 • The Commission discussed the draft resolution and made minor revisions.
37

38 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to approve
39 as amended Wetland Permit application number WP#367, which was
40 carried by the following vote:
41

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

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

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7 **3. 75 Wappanocca Avenue**
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- 9 • The Commission noted that the applicant had done what was asked regarding
10 the porous asphalt. The Commission stated that CC/AC comments had been
11 received and that the CC/AC found the application acceptable as presently
12 proposed.
13
- 14 • The Commission reviewed the draft resolution and made minor revisions.
15

16 **ACTION:** Barbara Cummings made a motion, seconded by Martha Monserrate, to
17 approve as amended Modified Wetland Permit application number
18 WP#346, which was carried by the following vote:
19

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

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29 **4. 83 Brevoort Lane**
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- 31 • Mr. David Mooney, architect for the applicant, described two alternative plans
32 that were submitted to the Commission. Mr. Mooney described the first as having
33 the garage in the backyard setback and the second as having the garage in the
34 front yard setback, both of which are zoning compliant because the garage is an
35 accessory structure. The Commission discussed that in the first plan, the house
36 is sited completely within the building envelope approved in the previous
37 subdivision, but in the second plan, front and rear yard variances would be
38 required.
39
- 40 • Mr. Mooney noted that in either plan, the garage would have breakaway walls
41 and there would be wooden stairs up to the house.
42
- 43 • Ms. Carolyn Cunningham of the CC/AC asked about the increase in impervious
44 square footage associated with the house. The Commission directed the
45 applicant to provide all of the calculations – what exists and what is proposed.

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- 1 The Commission also stated that the terrace must be shown on the plans and the
2 specifics provided.
3
- 4 • The City Planner stated that fully engineered plans are required, along with a tree
5 preservation plan.
6
 - 7 • Mr. Mooney noted that the applicant is comfortable with the house in the zoning
8 envelope, but is interested in pulling the garage further out of the flood zone. He
9 noted that it would still be in the wetland buffer but not as much. The Commission
10 also noted that the driveway would be shorter. However, the Commission
11 commented that the disadvantage is that a variance would be required and there
12 is a flag lot issue.
13
 - 14 • The City Planner stated that the new FEMA flood zones constitute a significant
15 new development that would distinguish this application from others that came
16 before it where variances on flag lots were involved.
17
 - 18 • The Commission commented that the wetland buffer is within the Commission's
19 jurisdiction, whereas variances are not, and reduced impacts in the buffer would
20 appear to be preferable from the Commission's perspective.
21
 - 22 • The City Planner stated again that fully engineered plans are required, and
23 directed the applicant to show disturbance, total square footage, increase in
24 impervious area, proposed tree removal, etc. He also stated that the current plan
25 should be compared to existing conditions and to the approved subdivision.
26
 - 27 • A comment was made that the terraces are too large and should be reduced.
28

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30 **5. 431 Grace Church Street**

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- 32 • The Commission noted that the CC/AC finds the application acceptable. The
33 Commission reviewed the draft resolution and made minor revisions.
34

35 **ACTION:** Barbara Cummings made a motion, seconded by Peter Larr, to approve
36 as amended Modified Wetland Permit application number WP#366, which
37 was carried by the following vote:

38

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

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1 Peter Olsen: Absent

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3 **6. 1 Boston Post Road**

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- 5 • The applicant's representative gave a brief overview of the project. The
6 Commission asked him to describe the drainage plan. He stated that it follows
7 the New York State Stormwater Management Design guidelines. He stated that
8 there will be two drywells, including one new one and one existing. He stated that
9 the existing catch basin will be replaced with the drywell, which will have a filter
10 basket inside. He stated that the system was required to be sized to treat the
11 peak water quality volume of 153 gallons per minute (gpm), but is actually
12 oversized to 500 gpm.
- 13
- 14 • The Commission asked about the maintenance schedule of the filter baskets.
15 The applicant's representative responded that according to the manufacturer's
16 specifications, they should be replaced every three years. He stated that any
17 commercial tenant would be able to handle this requirement. He also noted that if
18 there were any noticeable concern with respect to flooding on the site, they
19 would need to be replaced sooner.
- 20
- 21 • The Commission noted that it is typical to set up an inspection schedule for such
22 stormwater facilities and suggested they could be inspected after every rainfall,
23 for example. The City Planner noted that any type of inspection needs to be
24 enforceable. The Commission suggested that the applicant could prepare a
25 schedule and incorporate it into the plans. It was also suggested that the
26 applicant could keep a record of inspections on-site and the record could be
27 subject to periodic review by City staff.
- 28
- 29 • The Commission determined that the resolution will include a condition that the
30 applicant provide to the Commission and adhere to the manufacturer's
31 maintenance schedule for the filter baskets.
- 32
- 33 • The Commission discussed the revised lighting plan. The applicant indicated that
34 the LEDs are the lowest wattage commercially available and there will be an
35 average lighting intensity of 1.76 footcandles on the site.
- 36
- 37 • The Commission discussed the "No Parking" striping and requested that it be
38 reduced. The Commission also discussed the large curb cuts and the applicant
39 explained that they were needed in order to allow the fuel trucks to make turning
40 movements.
- 41
- 42 • The Commission decided to add a condition to the resolution requiring the
43 applicant to submit the tank closure reports to the City prior to issuance of a
44 building permit.

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- The Commission noted that the CC/AC finds the application acceptable with the conditions imposed by the Commission.

ACTION: Barbara Cummings made a motion, seconded by Martha Monserrate, to approve as amended Site Plan application number SP#345, 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:	Absent

7 & 8. Rockridge Christmas Tree Sales/Christ Episcopal Church

- The Commission discussed the two applications and had no questions or concerns for the applicants.

ACTION: Barbara Cummings made a motion, seconded by Laura Brett, to approve the temporary sale of Christmas trees as a Use Permitted Subject to Additional Standards and Requirements, 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:	Absent

9. Minutes

The Commission will review the minutes from the October 22nd meeting at its next meeting on December 10th.