

**Rye City Planning Commission Minutes**  
December 13, 2016

**MEETING ATTENDANCE:**

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**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. 120 Old Post Road**

- Mr. Kraut, attorney; Mr. Jeff Wyzinski, architect; Ms. Rebecca Hopkins, landscape architect; and Mr. Jerry Schwalbe, engineer, were present for the application. Mr. Kraut gave a brief overview of the project for the public's benefit, including visual aids through a PowerPoint presentation. He noted that the site was rezoned in December of 2015 to RA-6, which allows for age-restricted multi-family housing. He noted that this use did not previously exist in Rye.
- He stated that the project consists of five buildings with underground parking connecting them. He noted that the project will eliminate large amounts of lighting in the existing large surface parking lot.
- Mr. Kraut noted that the project is intended for residents aged 55 years and older with no children. He stated that a younger spouse or caretaker may also reside there but they must be over the age of 18.
- Mr. Kraut stated that the application was submitted on July 16, 2016 and includes 122 units. He stated that 183 parking spaces are required and 223 parking spaces are provided, 215 of which are in the below-ground parking garage and eight of which are for visitors in front of Building 5.
- Mr. Kraut stated that Buildings 1, 4, and 5, which are closest to Old Post Road, are three stories high, while Buildings 2 and 3 toward the rear of the site are four stories high. He noted that the application is zoning compliant.
- Regarding access and traffic, Mr. Kraut stated that there are existing delays at the intersection of Old Post Road and Playland Parkway Access Drive with the existing building currently vacant. He noted that traffic was analyzed with the building fully occupied as an office building and with the proposed project. He

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1 stated that the City hired its own traffic consultant to review the analysis and the  
2 same conclusion was reached, that the proposed multi-family senior use would  
3 have less peak hour traffic than a fully occupied office building. Mr. Kraut stated  
4 that no mitigation is currently proposed or required. He noted that as part of the  
5 rezoning application, the applicant agreed to pay a fee of \$10,000 per unit  
6 toward a capital improvement fund that the City could use for improvements it  
7 deems necessary in the future, should the need arise.  
8

- 9 • Mr. Kraut reviewed the landscaping plan and noted that additional landscaping  
10 was added to the current plan as a result of discussions with the Osborn. Mr.  
11 Kraut noted that the curb cut on Playland Parkway Access Drive will be in the  
12 same location and gate-controlled access will be provided on Old Post Road for  
13 residents.  
14
- 15 • Regarding stormwater, Mr. Kraut stated that there is a stormwater basin currently  
16 on the site, which will be improved and utilized for temporary and permanent  
17 stormwater management. He noted that there will be a minor decrease in  
18 impervious surface area. He stated that five rain gardens will be installed around  
19 the perimeter of the site.  
20
- 21 • Mr. Kraut showed a schematic illustrating the existing lighting on the site and the  
22 proposed lighting scheme. He noted that lighting on the site will be primarily for  
23 way-finding and safety and it will be shielded and focused.  
24
- 25 • Mr. Wyzinski described the architecture and design intent of the project. He  
26 stated that Building 5 would contain the amenities for the project, including the  
27 lobby and reception area, visitor suites, etc. He showed the building elevations  
28 and noted that the building includes a pitched roof and dormers and the  
29 architecture incorporates ornate details on the side facing Old Post Road. He  
30 stated that on the Playland Parkway side, the materials consist of brick and  
31 shingle siding, which are consistent with the character of much of the  
32 development in Rye. He noted that architectural features are used to break up  
33 the mass of the building so it does not appear so large, as well as to replicate the  
34 look of historic buildings in the area. Mr. Wyzinski showed renderings of the  
35 project and stated that the intent was to create a series of buildings that look like  
36 a community.  
37
- 38 • Mr. Kraut stated that this is an exciting and significant project for Rye. He noted  
39 that it started out as a hotel, but it was not well received by the community. He  
40 stated that the applicant returned with a brand-new project to provide a type of  
41 housing stock that does not otherwise exist in Rye and will meet the needs to  
42 some local residents.  
43
- 44 • Mr. Kraut noted that the project will provide an economic boost for Rye, since it  
45 will add no additional students to the school system but will provide school tax

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1 revenues. He also noted that the project will provide a \$1.22 Million capital  
2 improvement fee and a building permit fee of at least \$1 Million. He stated that it  
3 will also provide amenities that Rye does not currently have.  
4

- 5 • Mr. Robert Van Der Wateren, 111 Old Post Road – Mr. Van Der Wateren stated  
6 that he lives across the street from the site and had some questions. He asked  
7 whether the applicant would be held to the 38-day blasting limit. The  
8 Commission responded yes. He also asked if a pre-blast survey will be done.  
9 The Commission responded that the applicant will be required to comply with the  
10 blasting regulations, which do require a pre-blast survey.  
11

- 12 • Mr. Van Der Wateren also asked whether any processing of rock would occur on  
13 the site. The Commission responded that it would not; however, the Commission  
14 did note that some onsite processing of demolition materials will have to occur  
15 and is permitted so that materials can be transported off-site.  
16

- 17 • Mr. Van Der Wateren asked whether the secondary access would be used for  
18 construction access. The Commission responded that the intent is to maintain  
19 safety for the neighborhood, so more than likely it would be used. He asked  
20 about the length of construction, to which the Commission responded that the  
21 applicant estimates approximately 2.5 years. Mr. Van Der Wateren also asked  
22 when landscaping will be provided and whether there will be a sales trailer with  
23 flags and banners during construction. The Commission stated that the applicant  
24 will be able to answer that question.  
25

- 26 • Mr. Kraut stated that the applicant will comply with all applicable blasting  
27 requirements and will conduct pre-blast surveys. He stated that during  
28 construction, truck traffic will access the site off of Old Post Road and at the  
29 City's request heavy truck traffic will exit directly to I-95. Regarding landscaping,  
30 Mr. Kraut stated that a detailed construction phasing plan was prepared and  
31 reviewed with the Commission, and noted that temporary fencing will be  
32 provided. The Commission noted that there is an opportunity to provide  
33 landscaping around the retention basin. The City Planner also noted that the  
34 parking structure will be constructed in Phase 1.  
35

- 36 • There were no questions from the Planning Commission.  
37

38 **ACTION:** Andrew Ball made a motion, seconded by Richard Mecca, to continue the  
39 public hearing for SP#363 to the January 10, 2017 meeting, which was  
40 carried by the following vote:  
41

|    |                                |        |
|----|--------------------------------|--------|
| 42 | Nick Everett, Chair:           | Aye    |
| 43 | Martha Monserrate, Vice-Chair: | Absent |
| 44 | Andrew Ball:                   | Aye    |
| 45 | Laura Brett:                   | Aye    |

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|   |                  |        |
|---|------------------|--------|
| 1 | Hugh Greechan:   | Absent |
| 2 | Richard Mecca:   | Aye    |
| 3 | Alfred Vitiello: | Aye    |
| 4 |                  |        |
| 5 |                  |        |

6 **II. ITEMS PENDING ACTION**

7  
8 **1. 120 Old Post Road**

- 9
- 10 • Mr. Kraut stated that Mr. Schwalbe wanted to provide the Commission with  
11 updates regarding the hot box and the sewer evaluation. Mr. Schwalbe stated  
12 that Suez requested that water to the site come from a new 12" water line from  
13 Theall Road to Old Post Road along Playland Parkway Access Drive. Mr.  
14 Schwalbe stated that they hope to be able to build access into the hill to screen  
15 it. It was noted that the new line may require ripping up the new road that was  
16 just completed. The City Planner asked whose decision it is as to whether the  
17 line goes in the road or adjacent to the road. Mr. Schwalbe stated that probably  
18 the County and Suez would have to discuss it.  
19
  - 20 • The City Planner asked about the phasing of the water line. Mr. Schwalbe stated  
21 that it would be designed and approved before obtaining a building permit. The  
22 City Planner stated that it is necessary to have a water supply before  
23 construction begins. Mr. Kraut stated that the applicant would not be able to get  
24 a CO for the garage until there is an established water supply. The City Planner  
25 stated that the construction phasing plans should be revised.  
26
  - 27 • Mr. Schwalbe discussed the sewer metering. He stated that there is 1.5 weeks of  
28 data so far and the flow is lower than what was expected. He stated that if the  
29 flow stays about the same, capacity should not be a problem.  
30
  - 31 • The Commission asked about the rain gardens. Mr. Schwalbe stated that they  
32 are all connected to the stormwater basin and all the roof leaders are shown.  
33
  - 34 • The Commission asked about additional plantings along Old Post Road. Ms.  
35 Hopkins stated that on the Osborn side, there are evergreen trees and river birch  
36 arranged in a more natural way, rather than in a straight line along the property  
37 boundary. She noted that there is a row of shade trees with ornamentals and  
38 evergreens and a berm with additional trees to help screen the loading area. Mr.  
39 Kraut stated that they will add more trees to the Old Post Road side, as they  
40 inadvertently overlooked that comment from the Commission after the last  
41 meeting.  
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### 2. 49 Midland Avenue

- Mr. Richard Horsman, landscape architect, and Mr. John Scarlato, architect, were present for the application. Mr. Horsman noted that per the Commission's request, the applicant obtained a topographic survey and retained a civil engineer to prepare the stormwater runoff calculations. Mr. Horsman stated that there will be Cultecs in the rear of the site with a drain inlet into the rain garden. He noted that roof leaders will drain to the Cultecs.
- The Commission stated that there is no precedent for putting a rain garden in a wetland and suggested it might be better to put a Cultec beneath the driveway. Mr. Horsman stated that the wetland is of poor quality and could be helped by the creation of a rain garden. He also noted that other projects have included augmenting the wetland to improve its quality.
- The City Planner stated that in certain applications, wetlands were used as a stormwater management feature, but in those cases the wetlands were of very low quality.
- Mr. Horsman stated that they would not be changing the function of the wetland but would be increasing its efficiency and quality. He also noted that due to the annexation of the adjacent lot a greater area of the wetland is being protected.
- The Commission noted that it was not in favor of having sediment in runoff from the driveway going straight into the wetland via the rain garden. The Commission also noted that there were inconsistencies on the site plan and architectural drawings with respect to the stairs.
- Mr. Horsman inquired about the two variances needed for the site. The City Planner responded that variances for the FAR and front and rear setbacks would be needed and he will prepare a memo from the Commission to the ZBA. The Commission noted that the applicant could begin the variance process now and would not need to return before the Commission to show the revised location of the Cultecs.
- The Commission noted that the CC/AC found the application to be unacceptable. Ms. Cunningham stated that there were no existing and proposed impervious area calculations on the plans. Mr. Horsman responded that the calculations had been included in the cover letter of the initial application submission. He stated that he will provide a copy of the letter to the CC/AC.
- The City Planner asked about the construction costs because he thought it might be close to the threshold for work in a flood zone. Mr. Scarlato stated that the construction estimate is \$275,000 and the threshold is close to \$300,000.

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- The Commission discussed taking a neutral position in the memo to the ZBA. The Commission expressed concern about the garage and deck being directly adjacent to the wetland, especially considering that the space is not living area. Mr. Horsman noted that there is no on-street parking available.
  - The Commission also noted that Midland Avenue is a County road and the County may require a vehicle turn-around. The City Planner stated that the curb cut will be unchanged and in such cases the County typically considers applications on a case-by-case basis.
  - It was noted that the project's FAR exceeds the maximum by 330 sf. Mr. Scarlato noted that the rear yard variance is no longer needed because the applicant agreed to remove the rear deck.
  - The City Planner noted that there will be no way to avoid the wetland during construction since the proposed development occurs directly adjacent to it. The Commission expressed concern about the project's proximity to the wetland. The Commission suggested that the size of the garage could be reduced, as the proposed size is quite large. The Commission asked the applicant to reconsider the site plan and return at the next meeting with revised plans, and then the Commission will refer the application to the ZBA.
- 3. 180 Theodore Fremd Avenue**
- Mr. Rex Gedney, architect, was present for the application. Mr. Gedney stated that revisions had been made to the site plan since the last time the application was before the Commission. He noted that the revisions include the addition of a 1-story, three-vehicle garage on the north side of the existing building; a reduction in the previously proposed building footprint to remain within the maximum FAR limits; modification of the proposed occupancy to conform to the parking requirement of 12 spaces; modification of the stormwater control plan to capture all roof leaders; and the addition of a fence along the southern property line.
  - Mr. Gedney stated that the new fence would be 14' off the corner of the building with a 10-foot-wide gate. He stated that it would be a chain-link fence with mesh screening. Mr. Gedney noted that a variance is still needed for the rear yard setback, as the existing building is currently noncompliant.
  - The Commission noted that the revised site plan is an improvement over the previous version and is a considerable improvement over the existing condition.

1           The Commission noted that it has no objection to the variance and directed the  
2           City Planner to prepare a memo to the ZBA stating as such.  
3  
4

5     **4.     53 Purchase Street**  
6

- 7           • Mr. David Mooney, architect, was present for the application. Mr. Mooney stated  
8           that the application is for a modification to the approved site plan to  
9           accommodate a potential new tenant. Mr. Mooney stated that the possible  
10          tenant, Wine at Five, is interested in moving its retail store to the subject property  
11          and incorporating a wine bar. Mr. Mooney stated that the wine bar will not have a  
12          kitchen but is considered a restaurant according to the zoning code. He stated  
13          that according to the parking requirements in the zoning code, there is a  
14          shortage of 0.6 parking spaces short and therefore, a variance is required.  
15  
16          • Mr. Mooney stated that the site plan revisions include combining two spaces into  
17          one and changes to the trash enclosure area. The Commission reviewed and  
18          discussed the proposed trash enclosure area and expressed concern that the  
19          space would not be adequate to accommodate all of the trash and recycling to  
20          be generated by all tenants. The Commission also questioned whether the  
21          configuration of the trash cans inside the space would be workable, given the  
22          limited amount of space to maneuver the cans for collection and disposal.  
23  
24          • The Commission noted that Elm Place has had its share of issues related to  
25          trash and trash collection and stated that this project cannot be allowed to  
26          exacerbate the problem. The Commission asked Mr. Mooney to provide a written  
27          narrative explaining how the trash rooms will be utilized and how trash collection  
28          will be handled (whether by the City or by a private hauler), including the  
29          collection schedule.  
30  
31          • Mr. Mooney suggested that the Applicant could have the trash picked up more  
32          frequently. The Commission noted that it is not possible for the City to enforce  
33          that condition. The City Planner stated that the plan for interior storage of trash  
34          must function properly because there is no other alternative and the City will not  
35          allow trash to spill outside onto the sidewalk. The Commission stated that the  
36          trash room should be larger and the trash should not have to be brought through  
37          the residential access point to get it outside. Mr. Mooney indicated that he will  
38          revise the plan in consideration of the comments.  
39  
40

41     **5.     4 Philips Lane**  
42

- 43           • Mr. Leo Napior, attorney, and Mr. Mark Mustacato, architect, were present for  
44           the application. Mr. Napior stated that the application involves removing the  
45           existing residence, pool, and other improvements and constructing a new single-

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1 family residence and pool. He stated that the existing house is located entirely  
2 within the wetland buffer, while a portion of the new house will be located outside  
3 of the buffer. He also noted that the pool will be moved further from the edge of  
4 the water. Mr. Napior stated that there will be a slight reduction in impervious  
5 surface area of 23.2 sf.

- 6
- 7 • Mr. Napior stated that the new residence will be elevated above the flood plain  
8 elevation with a finished floor elevation of 16', which he stated will necessitate a  
9 height variance. He noted that the maximum building height is 28' and the  
10 maximum proposed building height is 29.33'.
- 11
- 12 • The Commission discussed the proposed stormwater system. Mr. Napior stated  
13 that subsurface chambers will be located beneath the driveway in front of the  
14 house. The Commission suggested that the Applicant explore the use of rain  
15 gardens to collect roof and driveway runoff for filtration prior to discharge to the  
16 Long Island Sound.
- 17
- 18 • The Commission noted that additional information regarding the grading plan  
19 and erosion and sediment control will need to be provided.
- 20
- 21 • The Commission had no objection to the variance request and the City Planner  
22 stated that he will prepare a memo for distribution to the Board of Appeals.
- 23

24

25 **6. Minutes**

- 26
- 27 • The Planning Commission reviewed the draft minutes from the November 15,  
28 2016 meeting and made minor revisions.
- 29

30 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to approve as  
31 amended the minutes from the November 15<sup>th</sup> meeting, which was carried  
32 by the following vote:

|    |                                |        |
|----|--------------------------------|--------|
| 33 |                                |        |
| 34 | Nick Everett, Chair:           | Aye    |
| 35 | Martha Monserrate, Vice-Chair: | Absent |
| 36 | Andrew Ball:                   | Aye    |
| 37 | Laura Brett:                   | Aye    |
| 38 | Hugh Greechan:                 | Absent |
| 39 | Richard Mecca:                 | Aye    |
| 40 | Alfred Vitiello:               | Aye    |
| 41 |                                |        |
| 42 |                                |        |