

APPROVED MINUTES of the Land Use
Workshop of the City Council of the City of Rye held
in City Hall on February 27, 2013 at 7:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (Arrived at 7:07 p.m.)
RICHARD FILIPPI (Arrived at 7:08 p.m.)
PETER JOVANOVICH
JULIE KILLIAN
JOSEPH A. SACK (Arrived at 7:25 p.m.)
Councilmembers

ABSENT: CATHERINE F. PARKER

BOARD AND COMMISSION MEMBERS PRESENT:

BOARD OF APPEALS:

SERGE NIVELLE
ANTHONY PISCIONERE
MAUREEN POWERS

BOARD OF ARCHITECTURAL REVIEW:

JOHN CLARK
ROBERTA DOWNING
WILLIAM FEGAN
ROBIN JOVANOVICH
LOUIS ROLLANO
MARK SCHINDLER

CONSERVATION COMMISSION/ADVISORY COUNCIL:

CAROLYN CUNNINGHAM
NICHOLAS HODNETT

PLANNING COMMISSION:

NICHOLAS EVERETT
BARBARA CUMMINGS
MARTHA MONSERRATE

1. Opening remarks by Mayor Douglas French

Mayor French said the purpose of this workshop was for the land use boards to get together to educate the public and the Council about the challenges that each board faces and target areas where the City Council may need to look at laws and regulations.

2. Board Introductions and Overview, Christian K. Miller, City Planner

City Planner Christian Miller thanked the members of the boards in attendance for all their hard work. He noted that they are unpaid volunteers who are responsible for what, in his opinion, are the most important decisions made in municipal government – land use. These decisions have a long-lasting affect on the community and every decision has a context. He asked that the board representatives give a brief introduction of the type of applications they review, the challenges and opportunities they see, and anything they believe the Council could do to assist them.

3. Land Use Board Presentations and Facilitated Discussion

- Planning Commission

Nicholas Everett, Chair of the Planning Commission, said that the Board meets 18 to 20 times per year, and in 2012 they reviewed 53 applications. The Board issues 28-30 Wetlands Permits a year (about 50% of the applications), with the remainder made up of Subdivisions, Site Plan approvals and general approvals. The biggest issues stem from the public not fully understanding the land use laws. Many times there are complications between the Wetlands laws and the Zoning laws. The Board is trying to rethink the idea of mitigation requirements in wetlands setback areas due to the problems caused by deer eating the required vegetation.

- Board of Appeals

Anthony Piscionere said that the Board has seen a consistent pattern of applications from people looking to upsize their homes to accommodate growing families. He also noted that there are two other types of applications that are increasingly coming before the Board – fences and front yard parking. The Board has been traditionally strict in enforcing these requirements and has on occasion suggested that applicants petition the Council to amend the laws. The Board does not see its function as legislative and would appreciate clear direction from the Council if they wish to change policy.

- Board of Architectural Review

William Fegan said that the purview of the Board of Architectural Review is to review new buildings and alterations to existing buildings by looking at excessive uniformity, excessive dissimilarity, inappropriateness or poor design quality. They also review landmarked structures and signage. The Board believes that the burden of proof required should be changed from the criminal burden (beyond a reasonable doubt) to a civil burden (a preponderance of evidence). They would also like to see the application sequence changed so that they come before the Board of Architectural Review for an opinion prior to going before the Zoning Board of Appeals for a variance. There was a discussion among the members of the various boards about this suggestion and how it might impact an application. City Planner Miller said that coordinating among Boards was an administrative practice and a referral process could be worked out if desired. The trends being seen by the Board of Architectural Review are buildings getting bigger and taller; outdoor fireplaces as accessory structures; buildings being built not as approved; and trees being cut down without permission.

- Conservation Commission/Advisory Council (CC/AC)

Carolyn Cunningham, Chair of the CC/AC, said it was one of the City's oldest boards dating back to the 1950s. In the 1970s the Conservation Commission became an Advisory Council under state law. The role of the board is to be advisory on all environmental and conservation matters in the City. Some issues that have been spun off from the board include stormwater management; flooding; and sustainability. A major task of the board is to provide advice to the Planning Commission on who should or should not get a Wetlands Permit. They have also been involved in SEQRA matters; recycling; and noise issues. The trends they are interested in now include the adoption of a Sustainability Plan by the Council; working with the Planning Commission on retaining wetlands; and a new ordinance for tree protection.

4. Adjournment

Mayor French thanked all the members of the Land Use Boards who attended for their service to the community and said that the Council could make positive changes based on their feedback. The workshop ended at 8:06 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk