

Rye City Planning Commission Minutes
March 22, 2016

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett
- Hugh Greechan
- Richard Mecca
- 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. 23 Locust Lane

- Mr. David Roberts, landscape architect, was present for the application. Mr. Roberts briefly described the application, stating that the project involves adding a wall along the southwest property line. He stated that the plant list is the same as that proposed in the original application. Mr. Roberts stated that in response to the Commission's comments at the last meeting regarding stormwater, Sheet SK-1 shows a detail of the proposed perforated pipe drain with gravel behind the wall. He also noted that there will be weep holes in the wall. Mr. Roberts confirmed that there would be a consistent space of 1' maintained between the wall and the fence.

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

ACTION: Martha Monserrate made a motion, seconded by Richard Mecca, to close the public hearing for MODIFIED Wetland Permit application number WP#335, which was carried by the following vote:

Nick Everett, Chair:	Aye
Martha Monserrate, Vice-Chair:	Aye
Andrew Ball:	Absent
Laura Brett:	Absent
Hugh Greechan:	Aye
Richard Mecca:	Aye
Alfred Vitiello:	Absent

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1 **2. 343 Purchase Street**

- 2
- 3 • Mr. Manuel Andrade, the applicant’s architect, was present for the application.
- 4 Mr. Andrade stated that the application involved the construction of a 5’ by 8’
- 5 wood deck at the rear of the house, as well as a mudroom below an existing
- 6 canopy at the front of the house. He stated that the mudroom would be
- 7 constructed on an existing concrete slab and therefore would not increase the
- 8 amount of impervious surface area in the wetland buffer. Mr. Andrade
- 9 reiterated that the wood deck would be counted 50% toward the increase in
- 10 impervious area.
- 11
- 12 • There were no questions from the Commission and no comments from the
- 13 public.
- 14

15 **ACTION:** Martha Monserrate made a motion, seconded by Richard Mecca, to close

16 the public hearing for Wetland Permit application number WP#411, which

17 was carried by the following vote:

18

19 Nick Everett, Chair:	Aye
20 Martha Monserrate, Vice-Chair:	Aye
21 Andrew Ball:	Absent
22 Laura Brett:	Absent
23 Hugh Greechan:	Aye
24 Richard Mecca:	Aye
25 Alfred Vitiello:	Absent

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28 **II. ITEMS PENDING ACTION**

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30 **1. 23 Locust Lane**

- 31
- 32 • The Commission noted that the CC/AC found the application to be
- 33 acceptable. The Commission reviewed the draft resolution and made minor
- 34 revisions.
- 35
- 36 • The Commission discussed the proposed drainage plan and Mr. Roberts
- 37 provided additional clarification about the location of the drain pipe.
- 38

39 **ACTION:** Martha Monserrate made a motion, seconded by Hugh Greechan, to

40 approve as revised MODIFIED Wetland Permit application number

41 WP#335, which was carried by the following vote:

42

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

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1	Andrew Ball:	Absent
2	Laura Brett:	Absent
3	Hugh Greechan:	Aye
4	Richard Mecca:	Aye
5	Alfred Vitiello:	Absent

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8 **2. 343 Purchase Street**

9

- 10 • The Commission noted that the CC/AC found the application to be
11 acceptable. The Commission reviewed the draft resolution and made minor
12 revisions.

13

14 **ACTION:** Martha Monserrate made a motion, seconded by Richard Mecca, to
15 approve as revised Wetland Permit application number WP#411, which
16 was carried by the following vote:

17

18	Nick Everett, Chair:	Aye
19	Martha Monserrate, Vice-Chair:	Aye
20	Andrew Ball:	Absent
21	Laura Brett:	Absent
22	Hugh Greechan:	Aye
23	Richard Mecca:	Aye
24	Alfred Vitiello:	Absent

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27 **3. 140-142 Maple Avenue**

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- 29 • Mr. Rex Gedney, architect, was present for the application. The Commission
30 noted that the summary of nonconformities in the project area that Mr.
31 Gedney provided was very helpful. The Commission commented that it would
32 also be helpful to identify on the map the nonconforming properties that are
33 closest to the subject site. The Commission discussed several of the
34 properties and suggested that some of the uses listed in the table may not be
35 correct. Mr. Gedney responded that the information in the table was taken
36 from the tax records and noted that the actual use could differ. The City
37 Planner commented that it is useful to show the level of business activity in
38 the area.

39

- 40 • Mr. Gedney described the as-of-right site plan. He stated that the size of the
41 combined lot is slightly less than 6,000 square feet with a width of 60 feet and
42 would support one single-family home. He stated that the lot size is 4 square
43 feet short of being able to have a two-family home. Mr. Gedney noted that to
44 comply with setback requirements, the house would be set back much further

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- 1 from the street than the neighboring homes. The City Planner noted that the
2 combined lot will be substantially larger than most other lots in the area, and a
3 single-family home on such a large lot would not be in keeping with the
4 character of the neighborhood. He noted that the market would not likely
5 support a single-family home in this area, and while the preferred plan
6 perpetuates the nonconformity, it produces a use that is consistent with the
7 existing land use pattern and visual character of the neighborhood.
8
- 9 • The Commission requested that Mr. Gedney show the averaging of the
10 setback that is allowed under zoning. Mr. Gedney noted that the plan does
11 not take advantage of the averaging; he stated that the setback for an
12 apartment use is 10'.
13
 - 14 • The City Planner stated that an apartment use is not a permitted use in the B-
15 1 district; therefore, a use variance and area variances are both required. Mr.
16 Gedney stated that he would argue that a use variance is not required. The
17 City Planner commented that it is open for discussion whether one would
18 apply a multi-family standard when a multi-family use is not permitted in the
19 zoning district.
20
 - 21 • The City Planner noted that with a three-family structure, site plan approval is
22 required, but with a two-family structure, the Commission would not need to
23 see the application.
24
 - 25 • The Commission discussed the next steps for the Applicant. The Commission
26 directed the City Planner to prepare a memo to the ZBA regarding the issues
27 at hand, and in the meantime the Applicant may prepare a submission to the
28 ZBA.
29
 - 30 • The Commission discussed the proposed shared driveway and noted that an
31 easement will need to be prepared and must be submitting to the
32 Commission for review. The Commission inquired about garbage collection.
33 Mr. Gedney responded that garbage would be put out at the rear of the
34 building for rear yard pickup by the City DPW.
35
 - 36 • The City Planner noted that the building seems tall and requested that Mr.
37 Gedney provide the existing and proposed condition with respect to height of
38 the building. The City Planner also noted that eventually the Commission will
39 need to see drainage, grading, etc. but understands that there is no need to
40 have that expenditure now.
41
 - 42 • The Commission discussed proposed landscaping at the rear of the property
43 to screen the parking area. It was discussed that the adjacent property is
44 wooded and is at a lower elevation than the subject property. Mr. Gedney

1 noted that there is a retaining wall along the side of the property and a portion
2 of the rear and then the wall drops down to grade level. He stated that a
3 Cultec system will be provided beneath the parking area.
4

- 5 • The Commission asked whether it would be possible to construct a house on
6 the property behind the subject property. The City Planner responded that it is
7 highly unlikely because of the significant grade changes and the amount of
8 rock. The Commission requested that Mr. Gedney examine the screening
9 issue, or alternatively could provide a fence. The Commission also requested
10 that the nonconformity table be revised to increase its readability.

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13 **4. 851 Forest Avenue**

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15 • Ms. Beth Evans, wetland scientist, and Mr. Sean Jancski, landscape architect,
16 were present for the application. Ms. Evans stated that the project involves
17 installing a loose boulder retaining wall at the edge of the lawn area to separate it
18 from the beach, with a wooden deck provided on top of the boulders. She noted
19 that the area is outside of the DEC tidal wetland but is within the 100-foot wetland
20 buffer. She also noted that the deck will be made to allow water to pass through
21 it.

- 22
23 • The Commission requested an explanation of the view easement that was noted
24 on the plan. Mr. Jancski explained that the subject property and the neighboring
25 property have a mutual view easement to protect views of the water from both
26 properties. The City Planner noted for the Commission that this easement is not
27 for the City to enforce. The Commission requested the easement language,
28 which the applicant said he would provide.

- 29
30 • The Commission noted that a site visit will be necessary (on April 2nd) and that
31 the CC/AC comments will be needed.

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34 **5. 6 Martin Butler Court**

- 35
36 • Mr. Rex Gedney, architect, and Mr. Alan Pilch, engineer, were present for the
37 application. The Commission stated that they had been informed of an issue with
38 the wetland setback. Mr. Pilch noted that the mean high water line differs from
39 what is indicated on the plans; it actually follows the beach along the property.
40 He stated that the plans will be corrected and resubmitted to the Commission.
41 Mr. Pilch noted that a portion of the existing house, pool, and deck are in the
42 wetland buffer. He stated that the existing amount of impervious area within the
43 wetland buffer is 3,238 sf. Mr. Pilch stated that in the proposed condition, the
44 total impervious in the buffer will be 3,083 sf, a reduction of 155 sf.

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- 1 • The Commission stated that once everything on a site is removed, the proposed
2 activity must comply with existing regulations. The Commission stated that since
3 the existing structures are being demolished, there is not actually a reduction in
4 impervious area. It was also noted that it would be possible to keep the proposed
5 structures outside of the buffer.
6
- 7 • Mr. Pilch stated that if the house were moved out of the buffer, it would result in
8 increased disturbance on the property. Mr. Gedney noted that some of the
9 existing foundation will be utilized for the proposed new home. Mr. Gedney
10 stated that a foundation plan could be provided to the Commission to show how
11 much of the existing foundation will be used.
12
- 13 • The Commission noted that because the existing house will be demolished, the
14 property could be considered vacant and should be treated as such in the review
15 process. The Commission commented that a smaller house and pool could be
16 provided.
17
- 18 • The City Planner asked whether the house will have a basement. Mr. Gedney
19 responded that it will. He noted that the house is zoning compliant and will have
20 an 85-foot setback.
21
- 22 • Mr. Gedney asked if it would be possible to review the original subdivision plan to
23 see where the building envelope was. The City Planner stated that he would
24 review it.
25
- 26 • The Commission stated that a site visit will be conducted on April 2nd. Mr. Pilch
27 noted that the existing house is still there, but he can stake out the pool house for
28 the Commission.
29
- 30 • The Commission asked for explanation of a feature proposed at the rear of the
31 house. Mr. Pilch stated that it is a covered porch, all of which has been counted
32 in the proposed impervious area.
33
- 34 • The Commission asked Mr. Pilch to include the flood zones and hazard area
35 lines on the proposed condition, and to include the proposed first floor elevation.
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37
- 38 **6. Minutes**
- 39
- 40 • The Commission reviewed the minutes from the meetings on February 2,
41 February 16, and March 8, 2016 and made minor revisions.
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