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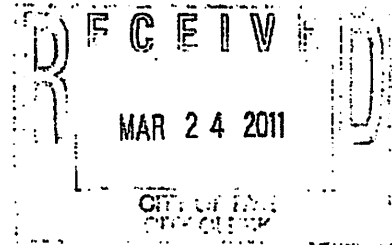
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**CITY OF RYE  
Planning Commission**

**Resolution**

**No. 04-2011**

Application Name: **Wainwright House Seasonal Tents**  
Approvals: Final Site Plan, Use Permitted Subject to Additional Standards and Requirements, Wetland and Watercourses Permit and LWRP Coastal Consistency Determination  
Application Number: SP#317 and WP#280  
Project Description: Installation of three seasonal tents  
Street Address: 260 Stuyvesant Avenue  
Tax Map Designation: Sheet: 153.18 Block: 1 Lot: 1  
Approval Date: March 22, 2011  
Expiration Date: October 1, 2016



WHEREAS, on March 19, 2010 (and amended on May 26, 2010), Wainwright House, Inc. (hereinafter "Applicant") submitted an application for Final Site Plan, Use Permitted Subject to Additional Standards and Requirements and Wetland and Watercourses Approval for a property, located at 260 Stuyvesant Avenue; and

WHEREAS, the drawing submitted in connection with the application is titled, *Property of Wainwright House, Inc., 250, 260 and 270 Stuyvesant Ave. Rye, NY, Site Plan*, prepared by Ahneman Kirby, LLC, originally dated April 13, 2007 and last revised March 14, 2011; and

WHEREAS, the application involves a request to continue to use the rear yard of the existing Wainwright House property for the seasonal installation of three exterior tents; and

WHEREAS, the property is known on the Rye City Tax Map as Sheet 153.18, Block 1, Lot 1, and is located in a R-1 One-Family District, a "C" City of Rye Parking District, a Wetlands and Watercourses Buffer Area; and appears to be located in a "X" and "VE" Federally designated Flood Insurance Rate Zones; and

WHEREAS, on May 3, 1951 the Planning Commission recommended that the City Council approve the use of the subject property for use by "The Laymens Movement for a Christian

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World, Inc.”, which in 1982 merged with Wainwright House to become Wainwright House, Inc.;  
and

WHEREAS, other than a wetland and watercourses permit approved by the Planning Commission on June 24, 2008 for the repair of a seawall and the installation of steps and a fence, the only review of the subject property by the Planning Commission was the foregoing approval in 1951; and

WHEREAS, seasonal tents have been used by the applicant for weddings and other events on a seasonal basis for a number of years, but did not receive approval from the Planning Commission, Board of Appeals, City Council or other City Board or Commission; and

WHEREAS, in 2008, 2009 and 2010 the Building Inspector required the issuance of a City building permit for the seasonal tents to confirm their proper installation; and

WHEREAS, the application was submitted by the applicant at the request of the Rye City Building Inspector, which determined in 2010 that seasonal tents are a permitted use in the R-1 District, but that such tents require approval from the Rye City Planning Commission pursuant to §197-7 and §197-10 of the Rye City Code; and

WHEREAS, the seasonal tents in the application are for weddings and other events and have been used for that purpose for at least ten years in the exact location as shown in the application; and

WHEREAS, at its December 14, 2010 meeting the Planning Commission advised the applicant that the three seasonal tents are located in a coastal zone area as delineated in the City of Rye Local Waterfront Revitalization Program (LWRP) and subject to the requirements of Chapter 73, *Coastal Zone Management*, of the Rye City Code and are considered an Unlisted Action pursuant to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, on January 4, 2011, the applicant submitted a LWRP Coastal Consistency Application and Coastal Assessment Form; and

WHEREAS, in its submission to the Planning Commission the applicant has stated a willingness to be subject to restrictions imposed by the Planning Commission on its use of the seasonal tents, except for 2011 for which the applicant is contractually obligated to third parties to provide for use of the tents; and

WHEREAS, the application and plan were referred to the Conservation Commission/Advisory Council (hereinafter “CC/AC”) for their review and recommendation; and

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**WHEREAS, the CC/AC noted in its April 13, 2010 letter to the Planning Commission that they found the application "acceptable" subject to the Planning Department verifying that the tents are in the same size as approved in previous years and that water run-off and mitigation be considered for the wetland buffer encroachment; and**

**WHEREAS, the application and plans were referred to the Board of Architectural Review (hereinafter "BAR") for their review and recommendation; and**

**WHEREAS, a duly noticed public hearing was held on October 12, 2010 and all members of the public wishing to be heard were given the opportunity to be heard; and**

**WHEREAS, the public hearing was continued to the Planning Commission's October 26, 2010 meeting which the applicant requested and was granted an adjournment of the matter to the Commission's next meeting; and**

**WHEREAS, the public hearing was continued to the Planning Commission's November 16, 2010 meeting, which the applicant requested and was granted an adjournment of the matter to the Commission's next meeting; and**

**WHEREAS, the public hearing was continued to the Planning Commission's December 14, 2010 meeting and all members of the public wishing to be heard were given the opportunity to be heard; and**

**WHEREAS, the public hearing was continued to the Planning Commission's January 11, 2011 meeting for which the applicant requested an adjournment of the matter, but such adjournment was not granted and the duly noticed public hearing was conducted and all members of the public wishing to be heard were given the opportunity to be heard; and**

**WHEREAS, the public hearing was continued to the Planning Commission's February 1, 2011 and all members of the public wishing to be heard were given the opportunity to be heard; and**

**WHEREAS, the public hearing was continued to the Planning Commission's February 15, 2011 and all members of the public wishing to be heard were given the opportunity to be heard; and**

**WHEREAS, the public hearing was closed on February 15, 2011; and**

**WHEREAS, on March 5, 2011, the Planning Commission inspected and reviewed the site and surrounding area; and**

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WHEREAS, a Short Environmental Assessment Form dated March 3, 2010, was submitted by the Applicant and reviewed by the Planning Commission; and

WHEREAS, at its December 14, 2010 meeting, the Planning Commission determined that the action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act (SEQRA); and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission has given due consideration to the criteria listed §197-10, *Uses Permitted Subject to Additional Standards and Requirements*, of the City Zoning Code and finds that the application is consistent with said criteria based on the following:

- (1) *In a residence district the proposed use will serve a community need or convenience.*

During the public hearing, the Commission received letters of support from residents, area not-for-profit organizations and other users groups expressing the need for Wainwright House to host a variety of events. Many also stated that for nearly 60 years Wainwright House has provided the community with spiritual programming. The applicant and others have stated that the wedding events provide revenue that is essential to sustaining Wainwright's mission, spiritual programming and capital needs. The applicant stated that it has been conducting weddings and other tented events for approximately 16 years. Based on information provided by the applicant, between 1999 and 2010 the number of tented weddings has ranged from as little as two in 2004 to as many as 32 in 2009. Between 1999 and 2006 there was on average 8 weddings per season. Between 2007 and 2010 the number of weddings more than tripled with an annual average of 27 weddings per season. The applicant has stated that every year since 1999 there were also approximately eight non-wedding tented events each year.

The record is abundant with comments from area residential neighbors and members of the public objecting to the noise, amplified music, disturbance and activity levels associated with tented weddings conducted by the applicant, but there was little objection to the non-wedding tented events without amplified music. The Commission agrees that the Wainwright House provides a community need, but that the number of tented weddings with amplified music should be limited to be more consistent with the character of the R-1 Residence District.

- (2) *The proposed use will be appropriate in the proposed location and will have no material adverse effect on existing or prospective conforming development, and the proposed site is adequate in size for the use.*

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Wainwright House is located in an R-1 Single-Family Residence District on Milton Point in an area that includes both single-family residential and membership club uses. Generally opposite the property on the east side of Stuyvesant Avenue is the Coveleigh Club. Further south on Stuyvesant Avenue are the Shenorock Shore Club and the American Yacht Club. Prior to 1991, these clubs were located in the City's R-1 District until the zoning district designation was changed to the Membership Club District as recommended in the City's Local Waterfront Revitalization Program (LWRP). These clubs, like Wainwright House, are permitted uses and can generate potentially disruptive levels of noise, traffic and outdoor activities during the same period that Wainwright House uses its seasonal tents. Clearly, the land use context is not one of an exclusively residential area. These membership clubs have existed in the area for decades and have undergone a number of expansions and modifications approved by the Planning Commission to meet changing needs pursuant to the same standards and requirements of §197-10 as being considered for the subject application.

Preserving the residential character and integrity of the R-1 District is an obligation for the Commission when considering the appropriateness of the application under the standards and requirements of §197-10. Wainwright House owns two contiguous properties and has a total area of 5.1 acres; however the immediately abutting neighbors to the north and south are single-family residences. North of the applicant's property are exclusively single-family residences. Tented events and specifically weddings have been noted by many during the public hearing as being disruptive and inconsistent with the character of single-family use.

According to information provided by the applicant the tents have been previously installed for seven months from April to November. Most of the weddings occur from May to October. In 2010 there were 27 weekends during this period. In 2008, 2009 and 2010 there were 27, 32 and 28 weddings, respectively, not including the additional non-wedding tented events. Based on information provided by the applicant, this number results in an average of more than one wedding every weekend during a six-month period with an average number of 168 attendees. Weddings last many hours with activity extending into the late evening and early morning. Caterers and overnight guests generate noise and disturbances that are inconsistent with surrounding residential uses.

The applicant has stated that it has or will implement a number of provisions to reduce neighborhood impacts including noise attenuation measures, restrictions on the hours of tent use, use of off-duty police officers to manage traffic flow, mandating the use of buses for large events to reduce off-site parking impacts and other measures and operational restrictions. The Commission supports the applicant's implementation of

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these mitigation measures cited in its February 7, 2011 statement to the Planning Commission, but finds that they are not adequate to mitigate land use compatibility concerns<sup>1</sup>. A restriction on the number of tented weddings and amplified music is the most effective mitigation measure and most practical to enforce.

The Commission finds that the number of seasonal tented weddings must be reduced to preserve the integrity of the R-1 District, minimize environmental and community character impacts as the Commission is required to consider pursuant to SEQRA and to operate in a manner that is consistent with the City's Coastal Zone Management policies. To that end, the Commission finds that the number of weddings should be limited to the number and conditions identified below. The number of tented weddings is less than recent years, but reasonable and consistent with the number of weddings Wainwright House provided prior to 2007. The Commission recognizes Wainwright's contractual commitments for weddings in 2011.

Applicant's Counsel has stated that Wainwright House is a religious and spiritual institution and that it is protected by laws that prohibit actions by the Commission that may impact its religious expression. Members of the public dispute whether Wainwright House is a religious institution and have questioned its tax-exempt status. The Commission does not have jurisdiction over these matters. It is considering the land use implications of a presumed permitted and zoning-compliant use and the reasonable needs of the applicant.

- (3) *In cases where conversion is proposed of a structure designed and built originally for other uses, the structure will be adaptable.*

The Board of Architectural Review noted in its comments to the Commission the historic and architectural significance of the Wainwright House. There was testimony from a local architect that the tent is aesthetically and architecturally inconsistent with the character of the Wainwright House. The applicant's architect stated that the tent is architecturally appropriate.

The tent has been previously installed for a period of potentially seven months, which obstructs the view of the rear façade of the architecturally significant residence on the Wainwright House property. Protecting the historic character of structures in the coastal area is a consideration under the City's Coastal Zone Management Law (see policies 23 and 25). The Commission finds that to reduce potential impacts on historic structures and scenic resources and to be consistent with the City's Coastal Zone Management

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<sup>1</sup> Those restrictions relate to measures to manage amplified sound, turn music off at certain hours, implement traffic and security controls and restrictions on garbage and catering staff.

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polices that the tent should be installed for as an limited as amount of time as possible and that the prior practice of installing the tent for up to seven months is inappropriate.

- (4) *The proposed use will be provided with adequate off-street parking to meet its needs, properly screened from adjoining residential uses, and entrance and exit drives are to be laid out to minimize traffic hazards and nuisance.*
- (5) *The potential generation of traffic will be within the reasonable capacity of the existing or planned streets and highways providing access to the site.*

The applicant has submitted a report prepared by a New York State licensed traffic engineer stating that the tented events provide no significant adverse traffic or parking impact. Level of service at area intersections is not compromised by traffic associated with the tented weddings. Substantial public comment from area neighbors cites only occasional instances of off-site parking on Stuyvesant Avenue. The applicant's use of buses and other traffic control measures for large weddings mitigates traffic and parking impacts.

- (6) *There are available adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent that may be caused or created by or as a result of the use.*

The site is served by public sewer and there are no identified sewage capacity problems. Post wedding refuse disposal has been cited as a concern during the public hearing. The applicant will not be permitted to store outdoors any garage related to tented events. In addition, the applicant has revised its plan at the request of the Planning Commission to relocate the existing outdoor refuse container further from the northern property line to an area enclosed by a stockade fence. Reducing the number of large tented weddings will reduce refuse concerns.

- (7) *In a Coastal Zone District, a conventional subdivision or a subdivision lot grouped pursuant to §197-39 will accomplish the following:*
  - (a) *All wetlands and floodplains shall be preserved.*
  - (b) *All buildings and facilities shall be so arranged as to preserve to the maximum extent practical, the view of the shoreline from public streets.*
  - (c) *Where any development borders the waterfront there shall be a one-hundred-foot-wide strip of land along the waterfront which shall not include any area of the site below mean sea level or beyond the upland property line, whichever is most protective of proper drainage, flood protection and edge effect along the waterfront.*

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This criterion is not applicable. The property is located in a coastal zone, but a subdivision of any type is not proposed.

; and

**AND, BE IT FURTHER RESOLVED**, that the Planning Commission based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, finds that the proposed action will not have a significant adverse environmental impact due to the extent of the proposed improvements, the nature of reasonably expected impacts, modifications in the project design to reduce anticipated impacts and implementation of mitigation measures;

**AND, BE IT FURTHER RESOLVED**, that the Planning Commission finds that the application is consistent with the City's LWRP policies, standards and conditions identified in §73-5.D, *Coastal Zone Management*, of the City Code;

**AND, BE IT FURTHER RESOLVED**, that the Planning Commission, as required by §195-5.D of the Rye City Code, *Standards for Permit Decisions*, makes the following findings:

Having evaluated the proposed activity with respect to wetland functions and the role of the wetlands in the hydrologic and ecological system; and having determined the impact of the proposed activity upon public health and safety, rare and endangered species, water quality and additional wetland functions listed in §195-1, the Planning Commission finds that the impacts and losses have been avoided to the maximum extent practicable. In making this determination, the Planning Commission has considered the following factors:

- (1) The impact of the proposed activity; and existing and reasonably anticipated similar activities, upon neighboring land uses and wetland functions as set forth in §195-1, including filling of a wetland or other modification of natural topographic contours, disturbance or destruction of natural flora and fauna, influx of sediments or other materials causing increased water turbidity and/or sediment build up, removal or disturbance of wetland soils, reductions in wetland water supply, interference with wetland water circulation, damaging reductions or increases in wetland nutrients, influx of toxic chemicals and/or heavy metals, damaging thermal changes in the wetland water supply; and destruction of natural aesthetic values.
- (2) Existing wetland impacts and the cumulative effect of reasonably anticipated future wetland activities in the wetland subject to the application.

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- (3) The impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage, storm barriers; and water quality.
- (4) The safety of the proposed activity from flooding, erosion, hurricane winds, soil limitations; and other hazards and possible losses to the applicant and subsequent purchasers of the land.
- (5) The adequacy of water supply and waste disposal for the proposed use.
- (6) Consistency with Federal, State; and County comprehensive land use plans and regulations, consistency with the Code of the City of Rye and consistency with the Rye City Development Plan.
- (7) The availability of preferable alternative locations on the subject parcel or, in the case of activity that cannot be undertaken on the property without disturbance to wetlands, the availability of other reasonable locations for the activity.

**AND, BE IT FURTHER RESOLVED**, that the Rye City Planning Commission hereby approves Wetlands and Watercourses Permit #280 for the improvements shown on the aforementioned plans;

**AND, BE IT FURTHER RESOLVED**, that the Planning Commission hereby approves the application for Final Site Plan and Use Permitted Subject to Additional Standards and Requirements #SP317 for the improvements shown on the plans indicated in this resolution, subject to the following conditions:

**Conditions for Tented Events in 2011 only:**

1. The Applicant shall sign and return one copy of the approved resolution to the Planning Commission indicating acceptance of all conditions of approval. Failure to sign this resolution of conditional approval within sixty (60) days will deem this approval null and void.
2. For 2011, there shall be no more than 26 tented weddings and 8 non-wedding tented events.
3. The applicant shall apply for a building permit from the Rye City Building Department. Accompanying the building permit application shall be a list that identifies the date, number of attendees and type of event (either wedding or non-wedding) that will be held in the tent for the upcoming season. Any amendments to the list of tented events shall be

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submitted to the Building Department at least ten (10) calendar days before such event is held.

4. **Amplified music shall be turned off by 11:00 PM Monday through Saturday and 9:00 PM on Sunday. There shall be no amplified music for any tented wedding event between 11:00 PM and 10:00 AM Monday through Saturday and after 9:00 PM on Sunday. There shall be no amplified music for non-wedding tented events at any time.**
5. **Catering staff and wedding guests shall leave the site by 11:30 PM.**
6. **There shall be no outdoor storage of garbage related to tented events.**
7. **Weddings involving more than 150 attendees shall provide busing for participants.**
8. **The Building Inspector shall confirm the structural integrity of the tent (including the impact sound attenuation measures may have on the structure), fire safety and other public health and safety considerations.**

**Conditions for Tented Events for 2012 thru October 1, 2016:**

9. **After 2011, there shall be no more than 10 tented weddings and 8 non-wedding tented events per year.**
10. **The tent shall not be installed before May 1 and shall be removed by September 30.**
11. **Amplified music shall be turned off by 10:00 PM Monday through Saturday and 9:00 PM on Sunday. There shall be no amplified music for any tented wedding event between 10:00 PM and 10:00 AM Monday through Saturday and after 9:00 PM on Sunday. There shall be no amplified music for non-wedding tented events at any time.**
12. **Catering staff and wedding guests shall leave the site by 10:30 PM.**
13. **There shall be no outdoor storage of garbage related to tented events.**
14. **Weddings involving more than 150 attendees shall provide busing for participants.**
15. **Each year, prior to installing the tent the applicant shall apply for a building permit from the Rye City Building Department. Accompanying the building permit application shall be a list that identifies the date, number of attendees and type of event (either wedding or non-wedding) that will be held in the tent for the upcoming season. Any amendments to**

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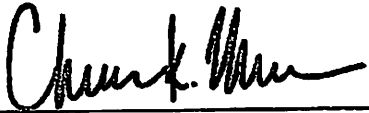
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the list of tented events shall be submitted to the Building Department at least ten (10) calendar days before such event is held.

16. The Building Inspector shall confirm the structural integrity of the tent (including the impact sound attenuation measures may have on the structure), fire safety and other public health and safety considerations.

AND, BE IT FURTHER RESOLVED, that this approval shall expire on October 1, 2016. After such expiration date there shall be no tented events on the property unless a new application following the same form and procedure as the original application is approved by the Planning Commission. Any new application for seasonal outdoor tents should be submitted to the Planning Commission a year or more before the expiration date in order to give the Planning Commission adequate time review and process the application.

I certify that the foregoing resolution is a correct copy of Planning Commission Resolution #4-2011, which was duly adopted on March 22, 2011.



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Christian K. Miller, AICP  
City Planner

3/24/11  
Date

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Applicant Signature

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Date