

Telephone 1  
(914) 277-5366<sub>2</sub>

FAX  
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, *Chairman*  
Jan Corning  
Fedora DeLucia  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
Dennis McNamara

3

**SOMERS PLANNING BOARD MINUTES  
MARCH 9, 2016**

4

5

6

**ROLL:**

8

**PLANNING BOARD**

**MEMBERS PRESENT:**

Chairman Currie, Ms. Gerbino,  
Mr. Goldenberg, Ms. Gannon, Mr. McNamara  
and Ms. Corning

13

**ABSENT:**

Mrs. DeLucia

15

**ALSO PRESENT:**

Assistant Consultant Town Engineer Wasp  
Director of Planning Syrette Dym  
Planning Board Town Attorney Joseph Eriole  
Planning Board Secretary Marilyn Murphy

20

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

24

**APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING  
BOARD MEETING HELD ON JANUARY 13, 2016**

27

Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
prepared and submitted for the Board's approval the draft minutes and  
DVD of the Planning Board meeting held on January 13, 2016.

The Chair asked if there were any comments or corrections from the Board  
on the draft minutes and DVD and no one replied.

32

1  
 2 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously  
 3 carried, the draft minutes and DVD of the January 13, 2016 Planning Board  
 4 meeting were approved.

5  
 6 Chairman Currie stated that the text of the approved minutes is available  
 7 on the Town’s website [www.somersny.com](http://www.somersny.com) and is also available for public  
 8 review at the Planning & Engineering office at the Town House. The  
 9 approved DVD is available for public viewing at the Somers Public Library.

10  
 11 **PROJECT REVIEW**

12  
 13 **SOMERS REALTY SUBDIVISION PHASE 3 [TM: 4.20-1-15]**

14  
 15 Chairman Currie explained that this is an application for Final Subdivision  
 16 Approval, Steep Slopes, Wetland, Tree Removal and Stormwater  
 17 Management and Erosion and Sediment Control Permits to create Lots 3a,  
 18 3b, 3c and 3d, relative to the Site Plan application of AvalonBay  
 19 Communities. Chair Currie said that the Board will be considering a Draft  
 20 Resolution for Final Subdivision Approval.

21  
 22 The Chair said that the Board should focus on what is relevant in the  
 23 Resolution.

24  
 25 Ms. Gerbino referenced page 10 of the Resolution, *A 0.9 acre Lot 5 on*  
 26 *Mahopac Avenue is being shown as being created for use as the site for a*  
 27 *future firehouse and will be dedicated to the Town.* She asked why the  
 28 firehouse lot is dedicated to the Town and not the Fire District.

29  
 30 Linda Whitehead, the applicant’s attorney, said that dedication to the Town  
 31 was in the original findings but if it is determined that the parcel should be  
 32 deeded to the Fire District and she is happy to do that. She mentioned that  
 33 the Resolution can read that the parcel be dedicated to the Town or the  
 34 Fire District.

35  
 36 Director of Planning Dym mentioned that not everything has been resolved  
 37 and an issue is the looped water system and how it will be implemented  
 38 and the obligation versus the pneumatic tank system.

1 Assistant Consultant Town Engineer Wasp said that the Master Plan  
2 Findings Statement considered the provision for the pneumatic tank to be  
3 constructed.

4  
5 Attorney Whitehead interjected that a former Town Engineer suggested the  
6 looped water system but the applicant felt it was too expensive. She  
7 explained that the pneumatic tank system only came up when the applicant  
8 was before the Town Board during discussions in regard to the Water  
9 District Extension. She said that the pneumatic tank system was not  
10 mentioned in the Master Plan Findings Statement.

11  
12 Assistant Consultant Town Engineer Wasp indicated that the applicant  
13 pursued the looped water system down to US Route 6 to Windsor Road.  
14 He said that the Hidden Meadow project is proposing to extend the existing  
15 water main as part of the Yorktown Water System. He explained that  
16 Somers Realty will be entering into an agreement with the Town of Somers  
17 to construct the water main to Route 6 to the termination that will serve the  
18 Hidden Meadow development.

19  
20 Attorney Whitehead stated that the Town prefers the looped water system  
21 that will provide emergency water supply to everyone in the district. She  
22 commented that Somers Realty will provide the funds but will not do the  
23 construction.

24  
25 Ms. Gerbino said that she has a problem grasping the looped system  
26 because you are talking about the Somers Water System and the Yorktown  
27 Water System.

28  
29 Assistant Consultant Town Engineer Wasp explained that it will create a  
30 connection between the Somers and Yorktown water systems. He noted  
31 that an agreement will have to be put in place to allow the connection.

32  
33 Director of Planning Dym mentioned that this afternoon there was a  
34 conference call with Consultant Town Engineer Barbagallo, Town Attorney  
35 Baroni and Attorney Whitehead in reference to the looped water system.  
36 She noted that the Applicant shall enter into an agreement with the Town  
37 regarding the details and provision of the looped water system and the  
38 obligations and options for funding or construction of such loop by the  
39 Applicant. She also noted that such an agreement be reviewed and  
40 approved by the Town Consulting Engineer and the Town Attorney and that

1 the fee of \$810,000 stipulated in that agreement shall be posted. Director  
 2 of Planning Dym said that Attorney Whitehead suggested another fee. She  
 3 said that there will be discussions on what the number should be.

4  
 5 Attorney Whitehead said that the amount of \$810,000 for the funding of the  
 6 looped water system is not the amount that was discussed. She noted that  
 7 the number that was agreed on was based on numbers provided by the  
 8 applicant's engineer which was agreed to by Consultant Town Engineer  
 9 Barbagallo with a 30% contingency and that number was \$700,000 which  
 10 the applicant agreed to.

11  
 12 Chair Currie asked what will happen if the Town of Yorktown does not  
 13 agree to the looped system connection and is answered with the "Ongoing  
 14 Conditions Required After Signing the Plat," *if for any reason the loop*  
 15 *system cannot be constructed, the Applicant agrees to build the pneumatic*  
 16 *tank system.*

17  
 18 Director of Planning Dym noted that Adam Smith, the Water and Sewer  
 19 Superintendent, is okay if there is interim time when there is no pneumatic  
 20 tank and no looped water system. She said that she will speak to Mr.  
 21 Smith to see what language can be used in the resolution.

22  
 23 Attorney Whitehead said that she will be very surprised if Yorktown does  
 24 not approve the connection as it will also be beneficial to them. She does  
 25 not feel this is a timing issue as it is outside Somers Realty and  
 26 AvalonBay's control and their certificate of occupancy cannot be held up  
 27 because of the water system.

28  
 29 Director of Planning Dym mentioned another issue and that is the condition  
 30 of Road D.

31  
 32 Assistant Consultant Town Engineer Wasp said that language has to be  
 33 crafted and the plan has to show a gate.

34  
 35 Attorney Whitehead opined that this is not an issue as it was agreed to be  
 36 constructed with Item 4 and will be shown as a Town Road but will not be  
 37 dedicated until it is completed and there will be a gate.

38  
 39 Director of Planning Dym mentioned that road extension agreements have  
 40 to be discussed.

1 Attorney Whitehead said that it is not an agreement as the road will be  
2 dedicated as a Town right-of-way because the neighbor to the south  
3 wanted the ability to construct the road. She said that an easement for the  
4 stormwater management will be provided.  
5

6 Assistant Consultant Town Engineer Wasp said that Town maps show  
7 crossing Town Road B and D and certain portions have to be constructed  
8 with porous pavement. He said that in the event that road has to be built  
9 through the watercourse crossing it may require an easement.  
10

11 Attorney Whitehead interjected that Somers Realty will not be building the  
12 road. She noted that Somers Town Code has a provision that if sidewalks  
13 are on a Town Road the property owner has to maintain them.  
14

15 Assistant Consultant Town Engineer Wasp mentioned discussions on the  
16 phosphorous loading calculations and they have to be carefully constructed  
17 in the resolution. He said that the language has to be consistent in the  
18 resolution.  
19

20 Ms. Corning asked about the acreage as it is not consistent. She said she  
21 wants the acreage that was stated in the beginning to end up the same.  
22

23 Attorney Whitehead explained that the acreage when the application was  
24 submitted are different because changes were made during the application,  
25 such as, extending the right-of-way on Road B and changing the acreage  
26 on Lots 3a,3b and Lot 6.  
27

28 Chair Currie said that the Resolution will be discussed at the March 23,  
29 2016 Planning Board meeting.  
30

31  
32 **AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, PO 12]**  
33

34 Chairman Currie said that this is an application for Site Plan Approval,  
35 Steep Slopes, Tree Removal and Stormwater Management and Erosion  
36 and Sediment Control Permits for the construction of 152 residential units  
37 within 17 buildings with 23 affordable units on 45.1 acres. Chair Currie  
38 noted that the Board will be reviewing a Draft Resolution for Site Plan  
39 Approval.  
40

1 The Chair asked the applicant’s representative if he had any comments on  
2 the draft Resolution.

3  
4 Peter Wise, the applicant’s attorney, indicated that he reviewed the draft  
5 Resolution and there are some open issues but they are minor except for  
6 the issue about the Recreation fee.

7  
8 Director of Planning Dym referred to Page 8, the fourth Whereas  
9 paragraph, that the wording be changed in regard to a “snow event” instead  
10 of a “snow emergency”. She explained that the Highway Superintendent  
11 does not want the words to read a “snow emergency” as that has to be  
12 declared by the Town Board where a “snow event” is anytime it snows.

13  
14 Director of Planning Dym mentioned the landbanking of parking spaces  
15 and asked the applicant to suggest language for the Resolution. She said  
16 that a Monitoring Plan over a specific number of years is needed to  
17 determine if there is full utilization or underutilization of those spaces.  
18 She explained that based on the Monitoring Plan it will determine if those  
19 spaces have to be built.

20  
21 Director of Planning Dym said that the Recreation fee is paid prior to the  
22 Signing of the Site Plan by the Chairman.

23  
24 Attorney Wise explained that the issue is that Avalon does not acquire the  
25 property until the plat is signed and Avalon cannot pay the Recreation fee  
26 before they own the property. He suggested that the payment of the  
27 recreation fee be conditioned with the Building Permit.

28  
29 Planning Board Town Attorney Eriole said that the Approved Site Plan is a  
30 right and Avalon is asking that it be approved without collection of the fees.

31  
32 Assistant Consulting Town Engineer Wasp said that all significant  
33 engineering issues have been resolved and the minor issues can be  
34 conditions of approval. He mentioned that there are a few comments on  
35 stormwater and the Master Comprehensive Stormwater Pollution  
36 Prevention Plan with a few numbers having to be cross referenced by the  
37 Somers Realty Engineer and the AvalonBay engineer. Assistant  
38 Consulting Town Engineer Wasp said that the stormwater calculations for  
39 the structural calculations for the retaining walls have to be submitted and

1 the final details for the proposed private water main and sewer extensions  
2 have to be provided.

3  
4 Ms. Corning said that the Board has been reviewing two projects  
5 separately with SEQRA being looked at separately with the two projects  
6 being contiguous to each other and are being approved simultaneously.  
7 She asked if the impact on the community and the neighborhood sum is  
8 greater than the sum of its parts.

9  
10 Town Planning Board Attorney Eriole said that in any SEQRA review and  
11 the concept of cumulative impacts and the legal concept called  
12 segmentation with the goal of the process to insure that when reviewing  
13 impacts that because the Board considered two processes the question is  
14 that those impacts have been considered appropriately and that the project  
15 did not receive less scrutiny if they were considered together. Town  
16 Planning Board Attorney Eriole stated that the environmental record  
17 confirms this is the case and the appropriate level of environmental review  
18 was given to both projects.

19  
20 Chair Currie directed that the draft Resolution be discussed at the March  
21 23, 2016 Planning Board meeting.

22  
23  
24 **TAMARACK AND VINE SUBDIVISION [TM: 16.07-1-1]**

25  
26 Chairman Currie said that this is an application for Preliminary Subdivision  
27 Approval, Steep Slopes, Wetland and Tree Preservation Permits for  
28 property located at the end of Tamarack and Vine Road. He noted that the  
29 proposal is for a four (4) lot Conservation Subdivision. He mentioned that  
30 three lots would be accessed off a driveway from Vine Road and one lot  
31 would be accessed off a driveway from Hickory Road. He noted that each  
32 lot will have individual wells and septic systems.

33  
34 Chair Currie asked the applicant's representative to explain the project for  
35 the benefit of the Board and the public.

36  
37 Jody Cross, the applicant's attorney, said that this project is a re-application  
38 of an application that was before the Board a few years ago. She  
39 mentioned that in 1997 this application came before the Board as a six (6)  
40 lot subdivision. She noted that after review by the Planning Board it was

1 reduced to a five (5) lot subdivision. Attorney Cross stated that in 2000 the  
2 Planning Board granted a Negative Declaration and Preliminary  
3 Subdivision Approval. She explained that after receiving time extensions in  
4 2005 the applicant filed Final Subdivision Approval; however, with the  
5 downturn in the economy the project stalled. Attorney Cross mentioned  
6 that in 2013 the project went back to the Department of Environmental  
7 Protection (DEP) and recently to the Department of Health (DOH). She  
8 explained that during the process the subdivision was reduced to a four (4)  
9 lot subdivision with two (2) conservation lots.

10  
11 Attorney Cross mentioned that the former Town Planner sent a letter to the  
12 applicant saying that if a submittal is not made she will consider the  
13 application withdrawn. She said that the applicant never received that  
14 letter and never considered withdrawing the application. Attorney Cross  
15 acknowledged that time has passed and the applicant is here for  
16 Preliminary Subdivision Approval.

17  
18 Chair Currie acknowledged receipt of a memo from Woodard & Curran and  
19 Director of Planning Dym both dated March 4, 2016.

20  
21 Chair Currie asked Director of Planning Dym to review her memo for the  
22 benefit of the Board and the public.

23  
24 Director of Planning Dym said that the project is problematic. She  
25 mentioned that there was a meeting with Town Attorney Baroni and there  
26 was an agreement that the project lapsed. She said that the project should  
27 start from the beginning with Preliminary Subdivision Approval and if that is  
28 granted Final Subdivision Approval will be waived. Director of Planning  
29 Dym explained that requirements have changed from years ago and that  
30 changes projects. She commented that the applicant has not provided  
31 calculations or analysis saying that the new regulations have been met.  
32 She noted that in order to have a Conservation Subdivision you have to  
33 prove out a Conventional Plan. She mentioned that the Board has not  
34 received the calculations that prove the project is entitled to a four (4) lot  
35 subdivision.

36  
37 Attorney Cross said that she will submit the calculations in advance of the  
38 next meeting but she wanted to come before the Board to reintroduce the  
39 application.

40

1 Planning Director Dym said that she is glad to hear that the calculations will  
2 be submitted but there are issues related to the access and to the  
3 connections of the roads.

4  
5 Chair Currie asked Assistant Consultant Town Engineer Wasp to review his  
6 memo for the benefit of the public and the Board.

7  
8 Assistant Consultant Town Engineer Wasp said that based upon the  
9 identified project disturbance of approximately 6 acres, the Applicant is  
10 required to prepare a Stormwater Pollution Prevention Plan (SWPPP) that  
11 includes post construction stormwater controls. He noted that NYSDEC  
12 SPDES General Permit and the SWPPP must address supplementary  
13 criteria specified by the SPDES General Permit and the SWPPP must also  
14 include post construction stormwater controls as necessitated for New York  
15 City Department of Environmental Protection (NYC DEP) permitting  
16 issuance.

17  
18 Timothy Allen, the applicant's engineer, explained that originally the  
19 approval was for five (5) lots. He noted that stormwater regulations have  
20 changed since then but the zoning test was made at that time. Engineer  
21 Allen said that the project has to meet the stormwater regulations as they  
22 exist now. He commented that the Board reviewed the Conventional Plan  
23 with a cul-de-sac coming off Vine and Tamarack. He opined that the Board  
24 can rely on the old plan from a Zoning standpoint. Engineer Allen said the  
25 question is how far does the applicant go to get stormwater approved when  
26 there is no intention of building the plan. He said that the record is clear  
27 that five (5) lots are approvable but the applicant has eliminated one lot and  
28 now is proposing a four (4) lot subdivision.

29  
30 Planning Board Town Attorney Eriole advised that Town Counsel should  
31 review and comment on the old Conventional Plan.

32  
33 Engineer Allen said that he would like the Board to establish their intent to  
34 be Lead Agency and schedule a site walk.

35  
36 Assistant Consultant Town Engineer Wasp noted that the SWPPP has to  
37 be approved by NYC Department of Environmental Protection. He  
38 mentioned that all the stormwater for the proposed development will be  
39 collected and conveyed to a stormwater treatment facility on Lot 4. He  
40 noted that there will be one common driveway serving lots 1, 2 and 3 with

1 access to Lot 4 provided by a separate driveway connecting to Hickory  
 2 Road. Assistant Consultant Town Engineer Wasp mentioned that the  
 3 common driveway alignment proposes to create a fill slope embankment  
 4 measuring approximately 8 feet of vertical change along the eastern  
 5 driveway shoulder. He said that the Planning Board should consider  
 6 whether a wooden guardrail or other protective measure should be  
 7 considered along the top of the driveway embankment. He mentioned that  
 8 the applicant has to prepare a steep slopes disturbance plan drawing that  
 9 delineates steep slope disturbance based upon regulated categories.  
 10 Engineer Wasp said that the Planning Board should decide whether the  
 11 previously completed delineation is acceptable or if an updated delineation  
 12 of the wetland boundary must be completed in accordance with Town Code  
 13 Section 167.

14  
 15 On motion by Chair Currie, seconded by Ms. Gerbino and unanimously  
 16 carried, the Board moved to declare its intent to be Lead Agency for  
 17 Tamarack & Vine Subdivision for a Four Lot Conservation Subdivision and  
 18 circulate the Notice of Intent and EAF to involved and interested agencies  
 19 under SEQRA as per Chapter 92 of the Code of the Town of Somers in  
 20 conjunction with Article 24 of the NYS Environmental Conservation Law.

21  
 22 Chair Currie directed that a site walk be conducted on Saturday, March 19,  
 23 2016 at 9:00 a.m.

24  
 25 **HIDDEN MEADOW AT SOMERS [TM: 15.07-1-6]**

26  
 27 Chairman Currie said that the application is for Subdivision Approval, Site  
 28 Plan Approval, Steep Slopes, Wetland, Stormwater Management and  
 29 Erosion and Sediment Control Permits relative to the development of  
 30 Hidden Meadows at Somers. He noted that the applicant is requesting a  
 31 Tree Removal Permit before Final Approval is granted.

32  
 33 Chair Currie asked the applicant's representative to explain the reason for  
 34 the request for the Tree Removal Permit.

35 Richard Williams, the applicant's engineer, said that the reason for the  
 36 request for the Tree Permit is different from the Somers Realty Tree  
 37 Removal Permit. He noted that the Open Space Committee requested as  
 38 part of mitigation that although Indiana Bats are not on the site they agreed  
 39 to not remove trees from April through October. He mentioned that he will  
 40 be filing a Final Subdivision application by the end of the month.

1 Mr. McNamara said that there will not be any stump removal until  
2 construction starts.

3  
4 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
5 carried, the Board moved to approve the Tree Removal Permit prior to Site  
6 Plan Approval in accordance with Chapter 156 Tree Preservation of the  
7 Code of the Town of Somers pursuant to the special conditions as specified  
8 in Tree Removal Permit #T2016-08.

9

10 **INFORMAL APPEARANCE WITH SKETCH PLAN**

11

12 **TOWNE CENTRE AT SOMERS [TM: 17.15-1-13]**

13

14 Chairman Currie said that this is an application for an Informal Appearance  
15 with Sketch Plan to request a waiver of Site Plan Application procedures in  
16 accordance with Somers Zoning Code Section 170-114(F) in connection  
17 with the relocation of existing freestanding sign on Somers Road.

18

19 Chair Currie asked the applicant's representative to explain the project for  
20 the benefit of the Board and the public.

21

22 Jody Cross, the applicant's attorney, explained that there are two  
23 freestanding signs at the Towne Centre, and the applicant wants to move  
24 the sign on Somers Road 8.1 feet closer to the road. She noted that this  
25 will make the sign more visible and will not impact the sight lines. Attorney  
26 Cross said for this reason she feels it is appropriate to request a waiver of  
27 Site Plan procedures.

28

29 On motion by Chair Currie, seconded by Mr. Goldenberg and unanimously  
30 carried, the Board moved to waive Site Plan Application procedures in  
31 accordance with Somers Zoning Code Section 170-114(F) in reference to  
32 the freestanding sign on Somers Road.

33

34

35 **HERITAGE HILLS WASTEWATER TREATMENT PLANT UPDATE**  
36 **[TM: 17.10-1-18]**

37

38 Chairman Currie noted that this is an application for an informal  
39 appearance with Sketch Plan for property located at Heritage Hills Drive for  
40 upgrades to meet New York City Department of Environmental Protection

1 (NYCDEP) effluent requirements. He said that additional tasks include new  
2 odor control and screenings.

3  
4 Chair Currie asked the applicant's representative to explain the project for  
5 the benefit of the Board and the public.

6  
7 Richard O'Rourke, the applicant's attorney, said that this application is on  
8 behalf of the City of New York and the Heritage Hills Sewer Works  
9 Corporation. He explained that the application is to upgrade the plant to  
10 satisfy the requirements that were adopted in 1997 under the Historic  
11 Watershed Regulations.

12  
13 Attorney O'Rourke said that the plan is fairly simple with one structure  
14 (30'X15') that will not be visible from the road and is located at the back of  
15 the plant.

16  
17 Mark Suozzo, the applicant's engineer, said that there will be 90%  
18 construction in the existing concrete tanks with a 30'X15' building over one  
19 of the current aeration tanks. He noted that a 24" berm is proposed to  
20 cover pipes from the MBR to the existing microfiltration building. He  
21 mentioned that additional plantings will be planted between the proposed  
22 modifications and the community gardens. Engineer Suozzo indicated that  
23 the odor control will be replaced. He said that large flows from rain and  
24 snow are also being addressed.

25  
26 Attorney O'Rourke said that this is a continuation of the upgrade attempt.

27  
28 Engineer Suozzo said that approvals are needed from the NYC  
29 Department of Environmental Protection (NYCDEP), Westchester County  
30 Department of Health (DOH) and the NYS Department of Environmental  
31 Conservation (NYSDEC).

32  
33 Mark Brassard, Architect, mentioned that the plant is owned by Heritage  
34 Hills Sewer Works Corporation.

35 Ms. Gerbino said that there is an odor in the center of Town from the Sewer  
36 Plant.

37  
38 Architect Brassard said that the odor happens on cloudy low ceiling days  
39 when the sludge trucks take the sludge out of the plant. He mentioned that

1 the new odor control system will have a potential connection for the trucks  
2 to go through the odor control filters and that will eliminate the odors.

3  
4 Mr. Goldenberg asked that the owner of the property and the use of  
5 Heritage Hills roads be verified.

6  
7 Director of Planning Dym asked the height of the new facility.

8  
9 Engineer Suozzo said the facility will be one story and will be 15 to 16 feet  
10 with 14 feet to the eaves.

11  
12 Director of Planning Dym asked if this project is eligible to be waived for  
13 Site Plan procedures.

14  
15 Attorney O'Rourke said that there will be modifications to the Site Plan with  
16 the replacement of the odor control system and this may be a Type II  
17 Action.

18  
19 Assistant Consultant Town Engineer Wasp stated that based on  
20 discussions with the Heritage Hills Sewer Works Corporation they provided  
21 the Engineers Design Report for the Upgrade of the Plant and that is  
22 currently being reviewed by Woodard & Curran.

23  
24 Director of Planning Dym said that the applicant should review the  
25 conditions of the Site Plan waiver and make a determination on how they  
26 want to proceed.

27  
28

29 **CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**

30

31 Chairman Currie noted that this is an application for an Informal  
32 Appearance with Sketch Plan for property located on Route 6. He  
33 mentioned that the proposal is for a mixed use development consisting of  
34 12,000 S.F. of retail, 12,000 S.F. of professional office and 64 residential  
35 units.

36

37 Chair Currie asked the applicant to explain the project for the benefit of the  
38 public and the Board.

39

1 Ken Kearney, applicant, noted that a previous application for this site was  
2 before the Board a while ago. He said that the Planning Board granted a  
3 Negative Declaration (Neg Dec) and the application was close to Site Plan  
4 Approval. Mr. Kearney mentioned that the proposal is for a mix of  
5 commercial and multi-family. He said that the proposal is for a 24,000 S.F.  
6 commercial building on the section of the property closest to Route 6. Mr.  
7 Kearney indicated that there will be 12,000 S.F of retail and 12,000 S.F of  
8 offices on the second floor. He said that he will have his company offices in  
9 the building on the second floor. Mr. Kearney said that two of the multi-  
10 family buildings will have 24 apartments for Seniors 55 or older. He  
11 mentioned that there will be a management office and community office.  
12 Mr. Kearney said that the third building will have 12 two bedroom  
13 apartments for non-seniors. He explained that every unit will have direct  
14 access to outside. Mr. Kearney indicated that six (6) of the two bedroom  
15 units will be affordable.

16

17 Mr. Kearney said that he asked the Town Board for a text change  
18 modifying the parameters of the Neighborhood Shopping (NS) Zoning  
19 District.

20

21 Mr. Kearney said that he is proposing a traffic light with a pedestrian  
22 crossing, installation of sidewalks and an offsite sewer main for commercial  
23 properties along Route 6. He said that Westchester County has tentatively  
24 approved funds for the infrastructure work. Mr. Kearney opined that with  
25 these improvements he hopes that it will spur commercial development.  
26 He explained that the architecture of the senior buildings will be different  
27 from the Mews I and Mews II.

28

29 Richard Williams, the applicant's engineer, mentioned that a Neg Dec was  
30 issued for the previous application and he feels that this application will fall  
31 within the previous thresholds that were evaluated. He said that for the  
32 handful of issues that may have an additional impact from the previous  
33 application he will provide mitigation so the Board can reaffirm the Neg  
34 Dec.

35

36 Mr. Goldenberg said he is concerned because the previous application was  
37 tabled by the Town Board as they did not vote on the text change.  
38 Mr. Kearney stated that he understands that he is taking a risk if the Town  
39 Board does not embrace the text change.

40

1 Ms. Gerbino asked if there will be parking under the buildings and Mr.  
2 Kearney replied that there will not be parking under the buildings.  
3 Engineer Williams said that there will be green space which will also be  
4 used for stormwater. He said that he hasn't gotten to the point of discussing  
5 walking trails but if that works and the Board wants walking trails that can  
6 happen.

7  
8 Ms. Gerbino said that there is an area that was a filled-in swamp.

9  
10 Mr. Kearney said that he did test holes and he will scrape out the top 4 feet  
11 and bring in 4 feet of clean structural fill.

12  
13 Engineer Williams said the timetable on this application is tight and he  
14 hopes to submit a full application for the April agenda. He noted that his  
15 hope is that at the May Planning Board meeting that the Neg Dec will be  
16 reconfirmed, Engineer Williams indicated that his hope is that the Town  
17 Board will decide on the text change in July and that Site Plan Approval  
18 can be made during late summer in order to meet the funding deadlines for  
19 this project.

20  
21 There being no further business, on motion by Chairman Currie, seconded  
22 by Ms. Gerbino, and unanimously carried, the meeting adjourned at 10:00  
23 P.M. The Chair announced that the next Planning Board meeting will be  
24 held on Wednesday, March 23, 2016 at 7:30 P.M. at the Somers Town  
25 House.

26  
27  
28  
29  
30 Respectfully submitted,

31  
32 Marilyn Murphy  
33 Planning Board Secretary  
34  
35