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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

John Currie, Chairman
Fedora DeLucia
Christopher Foley
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
John Keane



**SOMERS PLANNING BOARD
AGENDA
OCTOBER 10, 2012
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for August 8, 2012

DISCUSSION

- 1. GRANITE POINTE SUBDIVISION FSEIS COMPLETENESS REVIEW**
Proposals for consulting professional services in connection with the Planning Board's completeness review of the proposed Final Supplemental Environmental Impact Statement (FSEIS) for the Granite Pointe Subdivision.

PUBLIC HEARING

- 2. SOMERS REALTY PLANNED HAMLET
PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE;
WETLAND PERMIT, TREE PRESERVATION PERMIT AND STORMWATER
MANAGEMENT AND EROSION CONTROL PERMITS [4.20-1-15, 18]**

**THE MEWS AT BALDWIN PLACE PHASE 2 SITE PLAN APPROVAL,
WETLANDS, STEEP SLOPES, TREE PRESERVATION AND
STORMWATER MANAGEMENT AND EROSION AND SEDIMENT
CONTROL PERMITS [TM: 4.20-1-15]**

Application for Preliminary Subdivision and Lot Line Change. Wetland Permit, Stormwater Management and Erosion and Sediment Control, Tree Preservation Permits for Somers Realty Planned Hamlet.
The Preliminary Subdivision application is for creation of a 7.7 acre lot from prior Lot 2. The Lot Line change is for a minor modification to the lot line of a previously created sewer pump station parcel.

PUBLIC HEARING (CONTINUED)

The Mews at Baldwin Place 2, Site Plan Approval, Wetlands, Tree Preservation, Steep Slopes, Stormwater Management and Erosion and Sediment Control Permit for the Mews at Baldwin Place, Phase 2. The property is located on the South side of Route 6 in the Somers Planned Hamlet Zoning District. The Site Plan application is for the construction of 75 units of senior affordable housing which will be serviced by public water and sewer.

Next Planning Board Meetings November 14, 2012,
Agenda information is also available at www.somersny.com

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**SOMERS PLANNING BOARD MINUTES
AUGUST 8, 2012**

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ROLL:

8

9

PLANNING BOARD

10

MEMBERS PRESENT:

Chair Currie, Mrs. DeLucia, Mr. Keane,
Ms. Gerbino, Mr. Goldenberg, Mr. Foley
and Ms. Gannon

11

12

13

14

ALSO PRESENT:

Town Planner Syrette Dym
Consultant Planner Joanne Meder
Consultant Engineer Joseph Barbagallo
Town Attorney Gerald Reilly

15

16

17

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19

The meeting commenced at 7:30 p.m. Town Planner Syrette Dym called the roll.

20

21

22

APPROVAL OF JUNE 13, 2012 MINUTES

23

24

Chairman Currie noted that Planning Board Secretary Marilyn Murphy prepared and submitted for the Board's consideration the approval of the draft minutes of the Planning Board meeting held on June 13, 2012.

25

26

27

28

Chairman Currie explained that Consultant Planner Meder of Frederick P Clark, recommended a few additional revisions to the draft minutes to clarify discussions that occurred at the June 13, 2012 Planning Board meeting regarding The Green at Somers application.

29

30

31

1 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously
 2 carried, the minutes of June 13, 2012, as amended, were approved.

3

4 **TIME-EXTENSION**

5

6 **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
 7 **FINAL CONSERVATION SUBDIVISION**
 8 **[TM: 16.12-1-41 & 42]**

9

10 Chairman Currie said that this time-extension request relates to the
 11 application of Susan Haft/Ridgeview Designer Builders, Inc. for Final
 12 Conservation Subdivision. He noted that the request is for a 90-day time-
 13 extension of Final Approval from August 20, 2012 to and including
 14 November 19, 2012.

15

16 Chair Currie acknowledged for the record receipt of a memo from Town
 17 Planner Dym in support of the requested time-extension.

18

19 The Chair asked if there were any comments or questions from members of
 20 the Board and no one replied.

21

22 On motion by Chair Currie seconded by Ms. Gerbino, and unanimously
 23 carried, the Board moved to grant a 90-day seventh time-extension to
 24 Susan Haft and Ridgeview Designer Builders, Inc. to the period of
 25 Conditional Final Subdivision Approval from August 20, 2012 to and
 26 including November 19, 2012.

27

28 **TIME-EXTENSION**

29

30 **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL**
 31 **[TM: 5.20-1-1]**

32

33 Chairman Currie said that this time-extension request relates to the
 34 application of Merritt Park Estates Final Subdivision Approval. He noted
 35 that the request is for a 90-day time-extension of Final Subdivision Approval
 36 retroactively from July 9, 2012 to and including October 9, 2012. Chair
 37 Currie mentioned that this is the eighth request for a time-extension.
 38 Noelle Crisalli-Wolfson, the applicant's attorney, explained that she was
 39 present to answer any questions the Board may have on the requested
 40 time-extension.

1 The Chair asked if there were any comments or questions from members of
2 the Board.

3
4 Ms. Gannon asked why the time-extension is retroactive and why the
5 request for a time-extension was not made in July.

6
7 Attorney Crisalli-Wolfson stated that her firm made a calendar error and
8 missed the deadline.

9
10 Ms. Gannon said that a better explanation should be given for the reason
11 for the delay in the request for the time-extension.

12
13 On motion by Chair Currie seconded by Mr. Goldenberg, and unanimously
14 carried, the Board moved to grant a 90-day eighth time-extension to Merritt
15 Park Estates to the period of Conditional Final Subdivision Approval from
16 July 9, 2012 to and including October 9, 2012.

17 18 **TIME-EXTENSION**

19 20 **MITCHELL CONSERVATION SUBDIVISION** 21 **[TM: 16.09-1-9]**

22
23 Chairman Currie said that this time-extension request relates to the
24 application of the Mitchell Conservation Subdivision Approval. He noted
25 that the request is for a 180-day time-extension of Preliminary Subdivision
26 Approval to and including October 23, 2012. Chair Currie mentioned that
27 this is the first request for a time-extension.

28
29 Timothy S. Allen, the applicant's engineer, explained that the date of the
30 expiration of Preliminary Subdivision Approval was not entered into the
31 computer and he did not realize that Preliminary Subdivision Approval had
32 expired. He noted that he originally requested a Re-Grant of the
33 Subdivision and will submit a new application. Engineer Allen said that
34 nothing has changed on the project in terms of the Preliminary Resolution.
35 He mentioned that the Department of Environmental Protection (DEP) is
36 reviewing the project and hopefully the project will move to Final
37 Subdivision Approval shortly.

38

1 Engineer Allen asked that a Draft Resolution be prepared for the
2 September Planning Board meeting granting re-approval of the Preliminary
3 Subdivision.

4
5 Mr. Foley asked why the Board cannot grant a time-extension. He
6 mentioned that the Merritt Park Estates Subdivision also expired and the
7 Board granted a time-extension. He noted that there is no time limit in the
8 Code which states that a Re-grant is necessary instead of a time-extension.

9
10 Town Attorney Reilly advised that because the project expired three months
11 ago a re-grant of Conditional Preliminary Subdivision Approval is
12 necessary.

13
14 Town Planner Dym explained that she spoke with Town Attorney Baroni
15 and he advised that because of the length of time which was more than
16 three months after expiration of the permitted six month time period a re-
17 approval of conditional Preliminary Subdivision approval is needed.
18 She felt that there is a more rigid standard for Preliminary Approval than
19 Final Approval.

20
21 Mr. Foley said that he does not understand the rigid standard in reference
22 to Preliminary Subdivision Approval.

23
24 Town Attorney Reilly advised that when Final Subdivision Approval is
25 granted the Board has given further review of the application. He noted that
26 in his opinion the applicant should file for a Re-Grant of Preliminary
27 Subdivision Approval.

28
29 Town Planner Dym asked if the Board has a firm position on a time-
30 extension or is flexible on the issue.

31
32 Mrs. DeLucia said that Resolution 2011-08 dated October 26, 2011
33 expired on April 26, 2012 and no application for Final Subdivision Approval
34 was submitted. She opined that the expiration of Preliminary Subdivision
35 Approval is too long without the required request for a time-extension.
36 She indicated that she cannot vote for a time-extension but requests that
37 the applicant reapply and incorporate all prior procedures and approvals as
38 part of the reapproval application.

39

1 The Chair acknowledged that the consensus of the Board is that the
 2 applicant reapply for Preliminary Subdivision Approval.

3
 4 On motion by Mrs. DeLucia, seconded by Mr. Foley, and unanimously
 5 carried, the Board moved to deny the applicant's request for a 180-day
 6 time-extension since Conditional Preliminary Conservation Subdivision
 7 Approval Resolution 2011-08 dated October 26, 2011 expired on April 26,
 8 2012 due to the applicant's failure to submit to the Planning Board an
 9 application for Final Subdivision Plat Approval or a request for extension of
 10 time prior to the expiration of the permitted six-month time period, therefore
 11 requiring the applicant to reapply and submit to the Planning Board a
 12 reapproval application incorporating all prior procedures and approvals as
 13 part of the reapproval application.

14
 15 **DECISION**

16
 17 **GREENBRIAR RE-SUBDIVISION OF LOTS 1, 2, 3, 4**
 18 **IN SECTION 7**
 19 **CUTTING OF 50" DIAMETER OAK TREE**

20
 21 Chairman Currie said that the decision will be on the cutting of the 50"
 22 diameter Oak Tree at Greenbriar in Section 7. He asked Town Planner
 23 Dym to review Resolution No. 2012-05 Request by Planning Board that the
 24 Town Attorney prepare a memorandum addressing questions regarding the
 25 removal of the 50" diameter Oak Tree of the Greenbriar Re-Subdivision of
 26 Lots 1, 2, 3 and 4 in Section 7.

27
 28 Town Planner Dym said that the resolution asked that the attorney provide
 29 an opinion on the ramifications on the cutting of the 50" diameter Oak Tree.
 30 She mentioned that a letter dated July 9, 2012 from Steven DeLucia, ISA
 31 Certified Arborist, together with several photos of the downed tree was
 32 submitted to the Planning Board on July 11, 2012. She explained that the
 33 Resolution did not make reference to the letter because of the lateness of
 34 the letter; however, the letter is in the record. She said that she provided
 35 the letter to the Board a second time to make sure that the Board and the
 36 applicant know the letter is in the record.

37 Town Attorney Reilly advised that this matter be referred to the Justice
 38 Court for Violation of Chapter 156-4 and the Violation of Subdivision
 39 Approval. He said that the Justice Court will determine if the tree was cut
 40 down illegally. He said that the Planning Board should not decide if the

1 cutting of the tree was right or wrong, that should be the jurisdiction of the
2 Justice Court. Town Attorney Reilly stated that the violation should come
3 via the Engineering Office. He mentioned that if the applicant decides to
4 further develop this property it must come back to the Planning Board.

5
6 Mrs. DeLucia said that she is recusing herself from this application because
7 she has not spoken to her husband's nephew Steven DeLucia, the
8 applicant's arborist, in ten years.

9
10 Chair Currie stated that the consensus of the Board is that this
11 matter be sent to the Justice Court.

12 **PROJECT REVIEW**

13 **THE GREEN AT SOMERS AMENDED SITE PLAN, WETLAND, 14 **STEEP SLOPES AND STORMWATER MANAGEMENT AND 15 **EROSION AND SEDIMENT CONTROL PERMITS 16 **[TM: 4.20-1-3.1]********

17
18
19
20 Chairman Currie said that the Board will be reviewing the application of
21 Golfworx/Rick Van Benschoten (owner) for amended Site Plan, Wetland,
22 Steep Slopes and Stormwater Management and Erosion and Sediment
23 Control Permits.

24
25 Chair Currie asked the applicant's representative to give a brief
26 presentation on the application.

27
28 Linda Whitehead, the applicant's attorney, noted that based on discussions
29 at the July Planning Board meeting an alternative layout for the
30 development of the site was submitted. She explained that two alternatives
31 were submitted that address the Board's suggestions.

32
33 Nathaniel Holt, the applicant's engineer, said that the significant change is
34 the reduction of a four building complex to a three building complex. He
35 noted that the footprint of the building will now be 10,000 square feet.
36 Engineer Holt mentioned that the restaurant building will be converted to
37 restaurant and retail space and will be 8,000 square feet in size with
38 apartments on the second floor. He indicated that there will be 35 one
39 bedroom apartments and 35 two bedroom apartments. Engineer Holt said
40 that the site will now be closer to Route 6 and the large cul-de-sac

1 (turnabout) is removed which straightens out the intersection and gives
2 more room for green space. He noted that none of the buildings will be in
3 the setback or buffer. Engineer Holt indicated that the landscaping will be
4 trees and other vegetation. He said that the dumpsters and pump station
5 have been shifted to the North.

6
7 Attorney Whitehead said that the most significant change is that the
8 buildings will all be two stories with retail in the front of the site.

9 She explained that this property was originally zoned General Business
10 (GB) however; because there was no demand for that much commercial
11 development the Town Board rezoned the site Neighborhood Shopping
12 (NS). Attorney Whitehead explained that the 1994 Comprehensive Plan
13 and subsequent to that plan in 1996 zoning amendments included the
14 development of the NS Zone and the rezoning of the site from GB to NS.
15 She noted that rezoning the property across the street to the Planned
16 Hamlet happened about the same time as the change of this property to
17 NS. Attorney Whitehead mentioned that the reason for the change to
18 Planned Hamlet was the realistic reduction in retail potential. She said that
19 the NS Zone was created to provide neighborhood support and to provide
20 housing. Attorney Whitehead stated that the NS Zone was created to
21 provide the creation of economically healthy, functionally efficient,
22 environmentally sound and attractive neighborhood business areas
23 designed to primarily serve the local convenience retail and personal
24 service needs of the residents of the Town of Somers, as well as to provide
25 alternatives and opportunities for small households. Attorney Whitehead
26 mentioned that apartments in the NS Zone are limited to studio, one and
27 two bedroom apartments. She noted that the size of retail in the Planned
28 Hamlet is extremely limited.

29
30 Attorney Whitehead said that if retail is put on the first floor of all the
31 buildings, as the Code seems to require, there would be approximately
32 38,000 SF of retail. She stressed that it is clear that there is no demand for
33 more retail in the area and not what the Town contemplated when the
34 change was made from GB to NS. Attorney Whitehead explained that this
35 site is unique from other NS sites in Town because it is larger than most
36 and is across the street from a major shopping center and a major
37 shopping strip, Route 6. She commented that very little of the site fronts on
38 Route 6 with the revised plan putting the retail on Route 6 which will make
39 it visible.

40

1 Attorney Whitehead said that she feels that the revised plan works because
2 it puts the retail on Route 6 where it will be more marketable. She
3 mentioned that Consultant Planner Meder suggested making the restaurant
4 building two sided so it will draw people from Route 6. She opined that the
5 applicant also feels that this is a good idea. Attorney Whitehead noted that
6 the buildings will now be two stories with retail in one building. She
7 indicated that the building footprint will be larger but the buildings still
8 comply. Attorney Whitehead said that there will be more green space but
9 the plan will require a zoning text amendment from the Town Board or a
10 variance from the Zoning Board. She mentioned that she can craft the
11 zoning text amendment so that it will limit the amount of NS sites that the
12 amendment will apply to. Attorney Whitehead explained that the site is
13 unique in its size and layout.

14
15 Attorney Whitehead stressed that the applicant cannot move further with
16 this plan without knowing if the Town Board will be supportive of the Zoning
17 Text Amendment or if the Zoning Board of Appeals will be supportive of the
18 variance. She asked for the Board's input and if they will support this new
19 plan.

20
21 Ms. Gerbino noted that the Town did not like the GB district because there
22 were no restrictions on what you could do in the GB district.

23
24 The Chair asked Consultant Engineer Barbagallo to summarize his memo
25 dated August 3, 2012.

26
27 Consultant Engineer Barbagallo said that he did not review the plan from
28 an engineering perspective but reviewed the issues raised by the Planning
29 Board. He said that before the applicant spends time and money he would
30 like input from the Town Board and Planning Board. He opined that the
31 layout of the new plan is a logical approach moving forward and he will
32 provide a more significant review after the input on the new layout is
33 received from the Town Board and Planning Board.

34
35 Chair Currie asked Consultant Planner Meder to summarize her memo
36 dated August 3, 2012.

37
38 Consultant Planner Meder said that she agrees that the past month was
39 spent very effectively by coming up with an alternative plan that seems to
40 address issues that were concerns to Planning Board members. She

1 mentioned that the reduction in the height of the buildings in terms of the
2 visual impact is an improvement and addresses Planning Board concerns.
3 She noted that the location where the two buildings were changed to one
4 building is a positive development because of the visual impact concern of
5 the very long building. She mentioned that the relocation of the loading
6 area near the multi-use building where it would function as access to a
7 proposed dumpster enclosure is a good idea. Consultant Planner Meder
8 also felt that moving the sewer pump station to the southeasterly corner of
9 the site is a wise idea. She mentioned that both plans would result in less
10 Wetland "B" buffer encroachment and bringing the building closer to Route
11 6 and a more prominent feature is better from a street scape perspective.
12

13 Consultant Planner Meder said that she would like to look at some features
14 of the plan more carefully and she does not have all the answers but is
15 mostly asking questions.
16

17 Consultant Planner Meder said that it is FP Clark's perception that there is
18 a lot of redundant vehicular circulation especially the double loop, the
19 interior and exterior loop. She noted that the applicant's engineer said that
20 the outer loop was needed for emergency access. She noted that it is
21 worthwhile to take a look at the design of the inside loop.
22

23 Consultant Planner Meder mentioned that at the last meeting there were
24 suggestions on creating more of a green space and tightening up the layout
25 of the buildings. She noted that the distance between the front facades of
26 the buildings that are parallel to each other have not been changed
27 materially. She said that the amount of parking, roads and stormwater
28 facilities in that area is pretty much the same as it has been. Consultant
29 Planner Meder explained that the main difference is that the applicant
30 added the label "passive recreation" to the bio-retention area.
31 She opined that this area may not be able to be used for passive
32 recreation. She said that a narrative of what can be done to the interior of
33 the U-shaped cluster of buildings as well as a sketch which is attached to
34 the memo has been provided. Consultant Planner Meder said that if it is
35 possible to modify the design of the stormwater basin (bio-retention basin),
36 and distribute its capacity among more than one location that the
37 engineering issues could be addressed effectively and open up some of the
38 area to bring in the green space.
39

1 Consultant Planner Meder indicated that FP Clark's traffic engineers were
2 concerned about the former roundabout because it was not defined as well
3 as it needs to be but that the tightening of the intersection addresses this
4 concern.

5
6 Consultant Planner Meder said that the applicant's preferred alternative
7 plan brings the segregated parking lot closer to the building. She noted
8 that the number of parking spaces is not enough to serve the entire
9 building. Consultant Planner Meder asked the applicant to give more
10 thought to how parking will be allocated to customers of the business
11 establishments and the residents of the building. She noted that based on
12 rough calculations it looks like a substantial amount of parking located
13 around the U-shaped area surrounding the bio-retention basis is needed to
14 support the building near Route 6. She indicated that most of the
15 residential parking will be under the building garages or scattered around
16 the outer loop of the site. Consultant Planner Meder noted that even with
17 redesigning the green area it will not be possible to move all the parking but
18 she suggested putting the parking in other locations. She indicated that the
19 parking has to serve the multi-use building so the parking cannot be too far
20 away. She also suggested that circulation be changed to a one-way loop
21 and having angled parking around the loop with a slightly narrowed travel
22 way will offer additional benefits such as eliminating pavement, adding
23 more green space and more pedestrian linkage between the residential
24 parts of the project and the front multi-use building. Consultant Planner
25 Meder stated that these are some of the small details but are important to
26 be pointed out at this stage so the applicant can pursue some of these
27 ideas.

28
29 Consultant Planner Meder said that she is concerned that there is not
30 enough information on the grading plan for the new layout. She noted that
31 the applicant should take any opportunity to reduce the grading as the
32 project evolves.

33
34 Consultant Planner Meder indicated that more information should be put on
35 the base map such as the addition of Wetland "C" and its 100-foot buffer on
36 the easterly side of the property. She noted that the buffer encroaches on
37 this property but she does not know if the proposed improvements will
38 interfere with the buffer. She mentioned the change in the Wetland "B"
39 delineation that was discussed at the July meeting and that it is not
40 reflected and should be shown on the plan. Consultant Planner Meder also

1 noted that the turning radii of various vehicles that are likely to service the
2 site, such as emergency vehicles, delivery trucks, are needed before
3 moving forward with the plan. She said that she wants some comfort that
4 the vehicle maneuvers can be accommodated on the circulation layout and
5 wants this to be done as soon as possible.

6
7 Consultant Planner Meder asked about the sewer pump station enclosure
8 and if there will be above ground features or a small building in the
9 cordoned off area.

10
11 Nathaniel Holt, the applicant's engineer, explained that the pump stations
12 valve and pump chamber have to be above ground. He said there will be a
13 concrete structure above two feet off the ground with a control panel on a
14 post. He stressed that the pump station will not be located in a building.

15
16 Consultant Planner Meder stated that another detail that has to be
17 addressed is the amount of landscaping in the parking areas. She
18 indicated that there are seven or more parking bays that are not separated
19 by landscaping beds or islands. She said that the Planning Board can
20 interpret the Zoning law to allow for flexibility in its interpretation or as a
21 minimum requirement. She explained that if the interpretation is a
22 minimum requirement then deviation from it has to be treated as a variance
23 issue or the plan has to be tweaked to bring it into conformance with that
24 provision. She said that the Planning Board has to determine if the
25 applicant's request to be given flexibility on the interpretation and if the
26 layout meets the intent of the provision.

27
28 Attorney Whitehead clarified that the Code states that you have to have
29 landscape islands at the end of any section where there is 6 or more
30 parking spaces together.

31
32 Mr. Keane said that an issue is whether stormwater design trumps that
33 provision in the Code.

34
35 Consultant Planner Meder said that if Attorney Whitehead is correct the
36 Board will have flexibility to decide on the merits if it is reasonable or not.

37
38 Attorney Whitehead mentioned that the applicant's preferred alternative
39 plan makes the building closest to Route 6 smaller than the other buildings
40 to make sure it is out of the buffer.

1 Syrette Dym, the Town Planner, asked for clarification on the number of
2 units. She said that the plan shows a green but it is not yet a village green
3 and her suggestion is to have more of the village green concept. She asked
4 if the parking meets the parking requirements. She said that as part of the
5 NS District the Board can vary the parking. Town Planner Dym suggested
6 that the applicant address the issue of excessive circulation.

7
8 Attorney Whitehead clarified that there will be 72 units. She stated that the
9 parking is compliant and with less retail the applicant will not take
10 advantage of shared parking. She noted with less retail there are only a
11 handful of spaces that can be reduced.

12
13 Engineer Holt said that there is a misunderstanding on what a bio-retention
14 basin is. He stressed that it is really an oversized rain garden and is 6
15 inches lower than the grade around it and when it floods the rain perks into
16 the ground or there is an overflow. He indicated that this area can be a
17 usable yard area with park benches, pathways and usable green space.

18
19 Attorney Whitehead stressed that the Planting Plan has not been finalized.

20
21 The Chair asked if there were any comments from Board members.

22
23 Mr. Foley said that he appreciates the cooperative effort in providing an
24 improved plan but ultimately it will be up to the Town Board to decide if the
25 plan is acceptable. He suggested that the Board rank the plans in order of
26 what they like best.

27
28 Attorney Whitehead said that the Planning Board has to make the
29 environmental determination as well as Site Plan approval.

30
31 Bryan McClure, who is working with owner Mr. Van Benschoten, noted that
32 he would like to have input on if the Board will support the plan to the Town
33 Board.

34
35 Attorney Whitehead clarified that the applicant will not need approval for
36 three stories or increased floor area ratio (FAR). She hopes the Town
37 Board will consider this project as a mixed use but the Planning Board can
38 suggest to the Town Board that it is a good idea to amend the Zoning
39 because it will be a better project if retail does not have to be in all four
40 buildings.

1 Mr. Goldenberg suggested a joint meeting with the Town Board to discuss
2 the changes in the plan.

3
4 Chair Currie asked that without getting into details if there is a consensus of
5 the Board on the concept plan.

6
7 Mrs. DeLucia stated that she is in support of the concept plan.

8
9 Ms. Gerbino said the Planning Board is doing their job and the applicant is
10 listening and has responded to the Board's concerns. She noted that the
11 Town Board sets the rules in which the Planning Board functions. She
12 indicated that there is an NS Zone and there is affordable housing and the
13 manner in which the Town Board adopted the Zoning. Ms. Gerbino said
14 that commerce will like that 72 units will be coming to Route 6 because that
15 is good for business.

16
17 Mr. Keane stated that the plan is a major improvement and he supports it in
18 concept. He said that if the Board demanded that the plan be totally in
19 conformance with Code it would have been a mistake and not economically
20 viable. He noted that the revised plan is more environmentally acceptable
21 and aesthetically pleasing and from a functional perspective it is far
22 superior to what the Code allows as far as design. He opined that the
23 details can be worked out and he believes the Town Board's involvement
24 has changed. He indicated that from a retail perspective with the Planned
25 Hamlet and the pending Camarda development on Route 6 it would be
26 economically ridiculous as far as retail is concerned. He suggested
27 mitigation for Wetland "B", the exhuming of the pipe that runs along the
28 border of the property. He also suggested plantings in the buffer.

29
30 Ms. Gannon mentioned that the concept plan is a great improvement but
31 she wants to make sure there is the right balance of responding to some of
32 the details that will help get the concept to the point that people can see
33 that it is good, is viable and will work without overworking something that
34 ultimately will not succeed. She said that is the great challenge and she
35 would like to have a list that all would agree is essential. Ms. Gannon
36 asked if the long building closest to Route 6 should feel it is separate from
37 the residential buildings or is it more integrated.

38
39 Attorney Whitehead stated that it really is a parking issue because
40 commercial needs parking.

1 Consultant Planner Meder indicated that the restaurant building has to
2 have presence on Route 6 but the more it is moved closer to Route 6 the
3 more it is disconnected from the rest of the development. She stressed
4 that it still has to be a cohesive integrated development and has to serve
5 both purposes and have both front and rear facades treated the same way.
6

7 Attorney Whitehead said that the restaurant building will visually be
8 integrated.
9

10 Consultant Engineer Barbagallo noted that some areas that should be
11 looked at before the joint meeting are the concept plan, the addressing of
12 parking for the building closest to Route 6 and consideration of the central
13 green concept.
14

15 Ms. Gannon noted that the economic analysis should be provided for the
16 joint meeting.
17

18 Chair Currie asked if the Board wants to work with the concept plan before
19 the Town Board or does the Board want another submission.
20

21 Consultant Planner Meder opined that it would be advantageous to push
22 the concept plan further before meeting with the Town Board.
23

24 Mr. McClure stated that he does not want to get into too much technical
25 adjustments without having the opinion of the Town Board.
26

27 Chair Currie noted that there can be a special meeting with the Town Board
28 that does not have to take place at the Town Board's September meeting.
29 Engineer Holt noted that if there is more latitude with the buffer area the
30 parking can be spread out and with a green connection between the front
31 building and the main area.
32

33 Consultant Planner Meder noted that the cut off date for submissions by
34 the applicant for meetings gives too little time to consultants. She
35 suggested that the cut off date be changed to 14 days before the meeting
36 instead of 9 days. She asked the Board to modify the policy.
37

38 Engineer Holt stated that he will have the revised plans to the consultants
39 14 days before the September Planning Board meeting.
40

1 *At this time Mr. Foley left the meeting.*

2

3 Mr. Keane suggested that the Planning Board prepare Part II of the EAF
4 with the Consultant Planner's input.

5

6 Consultant Planner Meder said that she would like to discuss the next step
7 since the approved work program covered professional consulting services
8 through the August Planning Board meeting and additional authorization
9 will be needed to precede with additional review tasks. She asked that the
10 Board and the applicant authorize FP Clark to review the next submission
11 for the September Planning Board meeting and the joint Town Board
12 meeting based on the schedule of hourly rates in the approved proposal.

13

14 Mr. McClure agreed to authorize expenses to FP Clark to review the
15 submission for the September Planning Board meeting and the joint Town
16 Board meeting.

17

18 The Chair directed the applicant to submit revised plans for the September
19 Planning Board meeting.

20

21 There being no further business, on motion by Ms. Gannon, seconded by
22 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 9:30
23 P.M. and the Chair noted that the next Planning Board meeting will be held
24 on Wednesday, September 12, 2012 at 7:30 P. M. at the Somers Town
25 House.

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28

Respectfully submitted,

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30

31

Marilyn Murphy
Planning Board Secretary

32

33

34

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Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Town Planner

DATE: October 3, 2012

RE: Project: Preliminary Subdivision#2 for the Somers Realty Planned Hamlet Master Plan
Applicant: Somers Realty Corporation
Location: Further Subdivide prior created Lot 2 of Tax Map Sheet 4.20, Bl.1, Lot 15 to 7.7 acre lot
Zoning: PH - Planned Hamlet District
Actions: Review of Preliminary Subdivision # 2 Application

The current proposed actions consist of the following components:

- 1. Amendment to the Somers Realty Planned Hamlet Master Plan pursuant to the Somers Zoning Code Planned Hamlet PH District Section 170-23.3 Approval process which states that: "The site plan required for each proposed development within a PH district shall be consistent with the approved site master plan. The site master plan may be amended only with the approval of the Planning Board."*

Since the Somers Realty Planned Hamlet Master Plan that was the subject of the SEQRA Findings Statement of February 10, 2009 differs from the plan proposed for the lot that is the subject of the current application, an analysis of potential impacts of that change and approval of the master plan change will be required. The approved Master Plan for the lot in question included an approximately 80,000 square foot assisted living facility and mix of commercial and office space. The current proposal is for 75 units of affordable senior housing.

2. *Preliminary subdivision #2 for Applicant Somers Realty Corporation, for the Somers Realty Planned Hamlet Master Plan to further subdivide prior created Lot 2 (Town Tax Map Sheet 4.20, Block 1. Lot 15) into a 7.7139 acres parcel out of 70.7108 acres, make a minor lot line change to the previously created Sewer Pump Station Parcel (Town Tax Map Sheet 4.20, Block 1. Lot 18) from 0.2453 acres to 0.2432 acres and extend Clayton Boulevard by creating a right of way parcel of 0.6821 acres*
3. *Wetland and Watercourse Protection Permit for disturbance of 36,010 sf in the area of the sewer pump station parcel (Lot 4.20-1-18) for construction sewer pump station, sanitary sewer collection system, maintenance access road and stormwater basin discharge area*
4. *Tree Removal Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

Background

9-4-12/12 – Receipt of application and plans; cover letter dated August 31, 2012
9/11/12 – Submittal of Town Planner's memorandum regarding conditions of prior approvals of Planned Hamlet Master Plan to Planning Board
9/12/12 – Presentation of plan at Planning Board meeting; determination of intent to be lead agency; set date of public hearing for October 10, 2012;
9/22/12 – Site Walk
9/30/12 - Publishing of public hearing notice in Journal News
10/1/12 – Submission by Keane Coppelman Gregory of a Stormwater Pollution Prevention Plan and Revised set of Subdivision Plans

Basis of Comment Memorandum

The following plans drawings prepared by Keane Coppelman Gregory were reviewed as the basis of comment in this memorandum.

Keane Coppelman Gregory Engineers, P.C.

- Sheet 1 - Proposed Preliminary Subdivision Plat Section 1 – PH Zone Phase SP -2 – Layout and Landscape Plan; 8-30-12
- Sheet 2 - Existing Conditions – 8-30-12SP-3 - Grading and Utilities Plan; 9-4-12
- Sheet 3 – Proposed Road Improvement Plan – 8/30/12
- Sheet 4 – Subdivision Tables & Notes
- Sheet 5 – Proposed Road Profile – 8-30-12
- Sheet 6 – Construction Details - 8-30-12

The second set of revised plans and cover response letter submitted by Keane Coppelman Gregory Engineers, P.C. on October 1, 2012 have not yet been reviewed at the writing of this comment letter, so comments can be submitted to the Planning Board in a timely manner. Therefore, there may be some items discussed herein that have already been addressed in these newly submitted documents. The Planner will review these new

submissions along with the Planning Board, and the status of issues of concern can be addressed by the Applicant at the Planning Board meeting of October 10, 2012.

Comments in this memorandum are therefore based upon review of the above plans, issues raised during the site walk of September 22, 2012, and issues in the Planner's memorandum of September 1, 2012 applicable to the site plan application.

Site Plan Comments and Issues from Town Planner memorandum of September 11, 2012 identifying Prior Requirements of SEQR Findings and Approval Resolutions and how they are or are not addressed in the above site plan documents.

SEQR Findings of February 10, 2009

Findings Item #14 – The amount of cut and fill required by the Master plan as related to the current plan needs to be provided. The impact of this plan related to the approved phasing plan of the Master Plan still needs to be addressed.

Findings Item #21, 23, 24, 25, 26 – Chapter 167 Wetlands and Watercourse Protection Article II Section 167-6A. (9)(a) states that all qualified wetland must be identified on plans no earlier than 12 months prior to the date of filing the application. Pursuant to this, the Applicant is preparing an updated wetland survey which has not yet been submitted. Any impacts to wetlands are pending submission of this updated wetland analysis. The wetland impact has been clarified such that impacts are due to development of the sewage pump station, not relocation of Clayton Boulevard. If any mowing plans are applicable to wetland buffers as part of the subdivision plan for the construction of the sewage pump station, please provide such plans. All conditions of the above items need to be met.

Findings Item #31 - Is the water tower location issue applicable to development of this portion of the Master Plan? If not, it should be stated.

Findings Item #41 and 42 – The Bureau of Fire Prevention in its comment letter of September 16, 2012 did not indicate concern with the hammerhead. However, the applicant needs to comment on any potential traffic and circulation impacts that might result from relocation of the entry drive for the Phase 2 Mews off of Clayton Boulevard compared to the location of the driveway for the assisted living facility and retail as depicted in the Master Plan. The Master Plan shows driveways on both sides of Clayton Boulevard lined up as intersections at the planned Town Green. This would no longer be the case with the current plan. There would also be a potential impact on pedestrian circulation and access to the green and commercial uses by residents of the Mews. To better determine the impact of revised driveway locations on the relationship to the future portions of the master plan, a drawing that shows both Phase 1 and Phase 2 plans and driveways and locations of future driveways across Clayton Boulevard need to be shown, even though driveway locations are depicted on the preliminary subdivision plat. The aerial plan shown at the site walk as an 11 X 17 graphic would be sufficient for this

purpose. This also needs to be identified as one of the items to be approved as part of a modified Master Plan.

Resolution No. 2009-02 – Granting of Master Plan Approval (R09-02)

As per this resolution and in accordance with proposed changes to the subdivision plat and site plan that affect the prior approved Master Plan, modifications of that plan will require approval.

Other Subdivision Issues

Watercourses

Two previously identified intermittent watercourse are identified on the subdivision plans as to be field verified by DEP. Please provide the status of this field investigation and the outcome.

Pump Station

There is no elevation drawing of the sewage pump station indicating its visual impact along Route 6 or Clayton Boulevard. A plan and section should be prepared to depict this unless the pump station is to be buried. Any planting buffers should also be indicated on a plan detail.

Clayton Boulevard and Route 6 Landscape Plan

Sheet 3, Proposed Road Improvement Plan shows trees lining Clayton Boulevard and indicates one as “Pro. Tree (Typ)”. Sheet 6, Construction Details , under “Typical Road Section for Transition Section”, also identifies a tree as “Proposed Tree (Typ) Refer to Detail”. There does not appear to be a detail provided and needs to be.

Landscaping along Route 6 required as part of the prior approval is not provided on this subdivided portion of the lot and needs to be.

Parking

Although parking calculations have been identified on Sheet 2, Subdivision Tables and Notes, the Applicant is aware that revised calculations need to be prepared that show the final approved Master Plan requirements by use for both constructed and landbanked parking, how this requirement was met or modified on the Mews Phase 1 Plan, how it will be met or modified on the Phase 2 plan in comparison with the prior proposed uses, and how this running count will affect required built and landbanked spaces on the remainder of the plan. To date, these calculations and explanations have not be submitted.

PLANNING AND ENGINEERING DEPARTMENTS

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Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Town Planner

DATE: October 3, 2012

RE: Project: The Mews at Baldwin Place Phase 2 Site Plan Application
Applicant: The Housing Action Council and The Kearney Realty and Development Group, Inc.
Location: Further Subdivided prior created Lot 2 of Tax Map Sheet 4.20, Bl.1, Lot 15 to 7.7 acre lot
Zoning: PH - Planned Hamlet District
Actions: Review of Site Plan Application

The current proposed actions consist of the following components:

**The Housing Action Council and The Kearney Realty and Development Group, Inc.
– Site Plan for the Mews at Baldwin Place Phase 2**

1. *Site Plan approval for Applicants The Housing Action Council and The Kearney Realty and Development Group, Inc. for the Mews at Baldwin Place Phase 2, to construct a 75 units senior affordable housing development on the proposed newly created 7.1397 acre subdivided lot.*
2. *Tree Removal Permit*
3. *Stormwater Management and Erosion and Sediment Control Permit*
4. *Steep Slope Protection Application*

Background

9-4-12/12 – Receipt of application and plans; cover letter dated August 31, 2012
9/11/12 – Submittal of Town Planner’s memorandum regarding conditions of prior approvals of Planned Hamlet Master Plan to Planning Board
9/12/12 – Presentation of plan at Planning Board meeting; determination of intent to be lead agency; set date of public hearing for October 10, 2012;
9/22/12 – Site Walk
9/30/12 - Publishing of public hearing notice in Journal News September 30, 2012
10/1/12 – Submission by Insite Engineering of Response to Comment Letter, Stormwater Pollution Prevention Plan and revised site plan package

Basis of Comment Memorandum

The following plans were reviewed as the basis of comments in this memorandum.

Insite Engineering, Surveying & Landscape Architecture, P.C.

- SP-1 – Existing Conditions/Removal Plan – 9/4/12
- SP-2 – Layout & Landscape Plan – 9/4/12
- SP-3 – Grading & Utilities Plan – 9/4/12
- SP-4- Sediment & Erosion Control Plan – 9/4/12
- LP-1 – Lighting Plan - 9/4/12
- D-1 – Details – 9/4/12
- D-2 – Details – 9/4/12
- D-3 – Details -9/4/12
- SS-1 – Soils Map – 9/4/12
- CM-1 - Constraints Map – 9/4/12

Coppola Associates

- A1- Building #1 Elevations – 8/30/12
- A2 – Building #1 Courtyard Elevations – 8/30/12
- A3 – Building #2 Elevations – 8/30/12
- A4 – Building #2 – Courtyard Elevations

The second set of revised plans and cover response letter submitted by Insite Engineering on October 1, 2012 have not yet been reviewed at the writing of this comment letter, so comments can be submitted to the Planning Board in a timely manner.. Therefore, there may be some items discussed herein that have already been addressed in these newly submitted documents. The Planner will review these new submissions along with the Planning Board, and the status of issues of concern can be addressed by the Applicant at the Planning Board meeting of October 10, 2012.

Comments in this memorandum are therefore based upon review of the above plans, issues raised during the site walk of September 22, 2012, and issues in the Planner’s memorandum of September 1, 2012 applicable to the site plan application.

Site Plan Comments and Issues from Town Planner memorandum of September 11, 2012 identifying Prior Requirements of SEQR Findings and Approval Resolutions and how they are or are not addressed in the above site plan documents.

SEQR Findings of February 10, 2009 (Comments by Woodard & Curran addressed separately)

Findings Item #6 - Somers Realty responsible to address comments as part of subdivision application. Comment has not yet been addressed.

Finding Item 11 - Twenty five trees are identified as to be removed by the site plan applicant. The 26th tree is identified as to be removed by others, i.e. the subdivision applicant. The trees to be removed range from 12" to 20" dbh, with one at 12", two at 13", five at 14", seven at 15", three at 16", four at 17", one at 19", and two at 20" dbh. If all trees on the site are to be removed, no preservation and protection plan need be prepared.

Finding Item 12 – Drawing SP-2 includes a landscape plan. The plan however, needs to be more detailed, and any plants that are not native non-invasive need to be identified as such. Also the Schematic Plant List, shrubs and ground covers needs more specificity. As to specific planting at individual locations, the same is true for the schematic courtyard bioretention filter plan list that shows undefined shrubs and perennials and ferns. These details should be presented similar to those in drawing SP-2 of 9/23/09 for the final site plan approval package for The Mews Phase I.

Finding Item #14 – No comparison of cut and fill impacts between the approved Master Plan and the current plan has been submitted.

Finding Item #17 – The landscape plan needs further clarification regarding seed mixes and mulches and any inclusion of non-native invasive species.

Finding Item # 24 – The landscape plan will need to include mowing plans for any landscaped buffers.

Finding Item #37 – The details regarding energy efficiency still need to be provided

Finding Item #42 – The Bureau of Fire Prevention has submitted a comment letter of September 16, 2012 and has not identified the temporary hammerhead as an impediment to fire safety.

Finding Item #46 – Revised landscape plan still needs to address landscaped buffer along Route 6.

Finding Item # 47 – In addition to elevations depicting the proposed building, the Applicant was requested by the Town Planner to provide a section plan showing the relationship of the proposed Phase 2 buildings to those in Phase 1. Descriptions of

changes in elevation, height and distance of buildings discussed at the site walk, need to be depicted in section. The relationship of the buildings to Clayton Boulevard should also be shown.

Other Site Plan Issues

Dumpsters

As identified during the site walk, the existing dumpster enclosure with one dumpster for the Phase 1 development is inadequate to handle the existing development needs as demonstrated by the placement of two additional dumpsters outside the enclosure. The enclosure shown on the site plan appears to be the same size as that existing. Additional adequate dumpsters and enclosure area needs to be identified for Phase 2. Please address this on revised plans

Air Conditioning Units

Also as identified during the site walk, was the location of individual unit and communal space air conditioning units. The existing development places all apartment air conditioning units adjacent to individual apartment terraces. The existing patio overlooking the courtyard also is the location of several large air conditioning units. For the patio, please indicate the size of the patio, how many units are located on it and the area they utilize. Also, please provide the decibel rating of each individual unit planned for individual terraces and of the cumulative units proposed for the patio. Is there any way to attenuate the noise from these units to decrease their impact on residents' use of these outdoor spaces?

Watercourses

Two previously identified intermittent watercourses are identified on the plans as to be field verified by DEP. Please provide the status of this field investigation and the outcome.



FREDERICK P. CLARK ASSOCIATES, INC.
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VIA E-MAIL AND U.S. MAIL

October 5, 2012

John Currie, Chairman, and Members of the
Town of Somers Planning Board
Town House
355 Route 202
Somers, New York 10589



365

Subject: **Proposal for the Provision of Professional Services – Housing Action Council, Inc & The Kearney Realty and Development Group, Inc. – The Mews at Baldwin Place/Phase 2 – Landscape Plan Review**

Dear Chairman Currie and Members of the Planning Board:

At the request of Town Planner Syrette Dym, we are pleased to submit this proposal for professional consulting services in connection with the Planning Board's review of the proposed landscape plan for The Mews at Baldwin Place/Phase 2, submitted jointly by the Housing Action Council and The Kearney Realty and Development Group, Inc.

Based upon preliminary discussions with the Town Planner as well as an initial review of the application materials submitted to the Planning Board on September 4, 2012 and the Town Planner's memorandum dated September 11, 2012, it is our understanding that the Co-Applicants are seeking a number of different approvals from the Planning Board in order to proceed with development of a proposed second phase of The Mews at Baldwin Place on a portion of the Somers Realty Planned Hamlet site. One of several applications submitted is an application for site plan approval which incorporates a proposed landscape plan. The landscape plan will require review to determine if it complies with previously established conditions of approval relating to the Site Master Plan for the Somers Realty Planned Hamlet development and reflects generally accepted professional practices. We have been requested to submit this proposal to assist the Town Planner and/or the Planning Board with their continued review of the Co-Applicants' current proposal.



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VIA E-MAIL AND U.S. MAIL

October 5, 2012

John Currie, Chairman, and Members of the
Town of Somers Planning Board
Town House
355 Route 202
Somers, New York 10589



364

Subject: Proposal for the Provision of Professional Services –
Somers Realty Planned Hamlet – Wetland Permit
Application Review

Dear Chairman Currie and Members of the Planning Board:

At the request of Town Planner Syrette Dym, we are pleased to submit this proposal for professional consulting services in connection with the Planning Board's review of the pending application for wetland permit approval submitted by Somers Realty Corporation.

Based upon preliminary discussions with the Town Planner as well as an initial review of the application materials submitted to the Planning Board on September 4, 2012 and the Town Planner's memorandum dated September 11, 2012, it is our understanding that Somers Realty Corporation is seeking a number of different approvals from the Planning Board so that another applicant can proceed with development of a proposed second phase of The Mews at Baldwin Place on a portion of the Somers Realty Planned Hamlet site. One of several applications submitted by Somers Realty Corporation is an application for wetland permit approval under the provisions of Town Code Chapter 167. Approval of that permit is needed to authorize disturbance in the Town-regulated wetland and associated 100-foot wetland buffer area in the vicinity of the originally approved sewer pump station. Based on information provided by the Applicant, the proposed disturbance would result from construction of the sewer pump station, sanitary sewer collection system, a maintenance access road, and a stormwater basin discharge.

