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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  
JUNE 13, 2012  
7:30 P.M.**

**MINUTES** Consideration for approval of Draft Minutes for April 11, 2012

**TIME-EXTENSION**

- 1. ROUTE 100 REALTY, LLC  
SUSSMANN MOBIL STATION  
APPLICATION FOR AMENDED SITE PLAN, WETLAND,  
STEEP SLOPES, GROUNDWATER PROTECTION OVERLAY  
DISTRICT PERMITS [TM: 17.18-1-2]**

Application of Route 100 Realty, LLC and Juliette Fourgeot Sussmann and Paul Sussmann for Amended Site Plan, Wetland, Steep Slopes and Groundwater Protection Overlay District permits for proposed building expansion of the Mobil Station with reconfigured parking and a stormwater management basin.

Request for a 90-day time-extension to the period of Site Plan, Wetland, Steep Slopes and Groundwater Protection Overlay District Permits from June 22, 2012 to and including September 20, 2012.

This is the first request for a time-extension.

**DISCUSSION**

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

Application of National Golfworx/Rick Van Benschoten (owner) for a mixed use development consisting of five buildings with a combination of retail and residential uses. The site is proposed to be serviced by public sewer and water.

Discussion on the modified proposal for professional services.

The application was last discussed at the May 9, 2012 Planning Board meeting.

Next Planning Board Meeting, July 11, 2012

Agenda information is also available at [www.somersny.com](http://www.somersny.com)

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SOMERS PLANNING BOARD MINUTES  
APRIL 11, 2012

ROLL:

**PLANNING BOARD  
MEMBERS PRESENT:**

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

**ALSO PRESENT:**

Town Planner Sabrina Charney Hull  
Consulting Engineer Joseph Barbagallo  
Town Attorney Joseph Eriole  
Planning Board Secretary Marilyn Murphy

The meeting commenced at 7:30 p.m. Planning Board Secretary Marilyn  
Murphy called the roll. Chairman Currie noted that a required quorum of  
four members was present in order to conduct the business of the Board.

**MINUTES**

**APPROVAL OF FEBRUARY 8, 2012 MINUTES**

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 February 8, 2012.

1 Chairman Currie asked if there were any comments or questions from  
2 members of the Board on the draft minutes of February 8, 2012 and no one  
3 replied.

4  
5 The Chair asked if there was a motion to approve the February 8, 2012  
6 draft minutes.

7  
8 On motion by Ms. DeLucia, seconded by Ms. Gannon, and unanimously  
9 carried, the minutes of February 8, 2012 were approved.

## 10 11 DISCUSSION

### 12 13 WRIGHT'S COURT SITE PLAN

14 [TM: 17.11-1-5]

15  
16 Chairman Currie said that this is a discussion on a request for modification  
17 of the condition of the creation of the conditional access easement over  
18 Site B in favor of the property on which the Il Forno Restaurant is located.

19  
20 Chairman Currie noted that Adam Wekstein, Esq. of Hocherman, Tortorella  
21 & Wekstein LLP, the applicant's attorney, provided the Board with a letter  
22 dated April 9, 2012 asking for consideration for the modification to the  
23 creation of the access easement.

24  
25 The Chair asked the applicant's representative to give a brief presentation.

26  
27 Adam Wekstein, the applicant's attorney, indicated that this is the  
28 continuation of the request he made at the February 8, 2012 Planning  
29 Board meeting. He said that he is asking the Board to eliminate the  
30 requirement that Site B of the Wright's Court development provide an  
31 access easement to the Il Forno property. Attorney Wekstein explained  
32 that the easement was always intended to be conditioned on the parking  
33 coming into compliance. He mentioned that he tried to have the owners of  
34 Il Forno sign the access easement. He noted that the problems that the  
35 owner of Il Forno had was one: potential liability; and two; the Board's  
36 attorney was concerned that the easement was unpalatable. Attorney  
37 Wekstein said that he provided a copy of the draft easement to the Board  
38 and a chronology of the interaction with the owner of Il Forno and his  
39 attorney.

1 He indicated that he redrafted the easement to make it more palatable and  
2 eliminate the need to perform construction on the Wright's Court property  
3 and eliminate direct statements in the easement indicating the property was  
4 not in compliance. He said that each property will bear its own  
5 maintenance agreements.

6  
7 Attorney Wekstein displayed a map for the Board's review and gave details  
8 on the property line and the proposal to build a drive aisle to the boundary  
9 of the property line. He said that with the Board's approval he will modify  
10 the Site Plan.

11  
12 Attorney Wekstein said that he received correspondence from the  
13 applicant's attorney and he will not sign an agreement with a condition  
14 relating to the Il Forno site parking coming into compliance. Attorney  
15 Wekstein noted that the owner of Il Forno believes his parking is in  
16 compliance.

17  
18 The Chair asked if there were any comments from staff regarding the  
19 discussion on the easement.

20  
21 Town Planner Hull said that because the owner of Il Forno will not sign  
22 the easement she does not have a problem with amending the resolution.  
23 She noted that the suggestion to extend the parking lot to the property line  
24 is a good idea and will help in the future if an agreement can be reached  
25 between the two property owners. Town Planner Hull stated that the  
26 condition should be removed from the resolution because the applicant  
27 will not receive approval from the owner of Il Forno.

28  
29 Ms. DeLucia also said that she had no problem with amending the  
30 resolution. She noted that she agreed with the sentence *the connection*  
31 *therewith with Hallic and if the Board deems it advisable to extend the*  
32 *parking lot to the common boundary line with the Il Forno property in the*  
33 *area where the future connection would be located.*

34  
35 Attorney Wekstein noted that if the Board agrees he will submit a revised  
36 plan to the Building Department.

37  
38 Ms. Gerbino asked if the parking lot is extended to the common boundary  
39 line will there be a barrier.  
40

1 Attorney Wekstein stated that there will be a barrier at the common  
2 boundary line.

3  
4 Ms. Gannon also felt it is appropriate to amend the resolution. She noted  
5 that there will be a sidewalk and if you want to travel from one place to  
6 another on foot there will be a safe way to do that.

7  
8 Mr. Foley said that during the discussion at the February 8, 2012 meeting  
9 there were elements of the easement agreement that may have poisoned  
10 the arrangements and made it unpalatable to Il Forno. He stressed that  
11 Attorney Wekstein did a great job removing the aspects of the agreement  
12 discussed at the meeting which left a better proposal but left one that is still  
13 not acceptable to Il Forno. Mr. Foley said that he also agrees that the  
14 resolution be amended.

15  
16 Mr. Goldenberg referred to a letter from Attorney Wekstein dated October  
17 6, 2008 that asks will the Town of Somers insist on the construction of the  
18 easement as a condition to grant final approval for Site B. He noted that  
19 there was supposed to be construction of the easement and he questioned  
20 if it comes down to money. Mr. Goldenberg said he was under the  
21 impression that it was a done deal and now it is not the same agreement  
22 that the Board agreed to in 2008.

23  
24 Attorney Wekstein said that his proposal is exactly what has been  
25 discussed at the last two meetings. He explained that because of the Code  
26 the Board wanted the easement. He noted that his position throughout the  
27 process has been it is an illegal condition if it was unilaterally apposed as  
28 an unconditional easement. Attorney Wekstein stated that the applicant's  
29 agreement to the easement was always conditioned on the parking coming  
30 into compliance with zoning. He mentioned that he thought that the owner  
31 of Il Forno would want the easement but that is not the case. Attorney  
32 Wekstein explained that the applicant is willing to grant the easement in the  
33 future.

34  
35 Mr. Goldenberg suggested that the applicant pay for the construction of the  
36 easement.

37  
38 Attorney Wekstein stressed that the owner of Il Forno will agree to the  
39 easement if the applicant eliminates the condition that the parking comes  
40 into compliance.

1

2 Mr. Keane said that this discussion would not be taking place except for the  
3 requirements under the Business Historic Preservation District (BHP)  
4 guidelines. He noted that the BHP zoning requires connectivity between  
5 parking areas behind buildings. Mr. Keane commented that Attorney  
6 Wekstein opined that portions of the Zoning requirements are not legal as it  
7 applies to the Hallic Place property.

8

9 Mr. Keane asked about page 10, section 9, of the draft access easement  
10 and questioned that there are no changes in the indemnification and  
11 insurance section. He noted that he agrees that the access easement  
12 should run up to the property line. Mr. Keane suggested that the applicant  
13 put up its own barrier and both developers work things out.

14

15 Attorney Wekstein explained that if Hallic gets sued as a result of conduct  
16 by a customer of Il Forno that is where the liability insurance comes in. He  
17 commented that there will have to be an enforcement component on the  
18 site. He said that communal parking between the two developments is  
19 problematic.

20

21 Town Attorney Eriole said that first the Board has to determine if the  
22 condition is appropriate and the reading of the Code to decide if the  
23 planning for the site design allows for connectivity. He noted that it is  
24 difficult for two parties to agree especially when one party is not subject to  
25 the jurisdiction of the Board. Town Attorney Eriole said the Board has to  
26 decide if it is enough for the applicant to design the site so that connectivity  
27 is possible. He noted that if at a future date Il Forno comes before the  
28 Board the Board can talk about the connectivity. He stated that the Board  
29 has the discretion to allow the project to go forward in such a way that  
30 allows the design but not the agreement between the parties.

31

32 Chair Currie said that the applicant is willing to take the access easement  
33 to the property line.

34

35 Town Attorney Eriole noted that another condition is the expectation that  
36 the access agreement would be in place. He specified that the Board is  
37 being asked to modify a condition that originally the Board approved. Town  
38 Attorney Eriole stressed that the Board has to make the finding on the  
39 record that the connectivity is not so important in a planning perspective.

40

1 Town Attorney Eriole mentioned that the owner of Il Forno does not want to  
2 pay for the easement as it was presented because it requires their parking  
3 to come into conformance. He said that he would never ask a client to sign  
4 the agreement as written and felt that it was set up for failure of the  
5 negotiation. He opined that the applicant and the Board should not have  
6 agreed to the condition if they did not have the agreement in hand. Town  
7 Attorney Eriole noted that the Board has to determine if this project can be  
8 approved from a planning perspective without the connectivity. He said if  
9 the answer is no, the applicant has a problem but if the answer is yes, the  
10 Board has to say that it is comfortable with the design.

11  
12 Mr. Keane opined that the Board did not intend to have an agreement but  
13 to have a plan that the easement could be executed in the future. He said  
14 that it was never an issue on approval or disapproval of the project.

15  
16 Town Planner Hull noted that if Il Forno comes before the Board in the  
17 future they can request that the two projects be connected. She said that  
18 by allowing the applicant to extend to the property line you are preserving  
19 that right.

20  
21 Town Attorney Eriole stated that the Board has to decide if it has sufficient  
22 data from a planning perspective to approve the revised plan and can  
23 modify the condition.

24  
25 Ms. Gannon noted that Il Forno will lose 3 parking spaces if the easement  
26 is created.

27  
28 Mr. Goldenberg mentioned that the attorney for Il Forno stated that the  
29 grantee has no desire to construct the access easement. He suggested  
30 that the applicant pay for the construction of the access easement because  
31 the Board wanted this to happen as it is in the resolution.

32  
33 Attorney Wekstein explained that the owner of Il Forno will sign the  
34 easement if the contingency requiring the parking to come into compliance  
35 is exercised out of the easement document. He said that the access  
36 easement was to provide a planning mechanism so that in the future the  
37 easement would be put into place.

38  
39 Mr. Foley said that the grantor has to sign an easement but he asked if you  
40 need the grantee to sign an easement.

1  
2 Attorney Wekstein explained that if the easement is running in favor of a  
3 municipality declarations can be put in to restrict use. He noted that the  
4 easement has to be given in favor of an owner of a neighboring property.

5  
6 Town Attorney Eriole said that the way this easement is written it includes  
7 obligations.

8  
9 Mr. Keane suggested a pathway to the property line.

10  
11 Town Attorney Eriole said that the Board will have to create a record that  
12 the Board took into account something it thought was important as part of  
13 the approval is not as important today. He noted that the Board should  
14 determine that the connectivity satisfies the Town Code.

15  
16 Mr. Foley opined that it is not that the easement is not important it is just  
17 that it cannot be accomplished. He suggested that clauses be added that  
18 no one is making an allegation and no one is making a concession that the  
19 parking is non complying.

20  
21 Attorney Wekstein said that in discussion with the attorney for Il Forno he  
22 wanted all reference to the parking not being in compliance removed from  
23 the document. He said that he cannot speak for Il Forno but he does not  
24 believe he will sign the easement even with a change in language.

25  
26 Mr. Keane said that he thought the Board wanted a walkway and not a  
27 drive through access easement.

28  
29 Town Planner Hull stated that the Board always considered a drive through  
30 easement for vehicular traffic.

31  
32 The Chair called for a poll of the Board.

33  
34 Ms. Gannon indicated that the Board has reached an impasse in  
35 regard to the Resolution. She said that the path to the edge of the  
36 property is the best alternative.

37  
38 Mr. Foley said that as a possible way of breaking the log jam he  
39 suggested that a qualifier be inserted that there is no admission or

1 allegation of non compliance in reference to parking. He noted that a  
 2 walkway instead of a drive through may make a difference.

3  
 4 Ms. Gerbino said that she likes the idea of a walkway as a fall back.

5  
 6 Mr. Keane said that he never contemplated a vehicular access; he  
 7 always thought it would be a walkway. He suggested that a  
 8 pedestrian access go up to the property line. He said that he has no  
 9 problem with modifying the condition in the resolution.

10  
 11 Ms. DeLucia said that she has no problem with modifying the  
 12 resolution.

13  
 14 Mr. Goldenberg said that the letter from the Il Forno attorney states  
 15 that there is no desire or intention to construct the access easement  
 16 but will sign an easement as an accommodation to the grantor. He  
 17 opined that the question is who will pay for the construction and he  
 18 said that if the owner of Wright's Court pays for the construction of  
 19 the easement it probably will happen.

20  
 21 Chair Currie also agreed to the modification of the condition in the  
 22 resolution.

23  
 24 Attorney Wekstein stated that the owner of Wright's Court will not pay  
 25 for the construction of the easement on Il Forno's property. He noted  
 26 that the owner of Wright's Court will build the easement and pay for it  
 27 up to the property line.

28  
 29 Chair Currie acknowledged that there is a consensus of the Board to modify  
 30 the condition in regard to the access easement in the Resolution.

31  
 32 Town Planner Hull read from the Somers Code Section 170-17.2 (8)  
 33 *New curb cuts on the major roadways of U.S. Route 202, N.Y. Route 100*  
 34 *And N.Y. Route 116 shall be minimized to the maximum extent possible, to*  
 35 *the extent feasible and as required by the Planning Board in accordance*  
 36 *with the provisions of §144-8B (5) of the Code of the Town of Somers.*  
 37 *Vehicular access to sites shall be provided through common driveways*  
 38 *servicing adjacent properties or through secondary street frontages, provided*  
 39 *that such frontage is located in a nonresidential zoning district.*

1 Town Attorney Eriole said that the discussion is in keeping with that Code  
2 provision and that a modification of the condition in the resolution can take  
3 place.

4  
5 Mr. Foley noted that there will not be any new curb cuts and in that way  
6 connectivity is urged and that §170-17.2 (8) is not relevant to this  
7 discussion.

8  
9 Ms. DeLucia asked Town Attorney Eriole for his advice in regard to the  
10 elimination of the access easement condition.

11  
12 Town Attorney Eriole explained that there are new facts that the  
13 construction of the easement is not agreeable to the owner of the Il Forno  
14 Restaurant and under those circumstances and the Board's understanding  
15 that Wright's Court will construct vehicular access to their property line  
16 which will run with the land and that the condition can be modified as such.  
17 Town Attorney Eriole said that the owner of Il Forno cannot unreasonably  
18 reject connectivity in the future.

19  
20 Attorney Wekstein said that he is not comfortable with a restrictive  
21 covenant. He noted that if the use changes on the site the applicant has the  
22 right to come back to the Planning Board to modify the Site Plan.

23  
24 Town Planner Hull said that the Code states *that sideyard setbacks in*  
25 *minimum side yards where abutting a non residential district shall be 25 feet*  
26 *but can be reduced by the Planning Board to not less than 15 feet if at least*  
27 *30 feet of separation between buildings on adjacent lots that are closest to*  
28 *the common lot line such side lines shall be maintained as a landscape*  
29 *buffer except for necessary walkways that provide a direct vehicular*  
30 *connection between the subject lot and along a common lot line.*

31  
32 Mr. Foley opined that if the driving force 4 years ago was that the perception  
33 that the Code called for the access easement he does not agree because  
34 the Code relates to curb cuts. He suggested eliminating the condition.

35  
36 Town Attorney Eriole said that if connectivity makes sense to the Board  
37 from a planning perspective you can show the connection on the plan  
38 without requiring approval at this time.

1 On motion by Chair Currie, seconded by Ms. Gannon, (Mr. Goldenberg  
2 voting nay) and carried, the Board moved to modify the resolution by  
3 removing the condition for an access easement.

4  
5 Town Attorney Eriole explained that the Board just eliminated the condition  
6 in the resolution but now has to plan on how they want to proceed.

7  
8 Mr. Keane suggested a pedestrian access to the property line.

9  
10 Town Planner Hull explained that the Code required sidewalks along the  
11 roadway and in the front of the development. She indicated that another  
12 sidewalk would not address the connectivity. Town Planner Hull noted that  
13 from a planning perspective the intent is to create areas that will  
14 accommodate overflow parking.

15  
16 Ms. Gannon clarified that the Board has eliminated the need for a roadway  
17 access between the two projects. She said that the Board can discuss  
18 pedestrian access.

19  
20 Town Attorney Eriole said that by removing the condition the applicant does  
21 not have to achieve the agreement with the neighboring property owner but  
22 access can still be granted to the applicant's property line.

23  
24 Ms. DeLucia directed that the plan be revised and a note added to the  
25 amended signed Site Plan.

26  
27 On motion by Chair Currie, seconded by Mr. Keane, and unanimously  
28 carried, the Board moved to amend Resolution 2009-17 Granting of  
29 Conditional Site Plan Approval to Hallic Place Development, LLC for  
30 Wright's Court to extend the proposed walkway at the rear of Building B to  
31 the property line for the Chairman's signature.

## 32 33 **PROJECT REVIEW**

### 34 35 **CVS PARKING AMENDED SITE PLAN** 36 **[TM: 17.15-1-13]**

37  
38 Chairman Currie noted that the Planning Board will review the application  
39 of Urstadt Biddle, owner, and CVS Pharmacy, applicant, for Amended Site  
40 Plan Approval for property located at the Somers Towne Centre, 325 Route

1 100, for the alteration to the parking area and walkway in front of the CVS  
2 Store. He said that additional parking spaces will be created from three  
3 existing spaces.

4  
5 The Chair asked the applicant's representative to give a brief summary  
6 regarding this application.

7  
8 John Montalto, the applicant's architect, explained that the proposal is for  
9 two addition accessible parking spaces to the CVS portion of the parking  
10 lot. He explained that currently there are two accessible parking spaces  
11 with a total of 14 parking spaces in the CVS portion of the development.  
12 Architect Montalto mentioned that the parking complies with Code. He  
13 explained that residents have approached CVS about additional accessible  
14 parking spaces. Architect Montalto noted that currently there are 403  
15 parking spaces in the development and in order to provide the two  
16 additional accessible parking spaces he will have to eliminate three  
17 standard spaces which will result in a net loss of one parking space which  
18 will bring the parking down to 402 parking spaces in the entire  
19 development. Architect Montalto commented that the parking lot will have  
20 to be restriped but there will not be any regrading of the pavement but the  
21 sidewalk will have to be regraded. He said that the curbs will have to be  
22 dropped down to provide access to the two access isles between the four  
23 spaces. He explained that the curbs have to be dropped to comply with the  
24 ramps back up to the entrance to the store.

25  
26 Architect Montalto mentioned that he received memos from the Consulting  
27 Town Engineer and the Town Planner. He noted that the comments from  
28 the Town Planner in reference to §170-41 indicates that if he can  
29 demonstrate that the loss of three standard parking spaces will not effect  
30 the availability of parking spaces for the shopping center as a whole she  
31 will not have any objection of increasing the number of handicapped  
32 parking spaces. He said that there is no general parking problem for the  
33 CVS portion of the lot and the elimination of one parking space will not  
34 have an effect on the general parking. Architect Montalto stressed that  
35 CVS would like to grant the request of the community and install the  
36 additional accessible spaces.

37  
38 Architect Montalto said that Town Planner Hull indicated that the applicant  
39 will need to request a waiver from the Planning Board for those application  
40 submission materials that were deemed to be not relevant to this

1 application. The memo said that those submission items should be  
2 identified for the file. He noted that he would like to know what items have  
3 to be submitted in order to make this application complete.  
4

5 Architect Montalto mentioned that another concern is in reference to the  
6 Erosion and Sediment Control Plan. He questioned that due to the amount  
7 of work is an Erosion and Sediment Control Plan necessary. He stressed  
8 that if that detail is necessary CVS will have to hire a civil engineer.

9 Architect Montalto said that there will only be a slight variation of the  
10 grading and the plan will show that stormwater will not be directed to any  
11 new locations. Architect Montalto stated that this is the first time CVS by  
12 regrading a parking lot had to appear before a Planning Board and to be  
13 required to have an Erosion and Sediment Control Plan for this type of  
14 scope of work.  
15

16 Town Consultant Engineer Barbagallo said that when he asked for the  
17 Erosion and Sediment Control Plan he did not realize that there would be  
18 no regrading just restriping the sidewalk which is under the canopy of CVS.  
19 He mentioned that there will not be any change in impervious surface,  
20 thereby making the wetland issue a non issue. Town Consultant Engineer  
21 Barbagallo said if there is exposed soil make sure that it does not go into  
22 the drain. He stated that if the drain inlet is protected that will satisfy what  
23 he is looking for.  
24

25 Town Planner Hull said that her concern was about the number of parking  
26 spaces. She mentioned that she does not have any objection to the  
27 reduction in the number of parking spaces but she needs documentation so  
28 the Board knows why the parking is being reduced by one space. Town  
29 Planner Hull said she needs documentation and Site Plan information on  
30 the number of regular and handicapped parking spaces on the site. She  
31 requested an accurate accounting of parking at the site and how it is  
32 changing over time.  
33

34 Architect Montalto said that he will go out to the site and verify the existing  
35 parking layout and changes and will show the parking calculations on the  
36 plan.  
37

38 Ms. Gerbino said that she is interested in what type of vehicles will use the  
39 handicap parking and will the spaces be large enough for wheelchair  
40 access.

1 Architect Montalto indicated that the spaces will be accessed by 8-foot wide  
2 access isle and can be used by vans.

3

4 Ms. Gerbino said that a large population in Town (Heritage Hills) are  
5 handicapped and wide handicapped spaces are necessary and she  
6 appreciates that CVS is willing to build the larger handicapped spaces.  
7 She asked if CVS is making changes in the store aisles.

8

9 Architect Montalto said that CVS intends to bring all 7,000 stores to ADA  
10 compliance but it is based on community demands. He mentioned that  
11 CVS is presently not making changes to the store aisles but if residents  
12 complained they may modify that request.

13

14 Mr. Goldenberg said that he goes to CVS quite often and does not see  
15 people struggling for parking spaces. He asked if there will be any  
16 obstruction to the area and any proposed shrubbery.

17

18 Architect Montalto said that a 6-foot ramp with a hand rail will be provided  
19 which will not be an obstruction. He noted that there will be signage and  
20 more access to the sidewalk but there is no proposed shrubbery or change  
21 in the landscape.

22

23 Mr. Keane said that he is curious why 4 handicap spaces were selected  
24 when maybe only 1 space is necessary. He noted that a lot of people park  
25 in the handicapped space and are not handicapped. He stated that there is  
26 no enforcement. Mr. Keane asked for the data and justification for the  
27 accessible parking spaces.

28 Ms. DeLucia directed that the plan be revised and a note added to the  
29 amended signed Site Plan.

30

31 Ms. Gannon stressed that not all handicaps are visible to the eye and if  
32 they have a handicap sticker it should not be challenged.

33

34 Ms. Gerbino opined that the handicap parking at CVS is not the area that is  
35 abused. She mentioned the area at the post office as a problem.

36

37 The Chair said that Town Planner Hull has commented that if the Board  
38 determined that there is no significant visual impact, this action can be  
39 classified as a Type II Action under SEQRA.

40

1 On Motion by Ms. DeLucia, seconded by Chair Currie, and unanimously  
2 carried, the Board moved that pursuant to 6 NYCRR Part 617 regulations  
3 pertaining to SEQRA, and Chapter 92 of the Code of the Town of Somers,  
4 the Board determines that the proposed activity to be a Type II Action as  
5 not having a significant impact on the environment and therefore no further  
6 environmental review is necessary.

7  
8 The Chair directed the applicant to provide the information requested by  
9 the Board and submit revised plans for the May 9, 2012 Planning Board  
10 meeting.

11  
12 The Chair thanked Town Planner Hull for all her years of service to the  
13 Town and wished her all the best. He said her leaving is the Town's loss.

14  
15 There being no further business, on motion by Ms. Gerbino, seconded by  
16 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 9:30  
17 P.M. and the Chair noted that the next Planning Board meeting will be held  
18 on Wednesday, May 9, 2012 at 7:30 P. M. at the Somers Town House.

19  
20  
21  
22 Respectfully submitted,

23  
24  
25  
26 Marilyn Murphy  
27 Planning Board Secretary  
28  
29

C-TP  
CTE

# BIBBO ASSOCIATES, L.L.P.

Consulting Engineers

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915

June 12, 2012



Somers Planning and Engineering  
335 Route 202  
Somers, NY 10507

ATTN: Mr. John Currie, Chairman

RE: Conditional Site Plan Approval Time Extension  
Route 100 Realty LLC  
291 Rte 100.  
Tax ID # : 17.18-1-2

Dear Chairman and Members of the Board

On behalf of our client we wish to formally request a 90-day extension of the conditional approval obtained for the above referenced project on June 22, 2011.

For the purpose of assisting the board in the review of the extension request we would like to provide a brief description of the project's current status. After conditional approval was granted in June 2011, an application was made to the NYCDEP for SWPPP Approval. After a lengthy review process, the NYCDEP issued the required SWPPP approval on May 9, 2012. As required in the resolution of conditional approval the plans were then forwarded to the Westchester County Health Department for approval of the Change of Use Application, and as of this date the Change of Use Application is still awaiting approval from the WCHD and NYCDEP. We anticipate receiving the approval within the coming weeks at which point we will submit for final approval.

We respectfully request that this matter be placed on your next available agenda for consideration. Should you have any concerns or require any additional information please do not hesitate to contact me.

Very truly yours,

Timothy S. Allen, P.E.

TSA/mg

Site Design • Environmental













