

**Rye City Planning Commission Minutes**  
January 5, 2016

**MEETING ATTENDANCE:**

**Planning Commission Members:**

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Hugh Greechan
- Alfred Vitiello
- Vacant
- Vacant

**Other:**

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

**1. 3 Lane Way**

- Mr. Dan Natchez, the applicant's representative, was present for the application. Mr. Natchez noted that the draft easement language had been submitted to the Commission, as requested at the last meeting. He gave a brief overview of the application. Mr. Natchez stated that in the worst-case scenario, 755 square feet of the proposed structures would be resting on the substrate in very low tide, which is a 2:1 reduction over the current docking facility at 2 Lane Way. He stated that the structures will not interfere with navigation and will actually provide 40' of additional navigational area because kayaks will be able to go under the fixed pier and gangway, which they cannot do with the existing structures. Finally, Mr. Natchez noted that the NYS Historic Preservation Office submitted a letter indicating it had no issues with the project.
- The Commission asked the City Planner if corporation counsel reviewed the easement. The City Planner replied that Counsel had a few non-substantive comments and he will go over them during the work session. Mr. Natchez noted that the easement includes the apportionment of the land under water, as well as the easement for 2 Lane Way to use the docking facility. Mr. Natchez also noted that since it overlies the sewer line, the ramp at the landward side of the pier is removable to allow sewer work to be done without affecting any structures.
- Mr. Don Rimsky, resident at 95 Greenhaven Road – Mr. Rimsky asked Mr. Natchez to review the widths of all of the proposed structures compared to the widths of the existing structures. Mr. Natchez stated that the existing ramp and gangway are 4' wide and the existing pier is 5' wide. He stated that the proposed pier is 6' wide and the two proposed gangways are 4' wide with a 3'-wide walking surface. He noted that there will be a 10' wide landing, the cross-part of the U-shaped docking area is 6' wide and the two legs of the "U" will be 8' wide. Mr. Natchez stated that the proposed facility is larger in area but is significantly less environmentally intrusive than the existing facility.

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- 1       • Mr. Rimsky asked what the reasoning was for moving the docking facility from 2  
2       Lane Way to 3 Lane Way. Mr. Natchez responded that it was to keep all of the  
3       responsibility for ownership and maintenance on one property.  
4
- 5       • Mr. Rimsky stated that his main concern is the size and scale of the proposed  
6       structures. He stated that it is more in line with a docking facility that would serve  
7       a neighborhood rather than a private residence. Mr. Natchez responded that the  
8       Greenhaven-Rye Association dock extends 354' from the mean high water line  
9       and the proposed dock will extend 381'. He stated that he understands the  
10      concerns of the neighbors but the new facility will have significantly less  
11      environmental impact than what exists at 2 Lane Way.  
12
- 13      • The Commission noted that there is a trade-off between environmental impacts  
14      and visual impacts and it is the Commission's responsibility to weigh the factors  
15      involved in such a trade-off. It was also noted that the Commission is tasked with  
16      ensuring compliance with the City's wetlands law.  
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18   **ACTION:**     Andrew Ball made a motion, seconded by Martha Monserrate, to close the  
19                   public hearing for Wetland Permit application number WP#348, which was  
20                   carried by the following vote:

21		
22	Nick Everett, Chair:	Aye
23	Martha Monserrate, Vice-Chair:	Aye
24	Andrew Ball:	Aye
25	Hugh Greechan:	Aye
26	Alfred Vitiello:	Absent
27	Vacant	
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30   **II.     ITEMS PENDING ACTION**

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32   **1.     3 Lane Way**

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- 34      • The Commission and the City Planner discussed corporation counsel's  
35      comments on the draft easement language. It was noted that counsel  
36      recommended a note regarding the restrictive covenant be placed on the  
37      plan. The Commission asked for clarification on the plan regarding all of the  
38      lots involved in the application and Mr. Natchez indicated that he will revise  
39      the plan to make it clearer which lots are involved. It was also noted that  
40      counsel recommended that the last sentence in Item 5 in the agreement be  
41      revised to add "and which shall be subject to Planning Commission approval."  
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- 43      • The Commission noted that the size of the dock, its environmental impact,  
44      and its impact relative to navigation have all been previously discussed. There

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- 1 was some discussion about whether the dock needed to be designed to  
2 accommodate four boats. Mr. Natchez noted that the existing dock at 2 Lane  
3 Way is designed for two boats, so since the new dock will serve two  
4 properties, it was made to accommodate four boats.  
5
- 6 • It was commented that the 30' between the 2 legs of the "U" seemed larger  
7 than necessary. Mr. Natchez stated that assuming 8-10' as an average width  
8 of a boat, 30' is a reasonable width for navigating in and out of the "U" if  
9 another boat is already there. He also stated that there are two small pockets  
10 of deeper water where the legs of the "U" are located. He stated that even  
11 though it is just a few inches deeper, it is important to take advantage of every  
12 bit of depth in such a shallow environment. He also noted that most of his  
13 clients have docking facilities for two boats.  
14
  - 15 • The Commission discussed what the goal of reducing the width of the "U"  
16 would be. It was noted that the visual impacts of reducing the width by a few  
17 feet would be indiscernible. The Commission expressed concern about  
18 setting a precedent with a split dock, but it was noted that the dock in this  
19 case will serve two properties, which is a distinguishing feature of this  
20 application.  
21
  - 22 • Mr. Rimsky commented that it appeared that there was less Spartina on the 2  
23 Lane Way property compared to 3 Lane Way. Mr. Natchez stated that the pier  
24 will be 7' above the Spartina, which is a much greater separation than the  
25 DEC requires, and therefore the pier will have virtually no impact on the  
26 Spartina.  
27
  - 28 • The Commission reviewed the draft resolution and made some revisions.  
29 They discussed the seasonal removal of the dock. Mr. Natchez stated that the  
30 structures are not seasonal. The Commission discussed what distinguishes a  
31 seasonal dock from a non-seasonal dock. Mr. Natchez stated that the dock  
32 would be very difficult to remove. The City Planner noted that whether a dock  
33 is on floats or not may be the distinguishing feature.  
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35 **ACTION:** Andrew Ball made a motion, seconded by Hugh Greechan, to approve  
36 Wetland Permit application number WP#348, which was carried by the  
37 following vote:

38		
39	Nick Everett, Chair:	Aye
40	Martha Monserrate, Vice-Chair:	Aye
41	Andrew Ball:	Aye
42	Hugh Greechan:	Aye
43	Alfred Vitiello:	Absent
44	Vacant	

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**2. Molloy Cottage**

- Mr. Dan Natchez, the applicant’s representative, was present for the application. Mr. Natchez stated that the application involves extending an existing gangway by 4’ and replacing a wooden pier with an aluminum pier. He stated that an existing stairway will also be replaced. He noted that the existing wooden dock, which is anchored in place, will remain.
- The Commission asked about the existing piles. Mr. Natchez responded that the piles had previously been repaired and will not be changed as part of the present application. He noted that with enough advanced warning, the pier will be able to be removed prior to an impending storm.
- Mr. Natchez stated that the pier will be 4’ wide while the former wooden pier was 5’ wide, and the gangway will be 3’ wide, which is the same width as the former gangway.
- Mr. Natchez also stated that the DEC, DOS, and ACOE have approved the plans. He stated that the action falls under an ACOE Nationwide permit and while the DEC considers the action a replacement, a permit from DEC is still required.
- It was noted that the pier includes an open grid to allow for sunlight penetration.

**ACTION:** Hugh Greechan made a motion, seconded by Martha Monserrate, to set the public hearing for Wetland Permit application number WP#406, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Aye
Hugh Greechan:	Aye
Alfred Vitiello:	Absent
Vacant	

**3. Minutes**

- The Commission reviewed the minutes from the meeting on December 15, 2015 and made no revisions.

