

Rye City Planning Commission Minutes
January 7, 2014

MEETING ATTENDANCE:

Planning Commission Members:

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

Other:

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

1. 30 Nursery Lane

- Mr. Michael Stein, the applicant's engineer, gave a brief overview of the project. He stated that the project consists of a change of use to allow storage of buses at the site. He noted that the project is allowed under zoning, it meets all of the setback requirements, and there will be no physical change to the existing building.
- The Commission clarified that the door to the building is being widened to accommodate the buses. Mr. Stein concurred, noting that no changes are being made to the interior of the building.
- The Commission asked how many employees were anticipated and where they would park. Mr. Stein stated that 25 employees are anticipated and they would park along the front of the site where there are 16 spaces. He also stated that there would be 25 buses, which would be small van-like buses. The Commission questioned how all of the employees could be accommodated since the number of employees exceeded the number of parking spaces. Mr. Stein responded that as buses are taken out for routes, employees will be able to park their personal vehicles within the building. He noted that only 15.5 spaces are required per the code for an office use.
- The City Planner asked about the internal arrangement of parking within the building. Mr. Stein stated that the buses will be closely parked inside of the building. The City Planner noted that tandem spaces could be delineated within the building. He stated that the main concern is about overflow parking and the need to keep buses off of the main traveled way.
- Peter Olsen arrived.

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- 1 • The Commission requested that the applicant provide an interior schematic of the
2 building that delineates the warehouse and office space and shows the
3 arrangement of parking spaces within the building.
4
- 5 • The applicant noted that there will be seven employees in the office during the
6 day. Mr. Stein stated that there is no on-street parking available and there is very
7 limited use of the roadway.
8
- 9 • The Commission noted that clarification is needed on the numbers of employees
10 and parking spaces. The City Planner noted that photos of the interior of the
11 building may be helpful. Mr. Stein stated that it might be possible to overlay
12 tandem spaces on photos of the interior of the building.
13
- 14 • There were no comments from the public.
15

16 **ACTION:** Barbara Cummings made a motion, seconded by Martha Monserrate, to
17 continue the public hearing for Site Plan application number SP#348,
18 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:	Aye

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2. **One Theall Road**

- Mr. Chris Fisher of Cuddy & Feder, the applicant's attorney, briefly described the application. He stated that the applicant is seeking approval of additional parking at the site to accommodate the demand for doctor and staff parking. He stated that the plan provides for 69 additional spaces. Mr. Fisher also stated that the site plan has been modified to include eight more parking spaces in the area to the rear of the site that was discussed at the previous Planning Commission meeting.
- Mr. Gerry Schwalbe, the applicant's engineer, described the site plan. He stated that the site is 4 acres and currently contains 227 parking spaces. He noted that the applicant's lease of parking space at another property is ending and more parking needs to be provided on-site. Mr. Schwalbe stated that the only place to provide additional parking adjacent to the building is on the east side of the building. He noted that parking in this location would intrude into the 50' buffer

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1 and would therefore need a variance. He stated that the parking lot would
2 accommodate 49 standard spaces, with 20 additional spaces in the interior of the
3 lot. He noted that valet service would be provided and that is what enables the
4 use of the interior space of the lot.
5

- 6 • Mr. Schwalbe noted that there is a 4% grade in the area of the parking lot, which
7 is currently a lawn area and there is a dumpster that will be relocated. He stated
8 that the setback will vary from 18.5' to 24.2'. Mr. Schwalbe also noted that
9 additional trees and bushes will be planted along Theall Road to provide
10 increased screening.
11
- 12 • Mr. Schwalbe stated that the proposed eight spaces at the rear of the property
13 will have an 8-foot encroachment into the required 50' setback and therefore, a
14 variance will be required.
15
- 16 • Mr. Schwalbe noted that porous pavement will be used in the parking lots and
17 the drainage will accommodate a 100-year storm. He stated that the drainage will
18 discharge to the corner of the lot near Playland Access Drive.
19
- 20 • There were no comments from the Planning Commission and no comments from
21 the public.
22

23 **ACTION:** Barbara Cummings made a motion, seconded by Martha Monserrate, to
24 close the public hearing for Site Plan application number SP#349, which
25 was carried by the 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
36 **3. 12 Phillips Lane**
37

- 38 • Mr. Jonathan Kraut, attorney for the applicant, made a request to the Chairman
39 to continue the public hearing to the next meeting. He stated that a neighbor has
40 raised some concerns and the applicant is working to address them.
41

42 **ACTION:** Laura Brett made a motion, seconded by Martha Monserrate, to continue
43 the public hearing for Wetland Permit application number WP#368, which
44 was carried by the following vote:
45

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

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10 **II. ITEMS PENDING ACTION**

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12 **1. 30 Nursery Lane**

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- 14 • The Commission discussed the need to ensure that there is no outdoor storage
15 of buses on the property. The Commission stated that it is important to ensure
16 that the roadway isn't blocked and that access is maintained.

17

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19 **2. One Theall Road**

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- 21 • The Commission noted that the City Planner prepared a memo to the Zoning
22 Board in support of the zoning variance. The Commission made minor revisions
23 to the memo regarding improved screening. The Commission noted that the
24 project will be back on the meeting agenda in February after the meeting with the
25 Zoning Board. It was noted that County approval will be required because the
26 project abuts a County right-of-way.

27

28 **ACTION:** Laura Brett made a motion, seconded by Barbara Cummings, to approve
29 the memo to the Zoning Board in support of the zoning variance for Site
30 Plan application number SP#349, which was carried by the 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

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41 **3. 12 Phillips Lane**

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- 43 • There was no discussion of this item, as the public hearing was continued at the
44 applicant's request.

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1 **4. 83 Brevoort Lane**

- 2
- 3 • The Commission reviewed the memo to the Zoning Board in support of the
 - 4 zoning variance being proposed for the application. There were no comments on
 - 5 the memo.

6

7 **ACTION:** Barbara Cummings made a motion, seconded by Martha Monserrate, to

8 approve the memo to the Zoning Board in support of the zoning variance

9 for Wetland Permit application number WP#363, which was carried by the

10 following vote:

11

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

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21 **5. 20 Parsonage Point**

- 22
- 23 • Mr. Jonathan Kraut, the applicant's attorney, Mr. Alan Pilch, the applicant's
 - 24 engineer, and Ms. Azure Dee Sleicher from Ocean & Coastal Consultants, the
 - 25 applicant's design consultant, were in attendance for the applicant. Mr. Kraut
 - 26 noted that the NYSDEC permit has been issued, and no permit is required from
 - 27 the State OGS.
- 28
- 29 • The Commission asked about storage of the dock. Ms. Sleicher stated that the
 - 30 floating dock will be removed seasonally and stored offsite. The Commission
 - 31 asked about the ramp as well. Ms. Sleicher replied that removal of the ramp had
 - 32 not been discussed, but many dock removal services will also store the ramp.
 - 33 She said the ramp could be stored upland (chained) as well.
- 34
- 35 • The Commission discussed the dates during which the dock would be removed.
 - 36 The Commission considered defining "seasonal" in the resolution to eliminate the
 - 37 possibility that the dock would be in the water year-round. It was discussed that
 - 38 other communities typically use November 15th to April 15th. Mr. Kraut stated that
 - 39 he will discuss this with the applicant.
- 40
- 41 • It was clarified that the gangway and floating dock would be seasonal and the
 - 42 piles and pier would be fixed.
- 43
- 44

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1 **ACTION:** Martha Monserrate made a motion, seconded by Laura Brett, to set the
2 public hearing for Wetland Permit application number WP#369, which was
3 carried by the 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

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14 **6. 330 Stuyvesant Avenue**

- 15
16 • This item was continued to the next meeting.
17

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19 **7. 754 Boston Post Road**

- 20
21 • Mr. Seth Mandelbaum, the applicant's attorney, was in attendance for the
22 applicant, along with Mr. Paul Petretti, the applicant's engineer, Mr. Bill Kenny,
23 the applicant's landscape architect, and the applicants from Woodhail Rye
24 Development, LLC.
25
26 • Mr. Mandelbaum described the application. He stated that the project is the site
27 of the former Rye Hospital Center and consists of a three-lot, zoning compliant
28 subdivision. He noted that behind the site are a County trunk sewer line and the
29 Blind Brook. Mr. Mandelbaum stated that there will be a significant decrease in
30 impervious surface area. He noted that since the site walk was cancelled due to
31 the weather, Mr. Petretti would give a description of the existing site.
32
33 • The Commission discussed rescheduling the site walk. It was decided to do the
34 site walk on Saturday, January 11th.
35
36 • Mr. Petretti stated that there are two existing structures on the site and a large
37 driveway. He stated that the drainage is divided, with part of the site draining
38 toward Boston Post Road and the rest draining toward the rear and the Blind
39 Brook. He noted that there is a pond on the site, which is tidal. Mr. Petretti stated
40 that utilities are readily available.
41
42 • Mr. Petretti stated that the subdivision will create three very large lots. The road
43 would be private with a 50-foot right-of-way and a cul de sac. He stated that the
44 lots are laid out nicely on the site, all will have pools, and all of the sewer lines

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- 1 will go to the County trunk line. He stated that the lots meet the 100' setback from
2 the Blind Brook.
3
- 4 • The Commission asked about drainage impacts. Mr. Petretti said that there is a
5 large amount of impervious area draining to Boston Post Road now, and with the
6 project there will be a considerable reduction and much of the water will be able
7 to infiltrate into the ground. Mr. Mandelbaum noted that a wetland permit is
8 required because of the cultecs and sewer lines.
9
 - 10 • Mr. Kenny described the tree plan and stated that 31 trees will be removed and
11 141 trees will be planted. He noted that some of the trees to be removed are
12 damaged. He stated that there are four primary types of plantings proposed:
13 street trees, evergreens for screening, decorative plantings around the houses,
14 and habitat enhancements.
15
 - 16 • Mr. Kenny noted that the existing pond is manmade and is quite steep along one
17 edge. He stated that it used to be ornamental but now has many invasive species
18 that have taken over trees at the rear of the site. He stated in the short term, the
19 project will remove the invasives, and the long-term plan is to increase plantings
20 to reduce sunlight around the pond and make it less inviting for invasive species
21 to grow.
22
 - 23 • Mr. Petretti noted that the pond is 3.5' deep on average and has no water in it
24 during low tide. He stated that the base flood elevation is 13' and noted that the
25 100-year flood zone is shown on the plans. He stated that the flood elevation
26 during Superstorm Sandy was 10' and the elevation near the proposed houses is
27 20'.
28
 - 29 • The Commission asked about the stability of the slope of the pond. Mr. Petretti
30 stated that the flow is very gentle so the slope is stable. He noted that the outfall
31 to Blind Brook is not functional and that there are remnants of an old sewer trunk
32 line that will be removed. He also noted that the existing footbridge will be
33 removed.
34
 - 35 • Mr. Petretti stated that portions of Lot 1 will directly discharge to Boston Post
36 Road, and because of the reduction in impervious area, the discharge will be
37 much less than there is currently. He stated that Lots 2 and 3 will discharge via
38 underground piping into stormwater management systems.
39
 - 40 • The Commission asked whether there would be turbulence issues from water
41 going into the pond at the discharge point. Mr. Petretti stated that flows are low
42 enough that it won't be a problem, but he will look into the issue.
43

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- 1 • The City Planner raised a concern from the City Engineer about ownership of the
2 sewer lines. He stated that the City does not want ownership of a common sewer
3 line, so each lot should have a lateral connection to the trunk line, or two to the
4 trunk line and one to Boston Post Road, rather than all lines connecting to a
5 common line and then connecting to the trunk line. Mr. Petretti noted that there is
6 still a manhole before the trunk manhole that may not be avoidable. Mr.
7 Mandelbaum stated that the applicant will explore the issue and discuss it with
8 the City Engineer.
9
- 10 • The Commission asked about the ownership of the road. The City Planner stated
11 that a private road is being proposed and noted that it does not meet City
12 standards for a public road.
13
- 14 • The City Planner stated that Lot 2 needs better property lines, particularly near
15 the cul-de-sac, to avoid the appearance that part of Lot 2's land is in the front
16 yard of Lot 3. He also said that the pond should be within one lot and an
17 easement will be needed for the drainage from Lot 3 to pond.
18
- 19 • The Commission noted that the houses on Lots 2 and 3 are proposed on steeply
20 sloping areas and stated that the applicant will need to develop construction
21 design criteria to ensure that the houses can be constructed in these areas to
22 avoid environmental issues created by building on steep slopes. Mr. Petretti said
23 that the new houses will be in basically the same areas as the existing buildings.
24
- 25 • The Commission briefly discussed the issue of changes to the character of
26 Boston Post Road, but noted that it cannot be fully discussed without a visit to
27 the site first. The Commission asked about the possibility of putting the utilities in
28 the road to save the trees near Boston Post Road. Mr. Petretti responded that it
29 was not possible. The City Planner stated that it is important to consider the
30 preservation of those trees so something should be done.
31
- 32 • The Commission requested a table summary on the drawings with the existing
33 and proposed impervious surface areas. Mr. Petretti noted that it is in the
34 drainage report.
35

36 **ACTION:** Martha Monserrate made a motion, seconded by Laura Brett, to declare
37 Lead Agency for Subdivision application number SUB#332/Wetland
38 Permit application number WP#370, which was carried by the following
39 vote:

40		
41	Nick Everett, Chair:	Aye
42	Martha Monserrate, Vice-Chair:	Aye
43	Laura Brett:	Aye
44	Barbara Cummings:	Aye

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1 Hugh Greechan: Aye
2 Peter Larr: Aye
3 Peter Olsen: Aye
4
5

6 **8. 6 Westbank Road**

- 7
- 8 • The Commission noted that there will be a site walk on January 11th.
 - 9
 - 10 • The Commission questioned the measurement of the tidal wetland from the
11 mean high water mark. There was a discussion about how far the wetland
12 extends into the site from the shore. The Commission determined that Steven
13 Coleman should review the plans and advise the Commission about the extent of
14 the wetland, as it is subject to professional interpretation.
15
 - 16 • Mr. Sean Jancski, the applicant's landscape architect, described the application
17 as a new house in place of the existing house. He stated that an eat-in-kitchen
18 will encroach into the wetland buffer. He also noted that a variance of 4'9" will be
19 required from the required 30-foot front yard setback. Mr. Jancski noted that
20 there is currently a lot of pavement in front of the house and a portion of the
21 driveway descends steeply to the garage. He noted that all of that will be
22 removed.
23
 - 24 • Mr. Jancski noted that the application is before the Zoning Board for its January
25 23rd meeting. He stated that the application is presenting the worst-case
26 scenario, as the house will actually be further out of the wetland buffer with the
27 front yard variance.
28
 - 29 • The Commission directed the City Planner to prepare a memo to the Zoning
30 Board in support of the variance prior to the January 23rd meeting. The
31 Commission will review the memo at its January 21st meeting. The City Planner
32 directed the applicant to make sure the drainage plan was submitted to the
33 Planning Commission, as it may have only been submitted to the City Engineer.
34

35

36 **9. Consideration of a recommendation to the City Council regarding the**
37 **petition of Lazz Development/Pawling Holdings to change the zoning**
38 **designation of County-owned property located on Theodore Fremd Avenue**
39 **and North Street to the RA-5 District to provide for the construction of**
40 **affordable senior housing.**

- 41
- 42 • The City Planner noted for the Commission that the site is currently zoned B-1,
43 Neighborhood Business, and B-6, General Business, and the applicant is seeking
44 a zoning change to RA-5, Senior Citizen's Apartment District. He stated that this

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1 is the same zoning as the Rye Manor property and meets all zoning criteria. He
2 stated that if the zoning change is granted, the Planning Commission will review
3 the site plan for approval, just as it does for other site plan applications. He
4 stated that right now, the City Council is looking for a recommendation from the
5 Commission, and in considering a recommendation, the Commission should
6 consider the implications of such a zoning change. He noted that the
7 Commission will walk the site to help inform their decision.
8

- 9 • The Commission requested documentation from the County regarding the clean-
10 up of contamination, and also asked that the County provide the reasoning
11 behind site planning considerations for the site (e.g., elevated units, underground
12 parking, etc.). The applicant agreed to obtain the documentation.
13
- 14 • The City Planner noted that the advantage to the City of the project is that it
15 meets some of the County's obligation for affordable housing but is a senior
16 housing project, which has less overall impact on the City than unrestricted
17 housing. He stated that timing is important because only so much senior housing
18 can go toward meeting the County's affordable housing obligation. He noted that
19 there is demand for senior housing in Rye, as Rye Manor has a long waiting list.
20
- 21 • The Commission asked for clarification on the age limit and the restriction on
22 children living in the units. The City Planner will review the zoning regulations.
23
- 24 • The City Planner noted that there is a public sewer line under the property that
25 continues offsite under I-95 and the railroad and is very difficult for the City to
26 maintain. The City Engineer is exploring options to reroute the sewer line and
27 would need an easement on the subject property. The City Planner stated that
28 the applicant's sewer could connect directly to the sewer in Theodore Fremd.
29 The applicant will consult his attorney and contact the City Engineer to discuss
30 the issue further.
31
- 32 • The Commission mentioned that the former gas station site adjacent to the
33 subject property still has a hot spot associated with previous contamination. It
34 was mentioned that closure should still be sought for that site. The City Planner
35 will include the issue in his memo to the Council for the Commission to review.
36
37

38 **10. Minutes**

- 39
- 40 • The Commission reviewed the minutes from the December 10th meeting and
41 made minor revisions.
42

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1 **ACTION:** Martha Monserrate made a motion, seconded by Laura Brett, to approve
2 as amended the minutes of December 10, 2014, 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