

1
2
3

4
5 **SOMERS PLANNING BOARD MINUTES**
6 **DECEMBER 9, 2009**
7

8
9 **ROLL:**

10
11 **PLANNING BOARD**

12 **MEMBERS PRESENT:** Chairman DeLucia, Mr. Keane,
13 Ms. Gerbino, Mr. Knapp, Mr.
14 Goldenberg, Mr. Foley and
15 Ms. Gannon

16
17 **ALSO PRESENT:** Town Engineer Gagné
18 Town Planner Charney Hull
19 Town Attorney Baroni
20 Planning Board Secretary Murphy
21

22 The Meeting commenced at 7:40 p.m. Planning Board Secretary
23 Marilyn Murphy called the roll. Chairman DeLucia said that a
24 required quorum of four members of the Board being present called
25 the meeting to order.

26
27 Chairman DeLucia noted that Planning Board Secretary Murphy
28 prepared and submitted for the Board's consideration the approval of
29 the draft minutes of the November 4, 2009 Planning Board meeting
30 consisting of nineteen (19) pages.

31
32 The Chair asked if there were any comments or questions from
33 members of the Board and no one responded.

34 The Chair asked if there was a motion to approve the November 4,
35 2009 draft minutes.

36
37 On motion by Ms. Gerbino, seconded by Mr. Goldenberg and
38 unanimously carried, the minutes of November 4, 2009 were
39 approved.
40

1 The Chair noted that the DVD of the November 4, 2009 Planning
2 Board meeting is made a part of the approved minutes and is
3 available for public viewing at the Somers Public Library. The text of
4 the approved minutes are also on the Town's website
5 www.somersny.com and are available for public review at the
6 Planning & Engineering office at the Town House.

7
8

9 **TIME-EXTENSION**

10

11 **MERRITT PARK ESTATES SUBDIVISION**

12 **[TM: 5.20-1-1]**

13

14 Chairman DeLucia said that this is a request by letter dated
15 November 30, 2009 and received on December 1, 2009 from the
16 applicant's attorney Geraldine N. Tortorella of Hocherman Tortorella
17 & Wekstein, LLP for an additional 6-month extension of the
18 Conditional Amended Preliminary Subdivision Approval by Resolution
19 No. 2002-16 for Merritt Park Estates from December 21, 2009 to and
20 including June 21, 2010. She explained that Attorney Tortorella's
21 letter provides a detailed explanation for this seventh request for an
22 extension, in particular, that the applicant Mancini Building Corp. is
23 still waiting for Westchester County Health Department approval of
24 the Heritage Hills sewer and water main extensions for the
25 subdivision. The Chair said that in addition, the delays associated
26 with the reviews by outside agencies constitute extraordinary
27 circumstances pursuant to Somers Code Section 150-12 (N).

28

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

31

32 Town Engineer Gagné said that he had a message that the Health
33 Department is close to granting their approval.

34 The Chair asked if the Board is willing to grant a one-year time-
35 extension from December 21, 2009 to December 21, 2010.

36

37 On motion by Mr. Keane, seconded by Ms. Gerbino, and
38 unanimously carried, the Board moved to grant a one-year time
39 extension to Mancini Building Corp. for Merritt Park Estates
40 Subdivision from December 21, 2009 to December 21, 2010.

1 **PROJECT REVIEW**

2
3 **OPENGATE PARKING LOT EXTENSION**
4 **[TM: 17.06-1-3]**

5
6 Chairman DeLucia noted that this is the Project Review of the
7 application of Opengate Inc. for amended site plan approval to extend
8 the existing 8 parking lot spaces to provide an additional 20 spaces
9 with associated drainage. The Chair said that the property is located
10 at 28 Warren Street in an R-40 single family residential zoning
11 district. She mentioned that this application was last discussed on
12 November 4, 2009 whereby the Board determined that under SEQRA
13 the proposed action is an Unlisted Action and moved to declare itself
14 Lead Agency contingent upon receipt by the applicant of Part I of the
15 Full EAF to be circulated to all involved and interested agencies. She
16 mentioned that the Board also scheduled a site walk for November
17 21, 2009 and directed staff to send the applicant an Action Letter.

18
19 The Chair acknowledged for the record receipt of the following:
20 a memo dated November 15, 2009 from the Conservation Board with
21 concerns and recommendations; a memo dated November 24, 2009
22 from Town Engineer Guy L. Gagné, P. E. setting forth a list of
23 observations made at the November 21, 2009 site walk; a letter dated
24 and received by hand on December 2, 2009 from the applicant's
25 representative Barry G. Naderman Land Planning & Engineering,
26 P.C., submitting revised drawings, Part I of the EAF, additional
27 requested documents and information, and addressing the Action
28 Letter. The Chair noted that the applicant's representative has also
29 requested that the Public Hearing be waived. She noted that under
30 Chapter 170-114 (C) (8) (e) "The Planning Board may waive the
31 requirement for a Public Hearing on the application for site plan
32 approval if it determines that the scale of the improvements or the
33 record of prior review(s) and Pubic Hearings on the development and
34 use of the site does not warrant a Public Hearing." The Chair
35 indicated that the applicant's engineer has also asked that we waive
36 the requirements for a tree survey.

37
38 The Chair asked the applicant's representative to give a brief
39 presentation on the recent submission.

40

1 Barry Naderman, the applicant's engineer, said that a field walk was
2 conducted with the Planning Board and he addressed the issues in
3 staff's Action Letter. He explained that during the field walk it was
4 determined that it would be prudent to make the evergreen screening
5 follow the perimeter of the parking lot. Engineer Naderman noted
6 that he modified the drainage discharge pipe from the basin and
7 directed it further away from the wetland setback and he modified the
8 rip rap apron detail accordingly. He mentioned that a note will be on
9 the plan that states that no material, pesticides or herbicides will be
10 stored on site. Engineer Naderman said that the pavement detail has
11 been modified to ensure that the surface course will extend below the
12 asphalt curbing for stabilization. He commented that the hay bales
13 will be eliminated and the perforated pipe will be identified under the
14 stone infiltration bed. Engineer Naderman noted that he provided a
15 report on how this design relates to the New York State Department
16 of Conservation Chapter 10 regarding the enhancement design for
17 phosphorous removal and a narrative on how the design meets the
18 four goals. He commented that he also provided a copy of the
19 National Asphalt Pavement Association's bulletin regarding the
20 porous pavement product and design guidelines associated with it.
21 He said that the porous pavement product that will be used in this
22 application could be used as a pilot program in this area.

23
24 Engineer Naderman noted that when he made the application he
25 asked the Zoning office to search for the original Special Exception
26 Use Permit (SEUP) and they could not find the original SEUP;
27 however, Planning Department staff investigated and came up with
28 the original SEUP which Opengate was granted in 1975.

29
30 Town Engineer Gagné said that reference to the SEUP should be
31 referenced on the Site Plan.

32
33 Mr. Goldenberg asked Engineer Naderman why the Board should
34 waive the Public Hearing. He said that there are a few houses that
35 are close to the parking lot and those residents may want to speak at
36 the Public Hearing. Mr. Goldenberg opined that the public and the
37 adjoining property owners have the right to be notified and attend a
38 Public Hearing. He said that a Public Hearing will not slow down this
39 project.

40

1 Engineer Naderman said that the Public Hearing should be waived
2 because of the timing and it is only an extension of one end of the
3 parking lot and is a minor application. He indicated that a more
4 extensive review of this property was done at a Public Hearing when
5 a site plan application was before the Board for a maintenance
6 building and parking lot that was withdrawn.

7
8 The Chair said that there is a consensus of the Board to waive the
9 Public Hearing and tree survey.

10
11 The Chair asked Town Engineer Gagné to summarize his memo to
12 the Board for the benefit of the public.

13
14 Town Engineer Gagné said that the use of the pervious asphalt
15 pavement is welcome; however, the construction details will need to
16 be revised as necessary. He indicated that the construction detail
17 must incorporate a cross section of the entire paved width to show
18 the level bed choker stone with the placement of the geo textile
19 fabric. Town Engineer Gagné said that a stone bed incorporating
20 shoulder with curb openings in the event the lot surface becomes
21 sealed or is paved over should be provided and to provide the design
22 calculations for arriving at the 9" bed depth for all storm events.
23 Currently only 4 inches of the storage bed will be available to store
24 stormwater. He requested that the drywell grate model number be
25 posted and the pipe wall be verified, that it will not encroach into the
26 frame support.

27
28 Engineer Naderman showed the Board the original access drive and
29 the improvements that will be made. He said that he is concerned
30 about curb openings. He explained that the basin opening will act as
31 an overflow should the parking lot get clogged with sediment, etc.

32
33 Town Engineer Gagné said that he is not a strong proponent of
34 concrete wheel stops but would rather have the curb openings.

35
36 Engineer Naderman noted that he will work with Town Engineer
37 Gagné to work out a solution.

38 Ms. Gerbino asked if the pervious asphalt pavement is a requirement.

39

1 Town Engineer Gagné said that the pervious asphalt pavement is not
2 a requirement but the applicant is willing to use pervious pavement.

3
4 Ms. Gerbino noted that the Town Engineer mentioned that in the
5 event the lot surface becomes sealed or is paved over, she
6 questioned if this would be a change in the site plan.

7
8 Town Engineer Gagné explained that the lot surface becoming
9 sealed or paved over could happen and no one would know about it.

10
11 Mr. Keane said that the lot surface becoming sealed or paved over
12 would be a change in the function of a storm water management
13 practice.

14
15 Engineer Naderman suggested that a condition of site plan approval
16 can prohibit the sealing or repaving of the parking lot. He said if there
17 is any violation of site plan approval it will have to be corrected.

18
19 Town Engineer Gagné said he sees the curb openings helping so
20 there is no ice skating rink. He noted that the curb openings will spill
21 over into the exposed gravel and infiltrate back into the bed.

22
23 Engineer Naderman said that if the pavement is maintained properly
24 it will not pond and he is concerned if there are gravel shoulders.

25
26 The Chair asked Town Planner Hull if she reviewed Part I of the EAF
27 and she said that she reviewed Part I of the EAF and it is alright.

28
29 Ms. Gannon said that number 16 in the EAF asked if the project will
30 generate solid waste and “yes” was checked.

31 Engineer Naderman replied that “yes” was the wrong answer and he
32 will change it to read “no” it will not generate solid waste.

33
34 Mr. Knapp asked if Engineer Naderman agreed to the curb cuts.

35
36 Engineer Naderman said that he will work with the Town Engineer on
37 the curb cuts and he will limit them to the corner on the flat portion of
38 the parking lot.

39 The Chair said that the intent for the Planning Board to be Lead
40 Agency should be circulated along with the EAF and plans.

1 On motion by Ms. Gannon, seconded by Mr. Knapp, and
2 unanimously carried, the Board moved that under Somers Code
3 Chapter 170-114 (C)(8) (e) the Planning Board determines that the
4 scale of the improvements on the development and use of the site
5 does not warrant a Public Hearing and therefore waives the
6 requirement for a Public Hearing and also waives the requirement for
7 a tree survey due to the removal of a few trees.

8
9 The Chair explained that the Board has to wait the 30 day period
10 within which the involved agencies have or have no objection to the
11 Planning Board's Intent to be Lead Agency.

12
13 The Chair directed that a draft Resolution for Amended Site Plan be
14 prepared for the January 13, 2010 Planning Board meeting.

15
16 **REQUEST FOR BUILDING PERMITS**

17
18 **WOODED ACRES SUBDIVISION**
19 **BUILDING PERMITS**

20
21 Chairman DeLucia noted that the Planning Board will be considering
22 recommending to the Town Board to grant five building permits for
23 Lots 10 through 14 to Wooded Acres Subdivision which was
24 requested by the applicant F. Travis Hopkins of Lafayette Street
25 Properties by letter dated and received on November 23, 2009 from
26 the applicant's representative Timothy S. Allen, P.E. of Bibbo
27 Associates, LLP.

28
29 The Chair acknowledged for the record a memo dated November 30,
30 2009 from Town Engineer Gagné stating that his office has no
31 objection to the Planning Board making said recommendation.

32
33 The Chair asked if there were any comments from members of the
34 Board and no one responded.

35
36 The Chair asked the Town Engineer if there is a reason why the
37 Town Board cannot grant the permits without the Planning Board's
38 recommendation.

39

1 Town Engineer Gagné said that many years ago he asked the Town
2 Board to modify the process but the Town Board decided to keep the
3 process as it is.

4

5 The Chair suggested sending a memo to the Town Board
6 recommending the change to the process in regard to building
7 permits.

8

9 The Chair asked if there was a consensus of the Board to send a
10 memo to the Town Board recommending that the five building permits
11 be granted.

12

13 Mr. Keane said that the Town Board should grant the building permits
14 for Wooded Acres Subdivision at their discretion.

15

16 On motion by Ms. Gannon, seconded by Mr. Knapp, and
17 unanimously carried, the Board moved that staff send a memo to the
18 Town Board that the Planning Board at its December 9, 2009
19 meeting, and Town Engineer Gagné having no objection,
20 unanimously recommends that the Town Board grant the five building
21 permits for Lots 10, 11, 12, 13 and 14 to Wooded Acres Subdivision.

22

23 **DECISION**

24

25 **OMNIPOINT COMMUNICATIONS, INC.**
26 **TOWNE CENTRE AT SOMERS**
27 **325 ROUTE 100**
28 **[TM: 17.15-1-13]**

29

30 Chair DeLucia noted that this is a decision by the Planning Board on
31 the application of Omnipoint Communications, Inc. at the Towne
32 Centre at Somers on the color of the wireless telecommunication
33 facility monopole. She explained that this decision will require a
34 supermajority vote of four members plus one of the Planning Board to
35 override the Architectural Review Board's (ARB) majority vote in
36 choosing Rhombus Blue as the color for the monopole. The Chair
37 said that the Planning Board conducted a site walk on November 21,
38 2009 to determine what color would be most suited to disguise the
39 monopole. She noted that present were the applicant's
40 representative, Robert Gaudio, Esq. of Snyder & Snyder, Town

1 Engineer Gagné, and four Planning Board members, namely John
2 Keane, Vicky Gannon, Gene Goldenberg and Chair DeLucia. The
3 Chair mentioned that the applicant's artist Jayne Howard who was
4 also present tested a number of paint options and after discussions
5 and observations by the Board members present, they unanimously
6 chose the Umbra color as a base with a mixture of other earth tone
7 colors as a camouflage mottling. The Chair said that the Board was
8 also of the opinion that the best option would be to have the base
9 color painted at the factory and that the camouflage mottling would be
10 applied onsite by artist Jayne Howard.

11
12 Ms. Gannon showed the Board pictures of the Umbra color of the
13 monopole as a base with a mixture of other earth tone colors as a
14 camouflage mottling.

15
16 The Chair polled the Board to override the ARB's decision for
17 Rhombus Blue and using the Umbra color as the color of the
18 monopole.

19		
20	Mr. Goldenberg	Yes
21		
22	Ms. Gerbino	Yes
23		
24	Mr. Keane	Yes
25		
26	Mr. Knapp	Yes
27		
28	Mr. Foley	Yes
29		
30	Ms. Gannon	Yes

31
32 On motion by Ms. Gerbino, seconded by Ms. Gannon, and
33 unanimously carried, the Board by a supermajority voted to override
34 the ARB's choice of Rhombus Blue for the monopole and selected a
35 mixture of Urban Bronze, Warm Stone and Black Magic, and that the
36 camouflage mottling be applied on-site by the applicant's artist Jayne
37 Howard, as detailed in Town Engineer Gagné's memo dated
38 November 24, 2009.

39

1 The Chair stated that the applicant’s Attorney Robert Gaudio said
 2 that there will be maintenance of the pole and if touch up paint is
 3 needed it will be done.

4
 5 The Chair directed Town Planner Hull to revise the fifth WHEREAS
 6 clause on page 5 of 10 of Resolution No. 2009-13 to include the
 7 Planning Board’s decision.

8
 9 Ms. Gerbino complimented Ms. Gannon for doing the research on the
 10 camouflage mottling and coloring of the monopole and thanked the
 11 applicant for considering the camouflage technique.

12
 13
 14 **SOMERS REALTY PLANNED HAMLET SUBDIVISION**
 15 **[TM: 4.20-1-13, 14, 15 AND P/O 12]**

16
 17 Chairman DeLucia noted that this is the decision of the Planning
 18 Board on the application of Somers Realty Corp. for Somers Realty
 19 Planned Hamlet Subdivision for Preliminary Approval to subdivide a
 20 79.38 acre property into three lots. Lot 1, a 5.85 acre lot, is proposed
 21 for 72 units of senior affordable housing development, Lot 2, is
 22 proposed as a donation of land to the Somers Fire District and Lot 3,
 23 approximately 71 acres, is proposed to be further subdivided. The
 24 Chair indicated that the property is located on Route 6 adjacent to the
 25 Somers Commons Shopping Center and Mahopac Avenue in the
 26 Planned Hamlet PH Zoning District owned by Somers Realty Corp.
 27 She noted that the applicant is represented by Linda B. Whitehead of
 28 the law firm of McCullough, Goldberger and Staudt, LLP. The Chair
 29 said that this application was last discussed at the November 18,
 30 2009 Planning Board meeting whereby a Public Hearing was held.
 31 No one from the public wishing to be heard, the Board closed the
 32 Public Hearing and directed the applicant to submit amended plans,
 33 draft easements and other documents requested by staff and the
 34 Board and that staff prepare a conditional draft Resolution. She
 35 mentioned that the Board will be reviewing the documents provided
 36 by the applicant and also the draft conditional Resolution No. 2009-18
 37 prepared by staff.

38
 39 The Chair acknowledged for the record receipt of the following: a
 40 letter dated and received on December 2, 2009 from Attorney

1 Whitehead enclosing the requested documents; a memo dated
2 December 4, 2009 from Town Engineer Gagné with comments for the
3 Board's review and a draft conditional Resolution from Town Planner
4 Hull for the Board's consideration for approval.

5
6 The Chair asked Attorney Whitehead to give a brief presentation of
7 the issues regarding this subdivision for the benefit of the Board and
8 the public.

9
10 Linda Whitehead, the applicant's attorney, advised that there is one
11 correction and that is that the firehouse lot has been removed from
12 the plan because of the sewer, water and drainage issues. She said
13 that Lot 1 and Lot 2 the pump station and the water tank are on the
14 plans. Attorney Whitehead stated that this application is primarily a
15 two lot subdivision plus the utility lots and the road widening parcels
16 along Mahopac Avenue and Route 6. She mentioned that revised
17 plans, the Stormwater Pollution Prevention Plan, the temporary cul-
18 de-sac easement, drainage easement to the Town, the draft
19 easement for the sewer connection and the connection from the
20 Shopping Center to the future pump station have been provided.
21 Attorney Whitehead said that she received the Town Engineer's
22 memo and the draft Resolution. She noted that the issues in the
23 Town Engineer's memo have been transferred into the draft
24 Resolution as conditions.

25
26 Attorney Whitehead said that she had a few comments on the draft
27 resolution.

28
29 Town Planner Hull said that the Resolution starts out explaining the
30 Master Plan approval and the entire property and then the Resolution
31 describes the State Environmental Quality Review Act (SEQRA) and
32 the conditions that the Planning Board evaluates in relation to the
33 Master Plan to confirm that there are no additional significant adverse
34 impacts. Town Planner Hull explained that it is important because this
35 Resolution sets the stage as to why no additional environmental
36 review is required. She noted that the initial action was to include the
37 firehouse lot but that has changed and the Resolution addresses that.

38
39 Mr. Foley said that the acreage does not seem to be correct.

40

1 Town Planner Hull explained that when the acreage references the
2 Master Plan that is where she took the total acreage and she
3 references the acreage as described on the applicant's submission.
4

5 Attorney Whitehead said that the total acreage is 79.38 acres and the
6 reason the acreage does not add up is the road taking parcels. She
7 explained that the table of lot areas is the correct acreage.
8

9 Mr. Foley suggested that the acreage add up so the Resolution is
10 correct.
11

12 Attorney Whitehead said that the 2nd Whereas on page 3, line 9
13 condition 19 all relate to Department of Health (DOH) approval. She
14 noted that DOH approval cannot be made without having preliminary
15 subdivision approval. She said that her concern is the language on
16 the sewer connection and water supply. She explained that the
17 typical language in preliminary subdivision approval states that the
18 applicant has to obtain DOH approval without including specific
19 language on sewer connection and water supply.
20

21 Town Planner Hull noted that the Master Plan Resolution anticipates
22 several subdivision and several site plan applications.
23

24 The Board agreed to use the language check Resolution on this for
25 preliminary subdivision approval in reference to the DOH approvals
26 and to eliminate reference that DOH approvals are necessary before
27 final approval.
28

29 Attorney Whitehead referred to Line 32 and 33 on Page 3, *this*
30 *approval is subject to the applicant obtaining an Amawalk Shenorock*
31 *service connection permit*, she asked that *as may be necessary* be
32 added and the Board agreed.
33

34 Attorney Whitehead referenced the 2nd Whereas on page 3, *the*
35 *Applicant is required to obtain approval of the sewer connection by*
36 *the Westchester County Department of Environmental Facilities*. She
37 asked that line be eliminated and the Board agreed.
38

39 Town Planner Hull referenced the last Whereas on Page 3, *as a*
40 *condition of the Master Plan Approval, the Applicant is to obtain the*

1 *necessary approval for the Water District Extension required to serve*
2 *the project from the NYC Department of Environmental Protection.*
3 She said that a water district extension is not needed from the DEP.

4
5 Town Engineer Gagné explained that the DEP has to acknowledge
6 that this property will be part of the Amawalk Shenorock Water
7 District. He said that he would like the applicant to approach the DEP
8 so the Town does not get charged the surplus.

9
10 The Board decided to keep the last Whereas clause on Page 3
11 intact.

12
13 Town Planner Hull added the wording *as necessary* after the last
14 Whereas clause on Page 3.

15
16 Mr. Keane said that he was under the impression that the applicant's
17 engineer was going to provide an overall summary matrix in the
18 SWPPP on the two applications. He noted that this should be done
19 for all the successive applications. He said that Chapter 10 should be
20 in concert with each other and the analysis stating why a practice was
21 used and why a practice was not used.

22
23 Town Engineer Gagné said that the table that is attached requires
24 additional information such as stating the maximum values approved
25 for the lot area and use shown including the values of the future lot
26 areas that are tributary to any utility system made part of the
27 application in accordance to the approved Master Plan.

28
29 Mr. Keane said when going through the stormwater issues during the
30 Master Plan process it was not with exacting engineering criteria
31 because the new Chapter 10 provisions had not been finalized. He
32 said that there are surface conditions on each application that have to
33 be consistent.

34
35 Attorney Whitehead referred to the 3rd Whereas on page 6, *the*
36 *subdivision plat identifies the Water Tower Project, the Sewer Pump*
37 *Station Parcel, and the 20' Road Widening Parcel along Mahopac*
38 *Avenue, all to be dedicated to the Town of Somers once they have*
39 *been improved.* She asked that "*once they have been improved*" be
40 deleted. She said that this only applies to the pump station and there

1 is already a condition that the applicant put a note on the plat that it
2 will be dedicated after being improved which covers this. She noted
3 that the other two parcels are not being improved and can be
4 dedicated any time after the map is filed.

5
6 The Board agreed to take out "*once they have been improved*".

7
8 Mr. Keane recommended taking out the word "*mostly*" on the 3rd
9 Whereas, line 10 on page 7 and the Board agreed.

10
11 Attorney Whitehead asked that conditions 2 and 3 on page 7 be
12 stricken from the Resolution as they have been completed and the
13 Board agreed.

14
15 Attorney Whitehead questioned condition 4. *that the Applicant*
16 *provide additional information for the future parking lot to be located*
17 *to the south of the main road where the proposed drainage system*
18 *connects to the street system. The proposed basin should be sized*
19 *to accommodate the future lot improvements and should be so noted*
20 *on the plans.*

21
22 Town Engineer Gagné said that the Improvement Plan must show
23 exactly where everything will go and what is designed to go into the
24 basin is sized properly. He indicated that the Board be sized to
25 accommodate the future tributary lot improvements.

26
27 Town Planner Hull said that the description should be included on the
28 Improvement Plan but a narrative discussion should be included in
29 the SWPPP. She said that she will amend the condition to reflect
30 this.

31
32 The Chair referenced the first Whereas, on page 7, *latest plans*
33 *indicate that the parking space allotment for the professional office,*
34 *retail, restaurant, and assisted living facility has been reduced by 26*
35 *parking spaces and the number of parking spaces for the senior*
36 *affordable housing development has been increased by 26 parking*
37 *spaces.* She asked if a motion is needed to make this change.

38
39 Town Planner Hull said that the specific reductions can be
40 incorporated in each of the categories in the resolution; therefore a

1 separate motion is not necessary. She noted that the number of
2 parking spaces has changed due to specific uses. She stated that
3 the Board should know that it is approving something that differs from
4 what was approved in the Master Plan.

5
6 Attorney Whitehead explained that there was shared parking
7 numbers in the Master Plan which included a total number and a land
8 banked number.

9
10 Mr. Keane noted his concern that there may not be enough parking
11 spaces when the Planned Hamlet is completed. He said that the
12 Board should be mindful of the parking spaces in the overall Planned
13 Hamlet.

14
15 Attorney Whitehead said that a running tab of the parking spaces will
16 let the applicant know exactly where the parking is being used. She
17 opined that location is more important than use. Attorney Whitehead
18 said that the plan (picture) for the Master Plan showed 62 parking
19 spaces. She said that it is the Somers Planned Hamlet client that will
20 be at risk if there are not enough parking spaces.

21
22 Mr. Keane said that the Board should be concerned with what the
23 picture for the Master Plan looks like rather than the numbers.

24
25 Town Planner Hull said that the 1st Whereas clause on Page 7
26 will state the total number of parking spaces as allocated visually in
27 the Master Plan and the amount that is allocated in association with
28 this subdivision.

29
30 Ms. Gannon asked if shared parking is mentioned at The Mews at
31 Baldwin Place and Town Planner Hull replied that shared parking is
32 not in The Mews at Baldwin Place Resolution.

33
34 Attorney Whitehead said that shared parking will be used with the
35 retail, office and restaurant use.

36
37 Attorney Whitehead asked for clarification on Number 12, page 8,
38 *The sidewalk is currently depicted as ending at the ROW line which*
39 *will create a maintenance problem in the future. The ROW should be*
40 *increased by 10 feet to accommodate all features.*

1 Town Engineer Gagné said that the sidewalk ends at the ROW line
2 and for maintenance purposes and where the utilities will be located
3 he wants to see a cross section of where the hydrant will be located
4 as the hydrant has to be approved by the water district and the Fire
5 Prevention Bureau. He noted that five feet on either side of the ROW
6 probably will work. Town Engineer Gagné said that it is open for
7 discussion and if it can be determined that only 3 feet on either side
8 of the ROW is needed to accommodate the utilities in the ROW. He
9 explained that the minimum width is 50 feet.

10
11 Town Engineer Gagné said that the condition should be that the
12 ROW should be increased to accommodate all features for
13 maintenance purposes to the satisfaction of the Town Engineer.

14
15 Town Planner Hull said that condition 12 in the draft Resolution has
16 been changed to say "*the ROW should be increased to*
17 *accommodate the utilities and sidewalk for maintenance purposes to*
18 *the satisfaction of the Town Engineer.*"

19
20 Attorney Whitehead asked that condition 22 in the draft Resolution be
21 changed to add *as may be necessary*.

22
23 The Chair asked if there were any other comments or questions from
24 members of the Board and no one responded.

25
26 The Chair asked if there was a consensus of the Board to approve
27 the draft conditional Resolution as amended with the additional items
28 for the Chairman's signature.

29
30 On motion by Ms. Gannon, seconded by Mr. Knapp, and
31 unanimously carried, the Board moved to approve draft Resolution
32 No. 2009-18 Granting of Conditional Preliminary Subdivision
33 Approval, as amended, to Somers Realty Corp. for Somers Realty
34 Planned Hamlet Subdivision, for the Chairman's signature.

35
36 The Chair asked if Somers Realty is Corporation or Corp.
37 Attorney Whitehead stated that it is Somers Realty Corp.

38
39 The Chair asked Attorney Whitehead if the next step is for the
40 applicant to prepare and submit an application for final subdivision

1 plat approval for the Planning Board's review and action within six
2 months after the date of preliminary subdivision approval, except
3 where a time limit is extended, subject to modifications and conditions
4 contained in Resolution No. 2009-18 being fulfilled and Attorney
5 Whitehead agreed that this is the next procedure.

6
7 **DECISION**

8
9 **THE MEWS AT BALDWIN PLACE**

10 **[TM: 4.20-1-15]**

11
12 Chairman DeLucia said that this is the decision of the Planning Board
13 on the application of The Mews at Baldwin Place for Site Plan
14 Approval, Steep Slopes and Stormwater Management and Erosion
15 and Sediment Control Permits by joint applicants the Housing Action
16 Council, Inc. and Kearney Realty & Development Group Inc. for the
17 construction of 72 units of senior affordable housing to be serviced by
18 public water and sewer and located on the south side of U.S. Route
19 6.

20
21 The Chair asked if the applicant considered changing the name of the
22 project because the Mews at Yorktown is also located on Route 6
23 and it may be confusing.

24
25 Richard Williams, the applicant's engineer, said that the project on
26 Route 6 is the Yorktown Mews and the applicant does not want to
27 change the name of the project.

28
29 The Chair noted that the property is owned by Somers Realty Corp.
30 and is in the Planned Hamlet PH Zoning District. She explained that
31 the Housing Action Council is contract vendee for Lot 1 of the Somers
32 Realty Corp. Planned Hamlet Subdivision. The Chair mentioned that
33 the Council will be forming a limited partnership with Kearney Realty.
34 She noted that Rose Noonan is the Executive Director of the Housing
35 Action Council. She said that this application was last discussed at
36 the November 18, 2009 Planning Board meeting whereby a Public
37 Hearing was held and there was no one wishing to be heard.
38 Therefore the Public Hearing was closed and the applicant was
39 requested to submit revised drawings and related documents and

1 information and directed staff to prepare a draft conditional
2 Resolution and to send an Action Letter to the applicant.

3
4 The Chair acknowledged for the record receipt of the following: a
5 letter dated November 30, 2009 from Insite Engineering enclosing
6 revised drawings, Part I of the EAF, last revised November 30, 2009,
7 a Stormwater Pollution Prevention Plan, and also including comments
8 to staff's November 20, 2009 Action Letter and November 16, 2009
9 Conservation Board's recommendations; another letter dated
10 December 8, 2009 from Insite Engineering enclosing a Full EAF last
11 revised December 7, 2009; two memos dated November 4, 2009 and
12 December 5, 2009, from the Conservation Board with concerns and
13 recommendations; two memos dated November 19, 2009 and
14 December 8, 2009 from the Architectural Review Board regarding
15 railings around the air conditioning units; a letter dated November 20,
16 2009 from Westchester County Planning Board with comments; a
17 copy of a letter dated November 23, 2009 from the DEP; a memo
18 dated December 3, 2009 from Town Engineer Gagné with comments;
19 and a draft conditional Site Plan Resolution No. 2009-19 from Town
20 Planner Hull for the Board's consideration for approval.

21
22 The Chair asked the applicant's representative to give a brief
23 presentation for the benefit of the Board and public.

24
25 Engineer Williams said that comments were made in reference to the
26 Board questions. He noted that site lighting has been changed
27 because of the concern about illuminating the sky. He indicated that
28 there will be a reflector placed on top of the proposed lighting which
29 will shield the light from projecting upward. Engineer Williams stated
30 that 11 of the 20 lights will be on timers so that they will shut off after
31 10:30 P. M. He mentioned that the parking spaces in front of the
32 building have been relocated and two will be striped at the request of
33 the Fire Prevention Bureau. He noted that pursuant to comments
34 from the Conservation Board the silt fence and the tree protection
35 detail were modified. Engineer Williams acknowledged that the
36 SWPPP was also changed pursuant to comments from the Board.

37
38 The Chair asked if bicycle racks have been provided.

39

1 Engineer Williams said that bicycle racks will be provided and the
2 location of the dumpster's enclosures will be reviewed pursuant to
3 Westchester County Planning Board's request.

4
5 The Chair mentioned that Westchester County Planning prefers
6 parking on the sides and the rear of the building.

7
8 Engineer Williams said that Westchester County Planning would like
9 the buildings to slide forward and relocate parking to the side and
10 rear of the building. He explained that you will need to get around the
11 building which would mean that you move the entrance and have a
12 road wrapping around which would lead to site disturbance and
13 possibly an increase in impervious surfaces.

14
15 Town Planner Hull acknowledged receipt of a memo from the
16 Architectural Review Board regarding photographs of the proposed
17 railings that will be placed around the air conditioning units. She said
18 that the ARB is concerned that the railing will not be wide enough to
19 camouflage the units. Town Planner Hull indicated that the ARB
20 made a request that a wider rail or a wider panel be used that would
21 also dampen the sound the units would emit. She mentioned that this
22 condition is not incorporated into the draft Resolution but will be
23 incorporated in the final resolution.

24
25 Engineer Williams stated that the applicant's architect has responded
26 to the ARB and sent a different railing for their review.

27
28 Town Planner Hull reviewed the draft Resolution with the Board and
29 the applicant's representatives.

30
31 The Chair suggested that the mention of The Mews at Baldwin Place,
32 a portion of the Somers Realty Planned Hamlet, the word
33 "*Subdivision*" be added.

34
35 Mr. Foley said that the heading should read "*The Kearney Realty &*
36 *Development Group Inc.*"

37
38 Town Engineer Gagné said that the Town Tax Number should be part
39 of Lot 15 and part of Lot 12 and will be changed throughout the draft
40 Resolution.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

Town Planner Hull mentioned that the acreage will be changed to 79.5488 throughout the draft Resolution.

Mr. Foley corrected the first paragraph of Page 7 and said that the last sentence should read "*amended site plan approval.*"

Mr. Foley changed the Whereas clause on Page 8 to read "*contingent upon the approval and filing of the subdivision plat for the Somers Realty Corp.*"

Town Attorney Baroni said that the 1st condition under Conditions Required Prior to Signing of Site Plan read *That the applicant provide proof of filing with the Westchester County Clerk of the Somers Realty Planned Hamlet Final Subdivision Plat, which creates the lot which is subject to this resolution.*

Mr. Foley asked that there be a change under Be It Further Resolved to read "*that upon determination of compliance with the foregoing conditions, including the Final Subdivision Approval for Somers Realty Planned Hamlet which creates this lot.*" He also asked that under Conditions Required Prior to Signing of Site Plan Number 3. be changed to read *Planned Hamlet Subdivision creating the lot for which this application is proposed.*

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

Mr. Foley asked if there should be something in the Resolution explaining the applicant's time constraints that were imposed on this application.

Attorney Whitehead explained that this application was unique because SEQRA had been completed during the Master Plan approval.

Town Planner Hull opined that the time constraints do not have to be incorporated in the Resolution because the record speaks for itself.

1 Ms. Gerbino asked that the applicant's address be corrected in the
2 EAF.

3

4 The Chair asked what the correction was to the EAF that was
5 recently submitted.

6

7 Engineer Williams said that throughout the review process he was
8 asked to look at the subdivision as a whole in approaching the EAF
9 and the site and by melding the two made it clearer.

10

11 Mr. Goldenberg said that the way the Board handled this application
12 is proof of the Board's commitment to affordable housing in Somers.

13

14 The Chair asked if there is a consensus of the Board to approve the
15 conditional draft Resolution, as amended, with the additional items for
16 the Chairman's signature.

17

18 On motion by Ms. Gannon, seconded by Mr. Goldenberg, and
19 unanimously carried, the Board moved to approve draft Resolution
20 No. 2009-19 Granting of Conditional Site Plan Approval, Steep
21 Slopes and Stormwater Management and Erosion and Sediment
22 Control Permits, as amended, to the Housing Action Council and
23 Kearney Realty & Development Group Inc. for The Mews at Baldwin
24 Place, a portion of the Somers Realty Planned Hamlet Subdivision,
25 for the Chairman's signature.

26

27 The Chair asked Ms. Noonan to let the public know what the next
28 step will be for the Housing Action Council.

29

30 Ms. Noonan thanked the Board for meeting the time frame and next
31 will move to the County for the three types of funding needed. She
32 indicated that the approvals will go to the County Board of
33 Legislatures with the hope of approval and closing by April with
34 construction before May.

35

36 There being no further business, on motion by Mr. Keane,
37 seconded by Ms. Gannon, and unanimously carried, the meeting
38 adjourned at 11:00 P. M.

39

1 Chairman DeLucia noted that the next meeting of the Planning Board
2 will be held on Wednesday, January 13, 2010 at 7:30 P. M. at the
3 Somers Town House.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40

- 1
- 2
- 3