

Rye City Planning Commission Minutes
June 24, 2014

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Laura Brett
- Barbara Cummings
- Hugh Greechan
- Peter Olsen
- Alfred Vitiello

Other:

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

1. 12 Lavender Lane

- Mr. Rex Gedney and Mr. Benny Salanitro were present on behalf of the applicants. Mr. Gedney stated that deep test pits were done in the front yard and that based on the results, Mr. Salanitro was able to design a stormwater system for the 25-year storm using shallow Cultecs in the front yard. Mr. Gedney also noted that the applicants investigated the catch basin and discovered that it is a dry well, not connected to any other drainage system in the Loudon Woods neighborhood. He also stated that a neighbor had a drain on his property and 30' of line cleaned and there has since been an improvement in drainage.
- Mr. Gedney stated that because of the fact that Mr. Salanitro was able to design a stormwater system for use in the front yard, three changes were made to the site plan. He stated that the footprint of the house was increased by 90 sf, the wooden deck was increased by 30 sf, and an additional deck was added to the rear of the house, for a total increase of 231 square feet.
- Mr. Gedney requested that the public hearing be continued so that the changes could be further discussed with the Commission.
- There were no questions from the Commission and no comments from the public.

ACTION: Barbara Cummings made a motion, seconded by Laura Brett, to continue the public hearing for Wetland Permit application number WP#374, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Absent
Laura Brett:	Aye
Barbara Cummings:	Aye

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1 Hugh Greechan: Aye
2 Peter Olsen: Absent
3 Alfred Vitiello: Absent
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6 **2. 16 Pine Island Road**
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- 8 • Ms. Linda Whitehead, attorney for the applicant, presented a brief overview of
9 the application. She stated that a patio was partially constructed without the
10 the proper permits and the application now before the Commission involves
11 completing the patio, adding a walkway around the house to access the patio,
12 and adding stairs. She noted that the applicant retained Mr. Kevin Chamberlain,
13 a structural engineer, who submitted a report describing the proposed activities.
14
15 • There were no questions from the Commission and no comments from the
16 public.
17

18 **ACTION:** Laura Brett made a motion, seconded by Barbara Cummings, to close the
19 public hearing for Wetland Permit application number WP#347 (Violation),
20 which was carried by the following vote:
21

22 Nick Everett, Chair: Aye
23 Martha Monserrate, Vice-Chair: Absent
24 Laura Brett: Aye
25 Barbara Cummings: Aye
26 Hugh Greechan: Aye
27 Peter Olsen: Absent
28 Alfred Vitiello: Absent
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30

31 **3. 2 Florence Avenue**
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- 33 • The Commission noted that the applicant did not provide the proper notification
34 about the public hearing to the neighbors, so the hearing could not be held as
35 scheduled.
36
37 • The Commission asked if anyone in the audience was present for this
38 application. Two people who are neighbors of the property said yes and asked
39 whether the Commission could direct the property owner to cut the grass
40 because it was unsightly and becoming a nuisance. The City Planner responded
41 that he would inform the building inspector so she could raise the issue with the
42 property owner.
43

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1 **ACTION:** Laura Brett made a motion, seconded by Barbara Cummings, to
2 reschedule the public hearing for Subdivision application number
3 SUB#336 for the next meeting, which was carried by the following vote:
4

5	Nick Everett, Chair:	Aye
6	Martha Monserrate, Vice-Chair:	Absent
7	Laura Brett:	Aye
8	Barbara Cummings:	Aye
9	Hugh Greechan:	Aye
10	Peter Olsen:	Absent
11	Alfred Vitiello:	Absent

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14 **4. 9 Hunter Lane (Item taken out of order)**

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16 • Ms. Cheryl Russ, on behalf of the applicant, gave a brief overview of the
17 application. She stated that the application includes demolition of the existing
18 pool and installation of a new rectangular pool with an auto-close pool cover for
19 safety. Ms. Russ noted that, as suggested by the Commission at its previous
20 meeting, the existing fence will be relocated so that it is entirely on the subject
21 property. She stated that there will be a net decrease of 147 sf of impervious
22 area within the wetland buffer with the new pool.

23

24 • There were no questions from the Commission and no comments from the
25 public.

26

27 **ACTION:** Laura Brett made a motion, seconded by Barbara Cummings, to close the
28 public hearing for Wetland Permit application number WP#377, which was
29 carried by the following vote:

30

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

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40 **5. 330 Stuyvesant Avenue (Item taken out of order)**

41

42 • Mr. Joseph Riina, the applicant's engineer, was present for the application and
43 briefly described the project. Mr. Riina noted that a wetland permit was granted in
44 March 2013 for a plan showing a generic footprint for a house with a pool and
45 cabana. He stated that since then, plans have been further developed and the

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1 footprint of the proposed house is slightly changed from what was approved. He
2 stated that the house was pulled forward and the pool was moved from the side
3 of the house to the rear of the house. Mr. Riina stated that the amount of
4 impervious area in the wetland buffer decreased by 200 sf from the previously
5 approved application. He stated that the project includes wetland enhancements,
6 bioretention, and conservation of open space.

- 7
- 8 • The City Planner asked about the size of the pool. Mr. Riina stated that it is 20' x
9 40', which is the same size as the previously approved pool. He noted that the
10 patio around the pool was decreased in size.

- 11
- 12 • The Commission asked if future improvements were planned in the old pier area.
13 Mr. Riina stated that there is an application with the DEC to improve the sea wall,
14 but it is not related to this application. The Commission also asked about the
15 dock. Mr. Riina stated that it is still there and there are no plans to change it.

- 16
- 17 • Mr. Michael Price, resident of 310 Stuyvesant Avenue – Mr. Price stated that he
18 is a new resident in Rye. He stated that he appreciates that 330 Stuyvesant will
19 be cleaned up because it is currently an eyesore. He stated that he is concerned
20 about the new plans for the site because the pool is encroaching on the setback.
21 He also stated that he is concerned about potential impacts to the sea wall from
22 the pool. Mr. Price noted that there will be 40,000 pounds of water contained in
23 the pool and if the pool was damaged in a storm, that water could have an impact
24 on the sea wall and potentially to his property as well. Mr. Price also expressed
25 concern over his children's safety with respect to the pool being so close to his
26 property line.

- 27
- 28 • Mr. Riina noted that the residence is no closer to Mr. Price's property than in the
29 previous plan. He also stated that the pool will be designed by structural
30 engineers and noted that it sits high (elevation 19.5') so it will not be affected by
31 tides. Mr. Riina stated that the existing grade in the new pool location is higher
32 than in the previously proposed location, so less fill will be involved.

- 33
- 34 • The Commission asked about the pool fencing. Mr. Riina noted that a fence will
35 be provided around the pool and there will be three gates to access the pool. He
36 stated that the fence will tie into the retaining wall at the side of the pool, two feet
37 above grade. He clarified that the harbor side of the pool will not be enclosed
38 because of the infinity edge. He noted that there is a wall below the infinity edge.

- 39
- 40 • Mr. Price asked about where the accessory pool structures, such as the filter and
41 heater, will be located. The City Planner stated that he will look into whether they
42 can be placed in the setback.
- 43

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1 **ACTION:** Laura Brett made a motion, seconded by Barbara Cummings, to close the
2 public hearing for Modified Wetland Permit application number WP#341,
3 which was carried by the following vote:
4

5	Nick Everett, Chair:	Aye
6	Martha Monserrate, Vice-Chair:	Absent
7	Laura Brett:	Aye
8	Barbara Cummings:	Aye
9	Hugh Greechan:	Aye
10	Peter Olsen:	Absent
11	Alfred Vitiello:	Absent

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13
14 **II. ITEMS PENDING ACTION**

15
16 **1. 12 Lavender Lane**

- 17
- 18 • Mr. Gedney stated that a new plan had been prepared as a result of the deep
19 test pits and ability to accommodate stormwater control in the front yard. He
20 stated that the capacity of onsite stormwater storage allows for an increase in the
21 footprint of the house with no change in the variance. He also noted that the
22 depth of the garage was increased. Mr. Gedney stated that an on-grade wooden
23 deck was also added as an addition to an existing patio. He noted that the
24 addition was over existing rock.
25
 - 26 • Mr. Benny Salanitro, the applicant's engineer, noted that there would be
27 approximately 18" of storage beneath the proposed gravel driveway that is not
28 accounted for in the stormwater calculations and therefore the calculations are
29 conservative. He noted that there will be no overflow to Lavender Lane and also
30 noted that the project includes 2,200 sf of mitigation, which is four times the
31 amount of disturbance in the wetland buffer.
32
 - 33 • The Commission asked for a comparison of the proposed project to existing
34 conditions. Mr. Gedney stated that the total net increase in impervious area is
35 243 sf, or 200 sf over the previously proposed plan, which includes counting the
36 driveway as 50%. He also noted that the stormwater system is designed as if the
37 driveway were 100% impervious. Mr. Gedney stated that the additional on-grade
38 deck is 121 sf. He also stated that the patio is increasing by 145 sf.
39
 - 40 • Ms. Cunningham noted that the CC/AC still has an issue with the plan and feels
41 that the house should not get any larger. It was noted that the existing house is
42 2,343 sf and the proposed house is 2,641 sf, which includes some area outside
43 of the wetland buffer.
44

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- 1 • The Commission commented that a net zero increase in impervious area in the
2 wetland buffer would be easier to approve.
3
4 • Mr. Salanitro asked if the rain garden and additional plantings would still be
5 necessary if they went back to a net zero increase in impervious area. The
6 Commission felt that the rain garden had more value than the plantings and the
7 City Planner noted that the planting area would be expensive and difficult to
8 maintain. It was agreed that the applicant would consider going back to a plan
9 with a net zero increase.
10
11 • The applicant asked about the level of concern over expanding the patio onto
12 existing rock. The Commission noted that they were not very concerned about it
13 since it was rock over rock.
14
15 • It was stated again that the public hearing would be continued to the next
16 meeting on July 22nd.
17
18

19 **2. 16 Pine Island Road**

- 20
21 • The Commission discussed the proposed 5' wide sidewalk and commented that it
22 seems wide for a walkway at a residence. It was further discussed that the width
23 was necessary for safety purposes to allow for turning room when descending
24 the stairs.
25
26 • The Commission reviewed the draft resolution and made minor revisions.
27

28 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to approve
29 as amended Wetland Permit application number WP#347 (Violation),
30 which was carried by the following vote:
31

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

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41 **3. 2 Florence Avenue**

- 42
43 • This item was continued to the next meeting and was not discussed.
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4. 330 Stuyvesant Avenue

- The Commission asked for specifics about how the pool terrace and pool were changed from the previous application. Mr. Riina stated that the terrace was reduced from 20' to 10' and the pool width was increased by 5', so overall there is a 5-foot reduction. The Commission asked that the proposed fence be included on the site plan.
- The applicant stated that all of the pool equipment, including the filter, pool heater, etc., would be located in the basement of the house and will be properly ventilated.
- The Commission inquired about a landscaping plan. Mr. Riina responded that it had been submitted as part of the plan set. He noted that a row of 12' evergreen trees is proposed along the property line.
- The City Planner noted that the subject property is part of a subdivision where the Commission decided that there should be no structures within the wetland buffer.
- Mr. Price stated that he would like the pool moved away from the setback line because it is too close to his property. Mrs. Price stated that the pool was already approved elsewhere on the property, outside of the wetland buffer, and should be located there. The City Planner clarified that the pool is not located within the setback.
- The City Planner noted that the project will have to go before the BAR for review of proposed screening and the location of the pool equipment. The Commission also noted that the project reduces the amount of impervious area in the buffer by 200 sf compared to the previously approved plan.
- The Commission asked if there was a potential segmentation issue regarding the sea wall improvements. The City Planner noted that it is possible to replace it in kind without the need for a wetland permit from the City and stated that it is important to maintain the sea wall because it already exists. Mr. Riina noted that a copy of the approved DEC permit will be sent to the building department.
- The Commission reviewed the draft resolution and made minor revisions. The Commission also reviewed the CC/AC comments, which indicated that the project as proposed is acceptable.

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1 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to approve
2 as amended Modified Wetland Permit application number WP#341, which
3 was carried by the following vote:
4

5	Nick Everett, Chair:	Aye
6	Martha Monserrate, Vice-Chair:	Absent
7	Laura Brett:	Aye
8	Barbara Cummings:	Aye
9	Hugh Greechan:	Aye
10	Peter Olsen:	Absent
11	Alfred Vitiello:	Absent

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13
14 **5. 9 Hunter Lane**

- 15
- 16 • Ms. Cunningham asked whether construction equipment could safely access the
17 site. Ms. Russ noted that a previous error on the site plan was corrected and the
18 plan now shows construction equipment accessing the site by going around the
19 garage.
20
- 21 • The Commission reviewed the draft resolution and made minor revisions.
22

23 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to approve
24 as amended Wetland Permit application number WP#377, which was
25 carried by the following vote:
26

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

34
35
36 **6. 980 Forest Avenue**

- 37
- 38 • Mr. Alan Pilch, the applicant's engineer, was present for the application. Mr. Pilch
39 stated the plan was revised to show a smaller area of stone for construction
40 access and noted again that three trees were proposed to be removed. He also
41 noted that there will be a reduction in impervious area over existing conditions
42 because of the removal of the portion of the driveway in the buffer. He stated that
43 there will be a 34-sf decrease in impervious area within the wetland buffer.
44

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- The Commission reviewed the draft resolution and made minor revisions.

ACTION: Laura Brett made a motion, seconded by Barbara Cummings, to approve as amended Wetland Permit application number WP#3757, which was carried by the following vote:

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

7. 183 Forest Avenue

- Mr. Richard Horsman, the applicant's representative, and Mr. Steve Ruby, the applicant, were present for the application. Mr. Horsman stated that the applicant wants to add a deer fence around the property. He stated that the fence would be a six-foot high welded wire fence with larger spaces at the bottom and smaller spaces at the top to allow for the movement of small animals. Mr. Horsman stated that the opening is a minimum of 4". The Commission requested more information about the fence and Mr. Horsman stated that he will provide it prior to the next meeting.
- The Commission stated that a site walk will be scheduled for Saturday, July 12th.
- The City Planner briefly noted the history of the project, including a prior approval that required mitigation plantings to be provided. He noted that the plantings were not maintained and are no longer there, and the planting bond is still being held. He noted that the planting bond will need to continue to be held for two years after installation. Mr. Horsman stated that a revised planting plan will be provided based on the current conditions at the property.

ACTION: Hugh Greechan made a motion, seconded by Laura Brett, to set the public hearing for Wetland Permit application number WP#277, which was carried by the following vote:

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

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1 Alfred Vitiello: Absent

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4 **8. 10 Cedar Place Subdivision**

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- 6 • Mr. Rex Gedney, the applicant's architect, briefly described the application. Mr.
7 Gedney stated that the subject property is located in the RT zone, which permits
8 single-family and two-family houses. He stated that the lot is 100' x 100' and may
9 have been two lots at some point in the past. He noted that the existing house is
10 in an estate and will remain, while a new zoning-compliant single-family lot will be
11 created adjacent to it. Mr. Gedney stated that two 50' x 100' lots will be created
12 and will comply with minimum size requirements for the zone.
- 13
- 14 • The Commission discussed the required setbacks. Mr. Gedney noted that an 8'
15 side yard setback is required per the zoning, but because the existing residence
16 is going to remain, the zoning code requires a larger setback. He also noted that
17 there is an existing nonconformity due to the front and side yard setbacks on the
18 existing house, but the nonconformity is not being increased so a variance is not
19 required.
- 20
- 21 • The Commission stated that a site walk will be scheduled for Saturday, July 12th.

22

23 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to set the
24 public hearing for Subdivision application number SUB#337, which was
25 carried by the following vote:

26

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

34

35

36 **9. 1 Watson Court**

37

- 38 • Ms. Julianna Alzate, the applicant's representative, briefly described the
39 application. She stated that the applicant intends to construct a deck off of the
40 second floor of the house, which will extend over an existing patio that is to be
41 removed. She stated that the area of the existing patio will be replaced with lawn.
42 She also clarified for the Commission that the deck will be smaller in footprint
43 than the existing patio.

44

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- 1 • The Commission noted that a site walk will be scheduled for Saturday, July 12th.
2

3 **ACTION:** Barbara Cummings made a motion, seconded by Laura Brett, to set the
4 public hearing for Wetland Permit application number WP#378, which was
5 carried by the following vote:
6

7	Nick Everett, Chair:	Aye
8	Martha Monserrate, Vice-Chair:	Absent
9	Laura Brett:	Aye
10	Barbara Cummings:	Aye
11	Hugh Greechan:	Aye
12	Peter Olsen:	Absent
13	Alfred Vitiello:	Absent

14
15
16 **10. Minutes**
17

- 18 • The Planning Commission reviewed the minutes of June 3rd and made minor
19 revisions.
20

21 **ACTION:** Laura Brett made a motion, seconded by Barbara Cummings, to approve
22 the minutes of June 3rd, which was carried by the following vote:
23

24	Nick Everett, Chair:	Aye
25	Martha Monserrate, Vice-Chair:	Absent
26	Laura Brett:	Aye
27	Barbara Cummings:	Aye
28	Hugh Greechan:	Aye
29	Peter Olsen:	Absent
30	Alfred Vitiello:	Absent

31