

Rye City Planning Commission Minutes
March 27, 2018

MEETING ATTENDANCE:

Planning Commission Members:

- Nick Everett, Chair
- Martha Monserrate, Vice-Chair
- Andrew Ball
- Laura Brett
- Richard Mecca
- Steven Secon
- TBD

Other:

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

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3 **1. Con Edison Rye Service Center CNG Peaking Station**

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5 • Mr. Seth Mandlebaum, applicant's attorney, was present for the application. Mr.
6 Mandlebaum stated that the initial site plan application was approved in November
7 2017 and was intended to supplement gas supply during periods of very cold
8 weather. He stated that between January 5th and January 7th, the facility was put
9 into use due to very cold temperatures (20 degrees or less) that persisted during
10 that time.

11

12 • Mr. Mandlebaum stated that the applicant is now seeking two things. First, the
13 applicant is requesting a two-year extension of the original site plan approval,
14 which was set to expire on April 30, 2018. He stated that the applicant is requesting
15 an extension until April 30, 2020 while Con Edison is continuing to work on more
16 permanent solutions, including a new County pipeline. Second, Mr. Mandlebaum
17 stated that the applicant is seeking to remove only the trailers in the off-season,
18 instead of the trailers and other equipment such as skids and other accessory
19 features (as required by the original approval). He stated that due to the fencing
20 and evergreen trees, the site is well screened from surrounding properties, and it
21 is more efficient for the applicant to leave everything but the trailers onsite.

22

23 • Mr. Mandlebaum stated that there was a leak detected the previous day from one
24 of the trailers. He stated that it was very small and was only detectable by odor; it
25 was not large enough of a leak to be detected by any sensor equipment. He stated
26 that the Fire Department was notified and the affected trailer was removed from
27 the site. Mr. Mandlebaum said that he understands that the Commission would like
28 to hear from the Fire Department and may hold open the public hearing until it
29 does so.

30

31 • The Commission asked why the Fire Department was called to the site on March
32 26th and again on March 27th. Mr. Jay Parent of NG Advantage stated that the
33 cause of the leak was a loose fitting on the back of one of the trailers, which was
34 tightened after the leak was detected last night. He stated that the Fire Department
35 was notified last evening, but this morning there was another odor detected and

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- 1 the Fire Department was dispatched to the site again. Mr. Perrin said that since
- 2 the odor was still noticeable, the affected trailer was removed from the site.
- 3
- 4 • The Commission asked about the amount of gas emitted during the leak. Mr. Perrin
- 5 stated that it was 100 ppm, and for comparison, the gas becomes volatile at 50,000
- 6 ppm.
- 7
- 8 • The Commission requested a narrative describing any similar instances at other
- 9 facilities. The Commission stated that it was difficult to determine whether a leak
- 10 like this is a significant event.
- 11
- 12 • Mr. Parent stated that a significant leak would be seen and/or heard. He stated
- 13 that the site is inspected twice daily and is patrolled daily by Con Edison security.
- 14
- 15 • The Commission stated that it would like to wait on the Fire Department comments
- 16 before closing the public hearing. There were no public comments.
- 17

18 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to continue the

19 public hearing for Modified Site Plan Application Number SP#369A, which

20 was carried by the following vote:

21

22 Nick Everett, Chair:	Aye
23 Martha Monserrate, Vice-Chair:	Absent
24 Andrew Ball:	Aye
25 Laura Brett:	Aye
26 Richard Mecca:	Aye
27 Steven Secon	Aye
28 TBD	
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31 **2. 221 Kirby Lane**

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- 33 • Mr. Richard Horsman, applicant’s landscape architect, was present for the
- 34 application. Mr. Horsman stated that the application involves constructing a small
- 35 addition to the existing residence and adding exterior stairs to the rear portion of
- 36 the house. He stated that there will be an increase of 156 sf of impervious area in
- 37 the wetland buffer and 240 sf of mitigation planting is proposed. He stated that the
- 38 mitigation planting will serve to filter stormwater runoff.
- 39
- 40 • The Commission noted that the proposed mitigation is less than the 2:1
- 41 requirement. Mr. Horsman stated that this is because some of the impervious area
- 42 is counted at 50% and some is counted at 100%.
- 43
- 44 • There was no public comment.
- 45

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1 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to close the public
2 hearing for Wetland Permit Application Number WP#435, which was carried
3 by the following vote:

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

12
13

14 **II. ITEMS PENDING ACTION**

15

16 **1. Con Edison Rye Service Center CNG Peaking Station**

17

18 • Mr. Mandlebaum asked for clarification as to what kinds of similar experiences the
19 Commission would like to know about. The Commission stated that it would like to
20 know if such a leak is common to the trailers being used and how many other
21 instances like this have occurred.

22

23 • Mr. Parent stated that he had been in touch with the Rye Fire Department earlier
24 in the day and would continue to provide any information they might need
25 regarding the gas leak.

26

27 • Mr. Parent confirmed that the trailers were in use between January 5th and January
28 7th due to very cold temperatures and noted that a summary of the use is included
29 in the site plan application.

30

31 • The Commission stated that it will wait for receipt of the Fire Department's
32 comments on the leak before acting upon the application.

33

34

35 **2. 221 Kirby Lane**

36

37 • Mr. Horsman was asked to explain the calculations of impervious area and
38 required mitigation. He stated that the roof of the addition is counted at 100%
39 impervious and the balcony for the steps is counted at 50%. He stated that the 80-
40 sf addition requires 160 sf of mitigation and the balcony equates to 76 sf of
41 mitigation, for a total of 236 sf required. Mr. Horsman stated that 240 sf is
42 proposed.

43

44 • The Commission asked whether the ownership of the area from the fence out into
45 the water had been verified. The City Planner stated that he had not had a chance

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1 to connect with Mr. Horsman to look into it. Mr. Horsman noted that there was a
2 legal case (the Ottinger case) in which it was determined that some portion of a
3 property underwater can be counted toward the FAR requirement. Mr. Horsman
4 briefly described the history of the property from when it was initially subdivided
5 over 100 years ago. The Commission asked Mr. Horsman to provide the survey
6 and the subdivision map to the City Planner to include with the files on the property.
7

- 8 • Mr. Horsman stated that a new fence would replace the fence at the side of the
9 property. The City Planner stated that a fence permit will be required. Mr. Horsman
10 also clarified that a portion of the existing fence will be removed and will not be
11 replaced.
12
- 13 • The Commission summarized that Mr. Horsman would provide legal information
14 regarding the property ownership; the fence will be part of the wetland permit; and
15 the plans will be revised to show the removal of the existing fence as well as the
16 replacement. It was also noted that the CC/AC found the application to be
17 acceptable.
18
- 19 • The Commission reviewed the draft resolution and made minor revisions.
20

21 **ACTION:** Steven Secon made a motion, seconded by Richard Mecca, to approve as
22 amended Wetland Permit Application Number WP#435, which was carried
23 by the following vote:
24

25 Nick Everett, Chair:	Aye
26 Martha Monserrate, Vice-Chair:	Absent
27 Andrew Ball:	Aye
28 Laura Brett:	Aye
29 Richard Mecca:	Aye
30 Steven Secon	Aye
31 TBD	

32
33
34 **3. 280 Purchase Street**
35

- 36 • Mr. David Mooney, architect, and Mr. Rocco Lagana, applicant, were present for
37 the application. Mr. Mooney described two new site plans, E and F. He stated that
38 Site Plan E is zoning compliant except for the 10' planting buffer adjacent to
39 Building B. Site Plan E provides 8,520 sf and 21 parking spaces, and includes a
40 narrower entry way. Mr. Mooney stated that the plan is below the maximum FAR.
41 Mr. Mooney stated that Site Plan F is the same except that Building B encroaches
42 four feet into the rear yard setback. Site Plan F includes 8,824 sf and 22 parking
43 spaces.

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- 1 • Mr. Mooney stated that the applicant's preference is for Site Plan F, which would
2 require a four-foot rear yard setback variance and a Planning Commission waiver
3 of the 10-foot planting buffer requirement.
4
5 • The Commission felt that the parking scheme in Site Plan E was preferable to that
6 provided in Site Plan F. The Commission asked if the outdoor garden area would
7 be pavement and Mr. Mooney stated that it most likely would be.
8
9 • The City Planner stated that there were several problems with the parking and
10 circulation layout. He stated that parking space #1 is largely inaccessible. He
11 suggested that angled parking in front of Building B may work better. He also stated
12 that parking space #15 is suboptimal. He clarified that while no parking spaces are
13 required for the first two residential units above retail, one space per unit is required
14 for each additional unit. He stated that it applies to the site as a whole, not to each
15 building individually.
16
17 • The Commission discussed the potential benefits of angled parking. The City
18 Planner stated that 8' 6" parking spaces may work and spaces may not need to be
19 eliminated. He also noted that if the spaces all shift toward the back of the site,
20 more landscaping may be possible along Purchase Street, or the handicap loading
21 space, which is not heavily used, may be able to be relocated to where space #1
22 is currently shown.
23
24 • The Commission stated that Site Plan E is preferred over Site Plan F and asked
25 Mr. Mooney to come back again with a modified plan.
26
27

28 **4. 266 Purchase Street**

- 29
30 • Mr. David Mooney, applicant's architect, was present for the application. Mr.
31 Mooney stated that the application involves the conversion of the existing building
32 from three medical offices and one physical therapy office to three medical offices
33 and one 1,000-square-foot apartment. He also stated that the parking lot will be
34 restriped to show 8.5-foot by 20-foot parking spaces, which is how the lot originally
35 should have been striped. He clarified that 13 parking spaces are required but 16
36 will be provided. He stated that the existing asphalt will be used and there will be
37 no site work.
38
39 • The Commission noted that striping should be added for a handicapped
40 loading/unloading area, as well as going up the hill as a warning for vehicles.
41

42 **ACTION:** Richard Mecca made a motion, seconded by Steven Secon, to set the
43 public hearing for Site Plan Application Number SP#371, which was carried
44 by the following vote:
45

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1	Nick Everett, Chair:	Aye
2	Martha Monserrate, Vice-Chair:	Absent
3	Andrew Ball:	Aye
4	Laura Brett:	Aye
5	Richard Mecca:	Aye
6	Steven Secon	Aye
7	TBD	

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10 **5. 24 Crescent Avenue**

- 11
- 12 • Mr. David Mooney, applicant’s architect, was present for the application. Mr.
- 13 Mooney stated that a variance had already been received for the relocation of the
- 14 generator. The Commission noted that Mr. Mooney should verify that the drain is
- 15 not located under the proposed generator location.
- 16 • The Commission asked if there was a setback requirement for generators. The
- 17 City Planner stated that the City code does not specify a setback, but common
- 18 practice has been to keep it 10’ from the property line.
- 19
- 20 • Mr. Mooney stated that 212 sf of impervious area will be added. He stated that
- 21 mitigation will be provided in the form of trees along the side property line because
- 22 the deer population affects the survival of shrubs and other plants.
- 23

24 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to set the public
25 hearing for Wetland Permit Application Number WP#436, which was carried
26 by the following vote:

27		
28	Nick Everett, Chair:	Aye
29	Martha Monserrate, Vice-Chair:	Absent
30	Andrew Ball:	Aye
31	Laura Brett:	Aye
32	Richard Mecca:	Aye
33	Steven Secon	Aye
34	TBD	

35
36
37 **6. 48 Brookdale Place**

- 38
- 39 • The Commission noted that the CC/AC found the application to be acceptable
- 40 based on the site visit.
- 41
- 42 • Mr. Alan Pilch, applicant’s engineer, was present for the application. Mr. Pilch
- 43 noted that the subsurface chambers were able to be moved to the east side of the
- 44 property so there is no need to go to the County for approval.
- 45

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1 **ACTION:** Richard Mecca made a motion, seconded by Laura Brett, to set the public
2 hearing for Wetland Permit Application Number WP#437, which was carried
3 by the following vote:

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

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14 7. 6 Hannan Place

15

16 • Mr. Richard Horsman, applicant's landscape architect, was present for the
17 application. Mr. Horsman stated that the site is along the Beaver Swamp Brook
18 and there is a boulder wall on the wetland line. He noted that the subdivision plan
19 includes a 50-foot wetland buffer line, from which the impacts to the wetland buffer
20 were determined. The Commission questioned the 50-foot buffer and asked if the
21 subdivision predated the existence of the City's wetland law. Mr. Horsman stated
22 that it might, but he wasn't sure. The City Planner noted that there are no additional
23 restrictions on the subdivision plan. He stated that the Beaver Swamp Brook is a
24 DEC wetland and the Commission will need more information on the DEC's
25 wetland requirements.

26

27 • The Commission discussed the applicability of the 50-foot wetland buffer versus
28 the City's 100-foot buffer. Mr. Horsman was directed to use the 100-foot buffer and
29 base the application's impacts on that. Mr. Horsman stated that the DEC will use
30 the 100-foot buffer and will delineate the wetland based on vegetation only, not on
31 soils. He noted that the DEC will not be able to do the delineation until April or May
32 when the vegetation is present.

33

34 • The Commission set a site walk for April 14th.

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36

37 8. Minutes

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39 • The Planning Commission reviewed the draft minutes from the March 13, 2018
40 meeting and made minor revisions.

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42 **ACTION:** Laura Brett made a motion, seconded by Richard Mecca, to approve as
43 amended the minutes from the March 27th meeting, which was carried by
44 the following vote:

45

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1	Nick Everett, Chair:	Aye
2	Martha Monserrate, Vice-Chair:	Absent
3	Andrew Ball:	Aye
4	Laura Brett:	Aye
5	Richard Mecca:	Aye
6	Steven Secon	Aye
7	TBD	
8		