

Rye City Planning Commission Minutes
January 23, 2018

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett
- Richard Mecca
- Alfred Vitiello
- TBD

Other:

- Christian K. Miller, AICP, City Planner
 - Lori Fontanis, CC/AC Representative
 - Melissa Johannessen, AICP, LEED AP
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1 **I. HEARINGS**

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1. 3 Club Road (Continued from January 9, 2018)

- Laura Brett recused herself from the public hearing for this application.
- Mr. Leo Napior, applicant’s attorney; Mr. Rex Gedney, applicant’s architect; and Mr. Richard Horsman, applicant’s landscape architect, were present for the application. Mr. Napior stated that this is a continuation of the public hearing from December 12th and noted that the applicant submitted supplemental material to the Commission in advance of tonight’s meeting. He noted that a long form EAF had been prepared as requested by the City Planner. He noted that the Commission asked for additional screening to be provided along the southern part of the proposed road. Mr. Napior stated that a supplemental tree preservation plan was prepared that showed existing smaller caliper trees that will be preserved, which contribute to the vegetative screening in that area.
- The Commission noted that in photographs provided by the applicant, there are clear gaps in the vegetation. Mr. Horsman stated that in his opinion, there is a fairly solid wall of vegetation, providing a fairly dense visual buffer between the properties. He stated that some plants could be added to supplement the existing vegetation in this area.
- Mr. Napior stated that the applicant submitted a letter from its engineering consultant regarding construction phasing, along with the hypothetical houses shown on the plan. Mr. Napior described the phases, noting that construction of the proposed road is the first phase. The Commission noted that Phase 1 is actually demolition of portion of the existing house. Mr. Napior stated that during demolition, there will be sufficient space for the staging of construction vehicles and equipment.
- Mr. Napior stated that construction of the proposed road will follow demolition and vehicle and equipment storage will be located on Lot 1. He stated that during Phases 3 and 4, staging areas will be located on each lot as indicated on the phasing plan.

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- The Commission asked whether there will be any spillover parking on the proposed private road. Mr. Napior stated that yes, parking will be allowed on both sides of the private road during construction and that parking on Club Road will not be necessary.
 - Mr. Napior stated that regarding traffic, according to ITE rates, three residences would generate a total of 19.1 trips per day, which would be spread out throughout the day. He stated that he is not aware of any existing traffic problems with respect to speeds or traffic volumes. He noted that traffic will discharge toward the Apawamis Club, not into the neighborhood.
 - Mr. Napior stated that he saw the letter submitted by Mr. LaForge to the City Planner, but would prefer to allow for public comments and address all comments and questions at once. The Commission opened the hearing to public comments.
 - Mr. Dana LaForge, 21 Club Road – Mr. LaForge stated that, from the neighbors' perspective, the plan does not appear to be safe due to the proposed layout. Mr. LaForge stated that one concern is that the new intersection does not align with Sunset Lane. He stated that he assumed there would be a stop sign at the exit of the subdivision, but he believed that there could be driver confusion at the intersection.
 - Mr. LaForge also stated that he believed it was not safe to have two driveways within 30' of the proposed intersection. He disagreed that there is clear sight distance within 150' of the intersection and stated that there is a horizontal curve that he believes obscures visibility of the proposed road location. Mr. LaForge stated that there are walls and vegetation within 3' of the pavement, which also obscure visibility.
 - Mr. LaForge also noted that the calming gates referenced by the applicant would not be effective if used in such close proximity to the new intersection. He stated that there are no sidewalks on Club Road and yet there are pedestrians, making for a dangerous situation that will be exacerbated by the new intersection.
 - Mr. LaForge asked that the City find a way to enforce no parking on Club Road. He also noted that Club Road does not go to Locust Avenue because of a gate at the end of Club Road, but many times construction workers open the gate to exit or enter that way. He stated that many people also turn around there.
 - Mr. LaForge stated that he understands the property owner's right to develop his property, but asks that it be done with more consideration given to the neighborhood.

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- 1 • Mr. Bart Breinin, 180 Locust Avenue – Mr. Breinin stated that he lives at the corner
2 of Club Road and Locust Avenue. He stated that the gate at the end of Club Road
3 is supposed to be closed but has been frequently open during the ongoing adjacent
4 construction and large trucks are often coming and going. He asked if it were
5 possible to restrict access to Club Road from Locust. The Commission asked if
6 Club Road had a homeowner’s association. Mr. Breinin replied yes. The
7 Commission stated that the homeowner’s association would have to address that.
8 The Commission noted that a condition can be put in the resolution specifying no
9 access but the City cannot enforce such a provision on a private road.
10
- 11 • Mr. Breinin asked if there were plans to put in a four-way stop at the proposed new
12 intersection. The City Planner said there will be a stop sign at the end of the
13 proposed road but not a four-way stop. Mr. Breinin asked the City Planner when a
14 four-way stop would be recommended. The City Planner responded that there are
15 specific criteria, but he did not know exactly what they were. The Commission
16 asked if a four-way stop was something that he wanted. Mr. Breinin responded
17 that he was not sure but was interested in understanding when it was warranted.
18 The City Planner stated that he was unsure of the legal mechanism for warranting
19 a four-way stop.
20
- 21 • Mr. Napior stated that Club Road is lightly traveled, with only about 20 homes there
22 currently. He distributed plans to the Commission showing the sight line analysis.
23 He noted that the minimum required 150’ is shown. He stated that the decorative
24 wall feature noted by Mr. LaForge would be removed and may be replaced at some
25 point, but would not interfere with sight distances.
26
- 27 • The Commission noted that the applicant was asked to shift the road further from
28 the trees, but it would like the City Engineer to examine whether a curve to align it
29 more with Sunset Lane would help.
30
- 31 • Mr. Napior noted that shifting the road to align it with Sunset Lane would put it
32 almost on top of the neighbor’s driveway and would require removal of five
33 additional trees, with no room for decorative features. The Commission asked the
34 City Planner to consult with the City Engineer about the intersection alignment.
35
- 36 • Mr. Napior stated that with respect to parking, the applicant will comply with
37 whatever regulation the association wants to implement, but he noted that it is not
38 fair to be singled out from what everyone else is doing. He noted that the same
39 can be said for access to Locust Avenue.
40
- 41 • Mr. Napior stated that regarding the four-way stop, the applicant would consider it
42 if the association recommends it, but the applicant is not required to do it.
43

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1 **ACTION:** Richard Mecca made a motion, seconded by Alfred Vitiello, to close the
2 public hearing for Subdivision Permit Application Number SUB#347, which
3 was carried by the following vote:

4
5 Nick Everett, Chair: Aye
6 Martha Monserrate, Vice-Chair: Aye
7 Andrew Ball: Aye
8 Laura Brett: Recuse
9 Richard Mecca: Aye
10 Alfred Vitiello: Aye
11 TBD

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14 **2. 15 Purdy Avenue/Town Dock Restaurant**

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- 16 • Mr. David Mooney, the applicant’s architect, was present for the application. Mr.
17 Mooney stated that the application involves the development of an on-grade
18 terrace at the rear of the existing restaurant and a 6’-by-16’ trash enclosure. He
19 stated that a 6-foot-high fence is also proposed on the rear and side property lines
20 to provide screening from adjacent properties. Mr. Mooney stated that the terrace
21 will allow handicap access to the restaurant where there currently is none. He also
22 noted that a decorative planter will be added on the terrace.
23
- 24 • There were no questions from the Commission and no comments from the public.
25

26 **ACTION:** Alfred Vitiello made a motion, seconded by Laura Brett, to close the public
27 hearing for Site Plan Application SP#430, which was carried by the following
28 vote:

29
30 Nick Everett, Chair: Aye
31 Martha Monserrate, Vice-Chair: Aye
32 Andrew Ball: Aye
33 Laura Brett: Aye
34 Richard Mecca: Aye
35 Alfred Vitiello: Aye
36 TBD

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39 **II. ITEMS PENDING ACTION**

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41 **1. 3 Club Road**

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- 43 • The Commission stated that it would like to put off a final decision on the
44 application until the City Engineer can weigh in on the intersection location. The
45 Commission stated that the City Engineer should also review the sight lines.
46

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- 1 • The Commission noted that contractor parking has to be on the subject property
2 and a condition should be added to the resolution stating such. It was noted that
3 green fabric similar to that recently employed at 175 Stuyvesant would also be a
4 good idea.
5
6 • The City Planner stated that the gate on Locust is there to keep people out, but
7 can be opened in emergencies. He stated that the Commission should remain
8 silent on this issue because the City is not in control of the gate. He stated that the
9 neighbors can take it up with the homeowners' association.
10
11 • The City Planner stated that it is possible to engineer virtually anything, but that
12 does not guarantee an aesthetic outcome. He stated that there always needs to
13 be a balance.
14
15 • The City Planner noted that the draft resolution did not specifically discuss
16 screening along the property boundary. He stated that he will add to the resolution.
17 He noted that the Commission will need the covenant or deed for the road.
18
19 • The Commission noted that staging of construction vehicles and equipment was
20 also not addressed in the draft resolution. The City Planner stated that he will add
21 it.
22
23 • The Commission discussed the naming of the street, as outlined in the July 26,
24 1988 memo circulated by the City Planner. The Commission noted that Ed
25 Grainger was on the list and he was an influential former mayor. It was also noted
26 that there is already a Grainger field, which might cause confusion for emergency
27 responders in the case of an emergency. The City Planner stated that he will
28 discuss this with emergency personnel.
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2. 15 Purdy Avenue/Town Dock Restaurant

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33 • The Commission reviewed the draft resolution and made minor revisions.
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35 **ACTION:** Richard Mecca made a motion, seconded by Alfred Vitiello, to approve as
36 modified Site Plan Application Number (SP#368), 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 Laura Brett:	Aye
43 Richard Mecca:	Aye
44 Alfred Vitiello:	Aye
45 TBD	

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3. 6 Dalphin Drive

- Ms. Beth Evans, wetland scientist, and Mr. Steven Ripp, applicant, were present for the application. Ms. Evans stated that as requested by the Commission at its last meeting, she analyzed the present location of the trampoline as an alternate location for the play set. She stated that installing the play set in the location of the trampoline would require 1.5-foot to 3-foot retaining walls and 10 more cubic yards of fill. Ms. Evans also noted that she has done work on the subject property under three different property owners and knows it very well, and she stated that the seawall provides an effective barrier between the property and the wetland. She stated that in her opinion there is little to be gained by moving the play set.
- The Commission asked the applicant where he would locate the trampoline if the play set were to go in its location. Ms. Evans stated that the trampoline was left by the previous owners and she did not believe that the applicant was tied to it. Mr. Ripp stated that he had not given any thought to where he would put it. He stated that it was not his intention to put the play set where it is, but noted that according to Miller’s (equipment vendor) it was not ideal to place it in the trampoline’s location.
- The Commission referred to the current location of the play set as location “A” and the alternate trampoline location as location “B”. The Commission asked the CC/AC’s opinion on Location B. Ms. Fontanis stated that the CC/AC did not have a problem with Location A and saw no reason to relocate the play set. Several Commission members stated that Location A is preferable because it requires less fill and no walls. It was also noted that walls around children’s play equipment could pose a danger to the children.
- The Commission asked that Locations A and B be marked on the plans to differentiate the two possible play set locations.

ACTION: Martha Monserrate made a motion, seconded by Andrew Ball, to set the public hearing for Wetland Permit Application Number WP#429, which was carried by the following vote:

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

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4. 280 Purchase Street

- Mr. David Mooney, architect, was present for the application. Mr. Mooney noted that a neighbor, Mr. Marc Bruffett, who was present at the meeting, had submitted a letter earlier in the day with comments on the application.
- Mr. Mooney stated that the zoning change request had been approved and the site is now zoned entirely B-1. He stated that the applicant now seeks referral to the Zoning Board of Appeals for approval of the requested variances.
- The Commission asked Mr. Mooney to summarize the requested variances. Mr. Mooney stated that they include two rear yard variances (20' for Building A and 8' for Building B); a side yard variance for Building A; and relief from the requirement to provide a 10-foot planting bed adjacent to a residential zone.
- The Commission asked for clarification pertaining to the requirements for the rear yard setbacks. Mr. Mooney stated that it has to do with the site being in a business zone and the particular zoning requirements outlined in the zoning code.
- The Commission asked Mr. Bruffett to summarize the comments raised in his letter. Mr. Bruffett stated that he lives on a small lot and his house is very close to the side yard of the subject property. He noted that the roof of the existing building (Building A) is approximately 40 feet from the back door of his house and the proposed second story on Building A would put the two buildings too close. Mr. Bruffett stated that the requested variances will diminish the character of the site and negatively impact his views. He stated that his rear property line is already fenced and there is no opportunity for additional screening. He stated that the proposed structures will be taller than his fence. He stated that the fence screens the existing property well, but will not do so if there were a second story on the building.
- The Commission asked Mr. Mooney what kind of roof is proposed. Mr. Mooney stated that it will be a pitched roof with a gable on both short ends.
- The Commission requested that Mr. Mooney to prepare an alternative layout that does not require any variances and another layout that is a compromise addressing the neighbor's concerns. The Commission also suggested looking at presenting a more unified streetscape along Purchase Street with the buildings more aligned with the front of the lot. It was noted that the Commission has the discretion to waive the rear yard setback requirements in some instances, but a variance from the side yard requirements would still be needed.

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1 **5. 4 Sackett Landing**

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- 3 • Martha Monserrate recused herself from the discussion of this application.
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- 5 • Mr. Richard Horsman, the applicant's landscape architect, was present for the
- 6 application. Mr. Horsman stated that the application involves removing the existing
- 7 house, driveway, and walkways, while retaining the patio, steps, and landscaped
- 8 planters. He said that fill will be brought in to level the area where the house stands.
- 9
- 10 • Mr. Horsman stated that the areas currently developed with the driveway and
- 11 garage, as well as the slope down to the wetland, will be planted with native
- 12 perennials, shrubs, and grasses. He stated that the applicants are seeking to put
- 13 the property into a conservation easement. He also noted that almost 4,000 sf of
- 14 impervious surface area are being removed from the property.
- 15
- 16 • The Commission asked for more information about the conservation easement.
- 17 Mr. Horsman replied that the application has already been submitted and the
- 18 conservation easement would apply to the property in perpetuity. The City Planner
- 19 stated that the conservation easement should not be considered as part of the
- 20 wetland permit application.
- 21

22 **ACTION:** Laura Brett made a motion, seconded by Andrew Ball, to set a public

23 hearing on Wetland Permit Application Number WP#431 for its next

24 meeting, which was carried by the following vote:

25

26 Nick Everett, Chair:	Aye
27 Martha Monserrate, Vice-Chair:	Recuse
28 Andrew Ball:	Aye
29 Laura Brett:	Aye
30 Richard Mecca:	Aye
31 Alfred Vitiello:	Aye
32 TBD	

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35 **6. Minutes**

- 36
- 37 • The Planning Commission reviewed the draft minutes from the January 9, 2018
- 38 meeting and made minor revisions.
- 39

40 **ACTION:** Laura Brett made a motion, seconded by Andy Ball, to approve as amended

41 the minutes from the January 9th meeting, which was carried by the

42 following vote:

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

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1	Andrew Ball:	Aye
2	Laura Brett:	Aye
3	Richard Mecca:	Aye
4	Alfred Vitiello:	Aye
5	TBD	
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