

Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, *Chairman*
Fedora DeLucia
Christopher Foley
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

3

SOMERS PLANNING BOARD MINUTES JANUARY 28, 2015

4

5

6

ROLL:

8

PLANNING BOARD

10 **MEMBERS PRESENT:** Chairman Currie, Mrs. DeLucia, Ms. Gerbino,
11 Mr. Foley and Mr. McNamara

12

13 **ALSO PRESENT:** Assistant Consultant Town Engineer Wasp
14 Director of Planning Syrette Dym
15 Planning Board Secretary Marilyn Murphy

16

17 **ABSENT:** Ms. Gannon and Mr. Goldenberg

18

19 Chair Currie welcomed Dennis McNamara as the newest member of the
20 Planning Board. He mentioned that Mr. McNamara served as Chairman of
21 the Planning Board a few years ago.

22

23 The meeting commenced at 7:35 p.m. Planning Board Secretary Marilyn
24 Murphy called the roll. She noted that a required quorum of four members
25 was present in order to conduct the business of the Board.

26

APPROVAL OF DRAFT DECEMBER 10, 2014 MINUTES

28

29 Chair Currie noted that Planning Board Secretary Marilyn Murphy prepared
30 and submitted for the Board's consideration approval of the draft minutes of
31 the Planning Board meeting held on December 10, 2014.

32

1 Mr. McNamara abstained from the approval of the minutes as he was not a
2 Planning Board member in December.

3
4 The Chair asked the Board if there were any comments or questions on the
5 draft minutes of December 10, 2014 and no one replied.

6
7 On motion by Chair Currie, seconded by Mrs. DeLucia, (Mr. McNamara
8 abstained) and carried, the draft minutes of December 10, 2014 were
9 approved.

10
11 The DVD of the December 10, 2014 Planning Board meeting is made a
12 part of the approved minutes and is available for public viewing at the
13 Somers Public Library. The text of the approved minutes is also on the
14 Town's website www.somersny.com and is available for public review at
15 the Planning & Engineering office at the Town House.

16
17 **CONTINUATION OF PUBLIC HEARING**

18
19 **SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**

20
21 Chairman Currie said that this is the continuation of the Public Hearing on
22 the application for Preliminary Subdivision Approval, Steep Slopes,
23 Wetlands, Tree Removal and Stormwater Management and Erosion and
24 Sediment Control Permits for Somers Realty Corp. Phase 3 for property
25 located on the southeast side of Route 6 and at Clayton Blvd. in the
26 Planned Hamlet (PH) Zoning District.

27
28 Chair Currie asked the applicant's representative to explain the application
29 for the benefit of the Board and the public.

30
31 Linda Whitehead, the applicant's attorney, explained this is just a
32 subdivision application that creates the lots and outlines the town roads.
33 She noted that at the last meeting the Board reviewed the new proposed
34 access to Lot 6. Attorney Whitehead said that she submitted a revised
35 subdivision plan reflecting the new layout showing the easements for
36 access to Lot 6. She noted that the Stormwater Pollution Prevention Plan
37 (SWPPP) was updated, the phosphorous loading calculations were redone
38 and a fiscal analysis was provided to show the difference between fee
39 simple and rentals. Attorney Whitehead mentioned that she worked with
40 AvalonBay on the shared portion of the road with the maintenance being

1 shared between Avalon and the owner of Lot 6. She said that the
2 maintenance agreement will be provided to the Town prior to final approval.
3

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

7 Robert Wasp, Assistant Consultant Town Engineer, said that his office is in
8 the process of reviewing the SWPPP. He stated that the phosphorous
9 loading calculations are consistent with the appropriate methodology.
10 Engineer Wasp said that details on the earth work and the water main
11 extension still have to be worked out.
12

13 Ms. Gerbino said that she has concerns about the stockpile and the traffic
14 on Route 6. She indicated that she would like to hear from the State in
15 regard to traffic on Route 6.
16

17 Attorney Whitehead noted that the State was an Involved Agency under the
18 SEQRA process and they asked for a widening and turning lane and a land
19 dedication for future widening. She mentioned that the Department of
20 Transportation (DOT) is in the process of reviewing the road improvements
21 plans for the intersection. Attorney Whitehead indicated that the DOT will
22 look at the timing of the lights on Route 6.
23

24 Director of Planning Dym said that there will be a meeting with the DOT
25 and the Town in reference to traffic on Route 6.
26

27 Mrs. DeLucia said that there is a policy that three Planning Board members
28 attend certain meetings.
29

30 Engineer Wasp noted that the application for a variance is currently being
31 prepared by the applicant for submittal to the NYC Department of
32 Environmental Protection (DEP). He mentioned that the latest 2015 edition
33 of the NYS Department of Environmental Conservation (DEC) Stormwater
34 Management Manual provides a rainfall depth of 9.0" for the 100 year
35 storm that should be utilized for hydrologic and hydraulic design
36 assessments. Engineer Wasp said that temporary grading and/or notes on
37 the erosion and sediment control plan shall be provided to demonstrate that
38 the proposed invert of each sediment trap is a minimum of two feet higher
39 than the proposed invert of each sediment trap and is a minimum of two feet
40 higher than the proposed final inverts of the stormwater management

1 practice. He commented that a large portion of the material to be exported
2 is identified to be taken from the soil stockpiles that were generated during
3 Phase 2 of the Somers Realty Subdivision and Mews Phase II projects. He
4 noted that these projects are still in construction and must be coordinated
5 with the development proposed by the Phase III Subdivision construction.
6

7 Chair Curie asked Director of Planning Dym to review her January 13, 2015
8 memo for the benefit of the Board and the public.
9

10 Director of Planning Dym said that walkways shown for the buildings
11 located south of Town Road C and east of Town Road B are encroaching
12 into the right-of-way of Town Road B.
13

14 Attorney Peter Wise, representing AvalonBay, said that the walkways are
15 an Avalon issue.
16

17 Attorney Whitehead stated that the earth work issues and the water main
18 are the main open issues that still have to be addressed.
19

20 Chair Curie asked if anyone from the public would like to speak on the
21 application.
22

23 Marilyn Glotzer, resident of 231 Mahopac Avenue, asked why planes were
24 flying overhead looking at the property. She said that she is concerned
25 because the water table has risen.
26

27 Engineer Wasp said that he can look at the hydrology of the site.
28

29 Attorney Whitehead mentioned that she can arrange a site visit if any
30 Board members want to walk the site. She said that in reference to the
31 planes maybe it was representatives of the Algonquin Gas Line.
32

33 Engineer Wasp opined that from a stormwater perspective he is
34 comfortable with the application.
35

36 Director of Planning Dym stated that a variance is needed from DEP due to
37 a watercourse. She mentioned that the amount of soil to be removed off
38 site still has to be determined. She noted that there may be additional truck
39 trips to remove the soil off site and that still has to be determined.
40

1 Attorney Whitehead said that an analysis has to be provided on the amount
2 of truck trips to determine the traffic impacts.

3
4 Director of Planning Dym said that the Public Hearing can be closed with
5 the applicant extending the time frame for the adoption of the Negative
6 Declaration and Preliminary Subdivision Approval or the Board can
7 continue the Public Hearing.

8
9 Chair Currie directed that the Public Hearing on Somers Realty Phase 3 be
10 continued at the March 11, 2015 Planning Board meeting.

11 12 **PUBLIC HEARING**

13 14 **AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, P/O 12]**

15
16 Chairman Currie said that this is an application for Site Plan Approval,
17 Steep Slopes, Tree Removal and Stormwater Management and Erosion
18 and Sediment Control Permits for AvalonBay Communities, for the
19 construction of 152 residential units within 17 buildings with 23 affordable
20 units on 45.1 acres.

21
22 Chair Currie noted that this is a Public Hearing and asked the Secretary if
23 the Public Hearing was noted and the adjoining property owners notified.

24
25 Planning Board Secretary Murphy stated that the Public Hearing was
26 noticed in the Somers Record on January 15, 2015 and the adjoining
27 property owners were notified via mail on January 18, 2015.

28
29 Chair Currie asked the applicant's representative to update the Board
30 on the application.

31
32 Peter Wise, the applicant's attorney, said that in June 2014 AvalonBay
33 submitted an application for Site Plan approval, Steep Slopes, Tree
34 Removal and a Stormwater Management and Erosion and Sediment
35 Control permits in connection with the proposed development of the multi-
36 family component of the Somers Planned Hamlet.

37
38 Thomas Sheil, Landscape Architect, said that the property is comprised of
39 three parcels that will be combined into 46.1 acres. He explained that the
40 38.3 acre parcel will be the bulk of the area that will be the community.

1 Mr. Sheil explained that there is a 1.4 acre parcel surrounded by public
2 roads that will be the Village Green and a 6.4 acre side parcel over to the
3 east. He said that the site is moderately sloped. Mr. Sheil noted that there
4 will be a cluster of apartments in 17 residential buildings with some
5 buildings having 8 or 10 apartments. He said that there will be a series of
6 road networks, pedestrian walkways and parking to support the planned
7 community. Mr. Sheil noted that the Village Green is on the upper level
8 and the lower level is the clubhouse and the amenities.

9
10 Mr. Sheil mentioned that there will be several different architectural styles
11 for the apartments and there will be a combination of 62 one bedrooms, 66
12 two bedrooms and 24 three bedroom apartments. He said that the total
13 square footage of the residential component is 183,000 square feet and is
14 in line with the Master Plan for the Planned Hamlet. Mr. Sheil mentioned
15 that AvalonBay submitted a passive Village Green with an open area
16 surrounded by a walkway system and a play scape and picnic tables.
17 He noted that there was a previous layout for the Village Green that the
18 Board can review and is still an option. Mr. Sheil noted that there will be a
19 full lighting layout, a recycling facility and 324 parking spaces to support the
20 152 apartments.

21
22 Mrs. DeLucia asked about the emergency vehicles.

23
24 Mr. Sheil noted that he met with the Fire Prevention Board and they were
25 satisfied with the turn analysis for the emergency vehicles.

26
27 Assistant Consultant Town Engineer Robert Wasp suggested that the auto
28 turn be provided in the next submission.

29
30 Attorney Wise confirmed that AvalonBay will share in the cost of
31 maintaining a shared portion of the road and he mentioned that 23 of the
32 units will be affordable.

33
34 Tom Daly, the applicant's project engineer, indicated that he worked closely
35 with Insite Engineering in reference to stormwater and the large storm
36 water basins that will handle the peak runoff rate and the phosphorous
37 loading calculations. He noted that he has been involved with all the piping
38 and the green infrastructure on site. Engineer Daly mentioned that the
39 project includes permeable pavement on the upper level, rain gardens,
40 grass swales and bio infiltration areas. He said that there will be two rain

1 water cisterns that are used for irrigation. Engineer Daly mentioned that the
2 project is served by public water and sewer.

3
4 Chair Currie asked Assistant Consultant Town Engineer Wasp to review his
5 memo for the benefit of the Board and the public.

6
7 Engineer Wasp said that the majority of comments have been addressed
8 successfully and the applicant's main focus was on updating the site design
9 calculations for the access layout to the Lot 6 parcel. He noted that the
10 updated pipe design calculations must be provided based upon the
11 redesigned site layout. Engineer Wasp questioned how the cisterns will
12 work and asked for information on coordination with the earth work. He
13 mentioned that he was interested in hearing the Board's input on the
14 Village Green. He noted that there also has to be coordination on the utility
15 hookups to the Lot 6 parcel.

16
17 Chair Currie asked Director of Planning Dym to review her memo for the
18 benefit of the Board and the public.

19
20 Director of Planning Dym mentioned that Steve Woelfle, Principal
21 Engineering Technician, brought up the issue of storage of salt on site.

22
23 Attorney Wise stated that there will be no storage of salt on the site.

24
25 Director of Planning Dym said that many of the walkways as well as the
26 Village Green walkways appear to exist outside the boundaries of Avalon's
27 lots and within the Town road right-of-ways. She asked how the 36 spaces
28 outside Avalon's boundaries can be counted toward the total needs to be
29 addressed so the parking requirements are met.

30
31 Attorney Wise said that there are sidewalks and parking spaces that are
32 proposed to be within the right-of-ways of streets that are proposed to be
33 dedicated as public streets. He explained that by putting the parking on
34 public streets he is following the approved Planned Hamlet Master Plan.
35 Attorney Wise noted that there has to be a discussion on how the 36
36 spaces count toward the parking requirement.

37
38 Director of Planning Dym mentioned the areas outside of the Avalon lots
39 and said it is not clear how the required sight easements shown on the
40 subdivision plans will work and how they will coordinate with the proposed

1 landscape plan. She asked that the overall number of trees to be removed
2 be shown on the plan. Director of Planning Dym said that the requirement
3 of the Master Plan is reflected in the plantings chosen for the proposed
4 landscape plan and should be shown on the plan. She noted that the steep
5 slopes on the drawings are confusing and asked that they be explained in
6 writing. She mentioned that there was discussion on the recreation fees
7 and the Village Green and how that will be counted in reference to
8 recreation fees. Director of Planning Dym said that she still has to see
9 elevation drawings for the garage buildings.

10

11 Mrs. DeLucia asked if there will be facilities for bicycles.

12

13 Grant Jaber, representing AvalonBay, said that there will be bike storage
14 on site.

15

16 Mrs. Gerbino noted that the primary use is rentals and in the Master Plan it
17 was viewed as fee simple. She commented that it was estimated that
18 when the Planned Hamlet was finished it would generate 1.9 million dollars
19 in net revenue to the Town. Ms. Gerbino said she wasn't sure now that the
20 primary use is rentals how that will alter that estimate.

21

22 Attorney Wise said that the revenue will be less with rentals than a fee
23 simple project but the Town will benefit with a surplus of revenues over
24 costs.

25

26 Ms. Gerbino noted that the Board will be reviewing 7 apartment buildings
27 on Route 6.

28

29 Mr. McNamara noted that there was a fire at the AvalonBay facility in New
30 Jersey and the fire walls between the units are frame construction and he
31 suggested block and mortal firewalls between the units and pinkwood joists
32 between the floors.

33

34 Attorney Wise said that he is restrained tonight because the AvalonBay
35 Architect could not be here this evening and he suggested that the issue of
36 the type of construction and fire safety be continued at the next Planning
37 Board meeting when AvalonBay's Architect can be present.

38

39 Mr. Foley questioned if it is economically feasible to build 152 rental units in
40 Somers.

1 Mr. Jaber said that Somers is a very unique place but the length of the
2 process for approval scares developers. He explained that in Somers IBM
3 and Pepsi generate employment and apartments follow an employment
4 generator. Mr. Jaber said that Somers is an affluent Town and in a good
5 location and there is a low supply of apartments. He noted that in Avalon's
6 opinion these are good ingredients for this type of product.

7
8 Attorney Wise noted that Avalon is the owner of over 275 communities with
9 over 82,000 apartments.

10
11 Mrs. DeLucia asked about wounded warriors and veterans for preference
12 for the affordable housing.

13
14 Attorney Wise noted that there will be 23 units of affordable housing and if
15 wounded warriors and veterans are qualified it will be a great opportunity.

16
17 Chair Currie acknowledged that this is a Public Hearing and asked if
18 anyone from the public would like to speak.

19
20 Marilyn Glotzer, resident of 231 Mahopac Avenue, said that apartments
21 where she used to work are now condos or cooperates. She noted that
22 she moved to Somers and did not expect to see apartments across the
23 street. She stated that she never heard a needs assessment that said that
24 this is something this community needs. Ms. Glotzer said that you want to
25 stay in a community not just move in for a short time. She said that this is
26 Somers and no one asked for apartments and what is needed is permanent
27 housing.

28
29 Mrs. DeLucia said that there is a word for Somers and that is "character".

30
31 Harris Glotzer, resident of 231 Mahopac Avenue, asked what type of
32 lighting will there be for this project.

33
34 Mr. Sheil explained that there will be a series of pole lights with shields
35 with a combination of cutoff lights and semi cutoff lights. He said that the
36 foot candles will be at the industry standard. Mr. Sheil noted that the lights
37 will be spaced to provide the residential character. He mentioned that
38 there will be a 14' pole with 175 watt bulbs.

39
40 Chair Currie asked Mr. Sheil where the Board can view the lighting.

1 Mr. Sheil suggested AvalonBay at Ossining.
2

3 Mr. Jaber stated that AvalonBay at Somers will be high end luxury
4 apartments with each building having 8 or 10 apartments. He said that
5 there will be different color vinyl siding for the buildings.
6

7 Chair Currie directed that the Public Hearing for AvalonBay be continued at
8 the February 11, 2015 Planning Board meeting.
9

10
11 **HIDDEN MEADOW AT SOMERS [TM: 15.07-1-6]**
12

13 Chairman Currie said that the review will be on the application for
14 Preliminary Subdivision Approval, Site Plan Approval, Steep Slopes,
15 Wetland, Stormwater Management and Erosion and Sediment Control
16 Permits relative to the application of Multifamily Residence Baldwin Place
17 District (MFR-BP) for the proposed development of 53 units of housing,
18 sixteen of which would be affordable, within 45 townhouse buildings on 45
19 fee simple lots plus one lot for lands to be owned in common by a
20 Homeowners Association.
21

22 Chair Currie asked Mrs. DeLucia to address her concern.
23

24 Mrs. DeLucia noted that the Planning Board received an e-mail requesting
25 that Hidden Meadow be removed from the January 14, 2015 agenda. She
26 said that there was no explanation given and the request came in very late,
27 in fact she didn't realize it was removed from the agenda until she came to
28 the meeting this evening. Mrs. DeLucia stated that she worked all day
29 preparing for the review of Hidden Meadow.
30

31 Ken Kearney, applicant, apologized for any inconvenience this caused. He
32 explained that his son had pneumonia right before the family vacation and
33 when he returned home on January 5, 2015 he became ill and was sick for
34 three weeks. Mr. Kearney mentioned that at the November Planning Board
35 meeting he told the Board that because of another commitment he could
36 not attend the December meeting and his engineer would handle the
37 meeting by himself. He noted that at the December meeting the Board
38 reviewed the Negative Declaration and that went into a lot of detail. He
39 said that he regretted not being at that meeting and did not feel comfortable
40 having his engineer at the meeting without him or his son. Mr. Kearney said

1 that there was confusion on who would be sending the memo requesting
2 that his project be removed from the agenda and that was the reason the
3 e-mail came in so late.

4
5 Mrs. DeLucia asked that a reason be given for a project to be removed
6 from the agenda and that the request be received during business hours.

7
8 Chair Currie asked the applicant's representative to review the Negative
9 Declaration with the Board and the public.

10
11 Richard Williams, the applicant's engineer, noted that the Board reviewed a
12 draft Negative Declaration (Neg Dec) at the December Planning Board
13 meeting relating to how the Neg Dec was structured and language in the
14 document. He said he hopes the language has been addressed and the
15 Board can now review the document.

16
17 Director of Planning Dym explained that the Negative Declaration responds
18 to the Environmental Assessment Form (EAF) that was submitted by the
19 applicant which identified areas that were deemed to be potentially
20 moderate to large impacts and they have to be addressed as how they will
21 be mitigated and if they will have a significant effect on the environment.

22
23 Director of Planning Dym mentioned that the Neg Dec was prepared by
24 Frederick P. Clark with input from herself and Woodard & Curran. She
25 noted that the draft Neg Dec was reviewed at the December 10, 2014
26 meeting and that has been reorganized. She explained that she provided a
27 redlined document and a copy with all the changes.

28
29 Director of Planning Dym said the Board can review the Neg Dec to
30 determine if the Board is in agreement on the mitigation and if there is any
31 significant environmental impacts.

32
33 Director of Planning Dym explained that there are three actions necessary
34 to implement the described project:

- 35
36
- 37 • Site Plan Approval by the Planning Board
 - 38 • Subdivision Approval by the Planning Board
 - 39 • Application of the MFR-BP floating district on the subject site by the
40 Town Board

1 Director of Planning Dym explained that the Town Board is required to
2 make Findings that the zone meets 16 criteria's of the MFR-BP District.
3 She noted that when this criteria is met the overlay zone can be placed on
4 the MFR-BP district and then it will come back to the Planning Board for
5 Subdivision and Site Plan approval.

6
7 Mr. Foley recommended that the order of the action bullets be changed to:

- 8
9
- 10 • Application of the MFR-BP floating district on the subject site by the
Town Board
 - 11 • Site Plan Approval by the Planning Board
 - 12 • Subdivision Plan Approval by the Planning Board
- 13

14 Engineer Wasp made the change to the SPDES General Permit Number to
15 (GP-0-15-002).

16
17 Planning Director Dym mentioned that at the December meeting the Board
18 made a statement to read at the end of each chapter- *Based upon the*
19 *foregoing, it is the determination of the Planning Board that the project will*
20 *not result in a significant adverse environmental impact.*

21
22 Mr. Foley asked how the units will be heated.

23
24 Mr. Kearney replied that the units will be heated with natural gas.

25
26 Mr. Foley suggested a change under **Impact on Groundwater** to read:
27 In addition, there will be no bulk storage of petroleum or chemical products
28 at the site eliminating the potential of introducing contaminants to the
29 groundwater. ***The units will be heated with natural gas.***

30
31 Mr. Foley asked for more accurate language when describing **Consistency**
32 **with Community Plans**. He said that the rules were changed to make this
33 project fit and that should be explained. The suggested language change
34 reads, The project is consistent with the requirements of the MFR-BP
35 Multifamily Residential Baldwin Place District and the 1994 Comprehensive
36 Master Plan ***both of which were amended in October 2014 in***
37 ***consideration of this project.***

38
39 Mr. Foley questioned the local law filings associated with the above
40 changes and said that it looks like when the Town Board amended Section

1 170-13 they may have inadvertently written out of the Code Subsections B
2 and C. He said that Subsection C sets forth the procedure to go forward
3 with Town Board approval for the overlay district. Mr. Foley said if he is
4 correct this has to be corrected.

5

6 Director of Planning Dym stated that she will bring this issue to the
7 attention of the Town Attorney for direction.

8

9 Ms. Gerbino said that she has a concern with the Zoning Code and the
10 portion of the Negative Declaration under **Consistency with Community**
11 **Plans**. She mentioned that the affordable units consists of 8 owner
12 occupied units with a separate affordable rental unit and she considers the
13 rental unit an accessory apartment. She said that an accessory apartment
14 is defined in the Code as a dwelling unit which is incidental and supportent
15 to a permitted principal one family home. Ms. Gerbino explained that she is
16 concerned that other developers will come in and use this floating zone
17 without the protection of going to the Zoning Board of Appeals (ZBA) for a
18 Special Use Permit for an accessory apartment. She said that she is asking
19 for a tweaking of the Code so the developer can get permission from the
20 ZBA for the 8 accessory uses so that future developers would have to do
21 the same thing and there would be control.

22

23 Mr. Kearney said that the 16 affordable units are located in two separate
24 buildings. He stated that the rental units are not considered accessory
25 apartments. Mr. Kearney explained that an accessory apartment must be
26 in a one family dwelling and the affordable units are in multi-dwellings. He
27 said that the affordable units fall under a different part of the Code and
28 require sprinkling.

29

30 Mr. Foley asked if ownership and rental of the units is provided for in the
31 Code.

32

33 Mr. Kearney stated that it is under affordable dwelling units but may not
34 speak to the ownership structure.

35

36 Ms. Gerbino said that it is an apartment building.

37

38 Mr. Kearney noted that according to the Somers Code this is multi-dwelling
39 units in a multi dwelling.

40

1 Mr. Foley commented that before the overlay the units are in an R-80
2 Zoning District.

3
4 Mr. Kearney mentioned that the only time the floating zone was applied
5 was for the Hamlet Overlay Zone that was used for the Willows. He said
6 that once the overlay is applied it becomes a multi-family zone.

7
8 Engineer Williams said that the question of the accessory apartment is
9 each one of the units is a single family dwelling unit or is the building
10 classified as a multi-family unit. He stressed for an accessory apartment
11 you have to be in a single family residential unit and the Town Code
12 defines this as a multi-family building.

13
14 Director of Planning Dym said that there may be issues with the zone as it
15 exists. She noted that you may think that the overlay zone lays over the
16 existing zone as Mr. Foley stated but in fact the way the zone exists in
17 Town is probably not the way it would be done today but there is a little
18 disconnect because the Willows is mapped on the official map as MFR-H.
19 Director of Planning Dym said that what the Town Board tried to do with the
20 amendments that were made was that the only properties that are eligible
21 for the Overlay Zone are R-40 and R-80 properties. She noted that you
22 may think this is a zone change but that is not the way it is described in the
23 Town of Somers Code.

24
25 Mr. Foley opined that this is either an overlay or a zoning change. He said
26 that he needs a written clarification on this issue.

27
28 Mr. Kearney said that other municipalities create floating zones to
29 encourage affordable housing.

30
31 Mr. Foley interjected that the word "overlay" should be removed from the
32 Neg Dec and replaced with "**floating zone**". He asked that the sentence
33 saying that the Findings regarding the application of the MFR-BP district
34 to the subject site and then add, ***if it sees fit to do so,...***

35
36 Director of Planning Dym noted that she misspoke when she called this an
37 overlay zone as it was always described as a floating zone.

38
39 Mrs. DeLucia asked about the height of the buildings.

40

1 Mr. Kearney said that the buildings are approximately 27 ½ to 28 feet
2 according to the definition of building heights in the Town Code. He said
3 that according to Town Code you measure from the mean grade around
4 the building to the mean height of the roof.

5
6 Mrs. DeLucia said that she does not like the concept of this project and is
7 worried that this concept can be used elsewhere in Somers. She asked
8 how this project affects the character of Somers.

9
10 Mr. Kearney noted that the concept of this project works very well in
11 Westchester. He commented that it is very difficult in Somers to find
12 reasonably priced housing.

13
14 Mr. Foley suggested that under SEQR Status that the reasons be listed for
15 the type of Action that is determined.

16
17 Rose Noonan, Executive Director of the Housing Action Council and the
18 sponsor of the affordable housing units at Hidden Meadow, explained that
19 the affordable housing in this development cannot happen without public
20 funding. She noted that funds are reserved at the County and an
21 application for this development has been pending since January 2014 and
22 unless there is action taken tonight the application cannot be held at this
23 stage. Ms. Noonan stressed that funding may not be available if a decision
24 is not made tonight and asked that action be taken this evening.

25
26 Chair Currie asked for a Roll call on the vote for the Negative Declaration:

27
28 Mr. Foley- yes- with the understanding that language will be drafted for
29 consistency with the community plan section that he can review.

30
31 Ms. Gerbino asked about the deadline.

32
33 Ms. Noonan said that she kept the State abreast of discussions on the
34 project and they agreed to keep the application active pending on a
35 decision tonight.

36
37 Mrs. DeLucia asked what the last date to approve the funds is.

38
39 Ms. Noonan said that she does not have a date but she was told the
40 application is active through tonight.

1 Mr. Foley said that it would be helpful to know the dates of such dire
2 deadlines before the eleventh hour.

3
4 Ms. Gerbino said she does not like the process and can't approve the
5 Negative Declaration.

6
7 Mr. Foley and the Director of Planning worked on the language to amend
8 the Negative Declaration. Mr. Foley recommended the wording under
9 consistency with community character- *The project is consistent with the*
10 *requirements of the MFR-BP Multifamily Residential Baldwin Place District*
11 *and the 1994 Comprehensive Master Plan, both of which were amended in*
12 *October 2014 in consideration of this project.*

13
14 Director of Planning Dym asked the Board if they agreed with all the
15 suggested changes in the Negative Declaration and the Board agreed to all
16 the changes.

17
18 Mr. Foley- Yes on the Negative Declaration with the added language.

19
20 Ms. Gerbino-upon hearing further discussion and the amended language
21 changed her vote to yes on the Negative Declaration.

22
23 Mr. McNamara- yes approves the Negative Declaration, as amended.

24
25 Mrs. DeLucia- if the applicant complies with the Code and the applicant has
26 complied her answer is yes she can approve the Negative Declaration, as
27 amended.

28
29 Chair Currie- yes he approves the Negative Declaration, as amended.

30
31 On motion by Chair Currie, seconded by Mr. Foley, and unanimously
32 carried, the Board determined that the Somers Planning Board, as Lead
33 Agency, based upon information in the Negative Declaration and in the
34 Environmental Assessment Form, finds that the proposed action that
35 consists of a multi-family housing development with associated site
36 appurtenances, consisting of eight (8) building containing fifty-three (53)
37 Total units as follows: (37) market rate town homes, (8) affordable town
38 homes and (8) affordable apartments. Each affordable apartment, with its
39 own individual entry, will be located within and owned by the owner

1 of the corresponding affordable townhome, also with its own entry. The
2 project includes public water and sewer connections and on site
3 stormwater management, application of the MFR-BP floating district on the
4 subject site by the Town Board, Subdivision Approval by the Planning
5 Board and Site Plan Approval by the Planning Board will not have a
6 significant adverse effect on the environment and a Draft Environmental
7 Impact Statement will not be prepared, it thereby adopts this Negative
8 Declaration, dated January 28, 2015, as amended.

9
10 On motion by Chair Currie, seconded by Mr. Foley, and unanimously
11 carried, the Board moved to declare Nancy Gerbino as Acting Chair in
12 Chairman Currie's absence.

13
14 There being no further business, on motion by Chair Currie, seconded by
15 Mr. Foley and unanimously carried, the meeting adjourned at 11:15 P.M.
16 The Chair announced that the next Planning Board meeting will be on
17 Wednesday, February 11, 2015 at 7:30 P. M. at the Somers Town House.

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19
20 Respectfully submitted,

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22
23
24 Marilyn E. Murphy
25 Planning Board Secretary
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