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PLANNING DEPARTMENT

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



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

3

**SOMERS PLANNING BOARD MINUTES  
OCTOBER 8, 2014**

4

5

6

7

**ROLL:**

9

**PLANNING BOARD**

**MEMBERS PRESENT:**

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

12

13

**ALSO PRESENT:**

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

15

16

17

18

**ABSENT:**

Mrs. DeLucia

20

21

The meeting commenced at 7:35 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.

25

**APPROVAL OF DRAFT MINUTES FOR MEETINGS HELD ON  
JULY 22, 2014 AND AUGUST 13, 2014**

27

28

Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
prepared and submitted for the Board's consideration approval of the  
draft minutes of Planning Board meetings held on July 22, 2014 and  
August 13, 2014.

30

31

32

1  
2 Chair Currie asked if there were any comments or corrections from the  
3 Board on the July 22, 2014 Planning Board draft minutes and no one  
4 replied.

5  
6 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and unanimously  
7 carried, the Board moved to approve the draft minutes of July 22, 2014.

8  
9 Chairman Currie said that Planning Board Secretary Marilyn Murphy  
10 prepared and submitted for the Board's consideration approval of the draft  
11 minutes of the Planning Board meeting held on August 13, 2014.

12  
13 Chair Currie asked if there were any comments or corrections from the  
14 Board on the August 13, 2014 Planning Board draft minutes and no one  
15 replied.

16  
17 Ms. Gerbino commented that she was not present at the August 13, 2014  
18 Planning Board meeting but she watched the meeting on tape and feels  
19 she is qualified to vote on the minutes.

20  
21 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously  
22 carried, the Board moved to approve the draft minutes of August 13, 2014.

23  
24 The DVD of the July 22, 2014 and August 13, 2014 Planning Board  
25 meetings are made a part of the approved minutes and are available for  
26 public viewing at the Somers Public Library. The text of the approved  
27 minutes is also on the Town's website [www.somersny.com](http://www.somersny.com) and is available  
28 for public review at the Planning & Engineering office.

29  
30 **PUBLIC HEARING**

31  
32 **FABRY WETLAND PERMIT [TM: 47.20-1-12]**

33  
34 Chairman Currie noted that this is the Public Hearing for the Fabry Wetland  
35 Permit for property owned by Christopher and Dina Fabry located at 135  
36 Pines Bridge Road for the construction of a detached three car garage west  
37 of the single family residence.

38  
39 Chairman Currie asked Planning Board Secretary Murphy if the legal notice  
40 was published and the adjoining property owners notified.

1  
2 Planning Board Secretary Murphy said that the legal notice was published  
3 in the Somers Record on September 25, 2014 and the notice of the Public  
4 Hearing was mailed to the adjoining property owners on September 26,  
5 2014.

6  
7 Chair Currie asked the applicant's representative to update the Board on  
8 the application.

9  
10 Steve Marino, the applicant's representative, said that at the last meeting  
11 he discussed the proposal for the detached garage located within the  
12 regulated wetland setback. He explained that the wetland is a drainage  
13 way which starts to the north of the house and goes to a culvert under an  
14 existing driveway and under Pines Bridge Road.

15  
16 Mr. Marino noted that he addressed Consultant Town Engineer  
17 Barbagallo's memo and is here this evening to address any public  
18 comments.

19  
20 Consultant Town Engineer Barbagallo stated that all his outstanding  
21 comments have been addressed.

22  
23 Ms. Gerbino said that the original house had a garage. She noted that the  
24 wetland was considered at that time.

25  
26 Chairman Currie opened the Public Hearing and asked if anyone from the  
27 public would like to speak on the application. There was no one present  
28 who wanted to speak or comment on the wetland application.

29  
30 On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously  
31 carried, the Board moved to close the Public Hearing on the Fabry Wetland  
32 Permit.

33  
34 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
35 carried, the Board determined that this is a Type II Action and no further  
36 SEQRA review is required.

37  
38 Chair Currie noted that the Board will review the draft Resolution.

1 Mr. Foley said that when you describe a Type II Action the proposed  
2 activity in accordance *with §617.5 (10) and §92-6 (6) (8) should be*  
3 *mentioned.*

4  
5 Mr. Goldenberg suggested that the wording on Page 4, Number 4 of the  
6 Resolution be changed to read: Appropriate erosion control measures  
7 satisfactory to the *Engineering Department...*

8  
9 Ms. Gannon questioned Page 4, Number 7. Consultant Town Engineer  
10 Barbagallo changed it to read: *That field changes that do not change the*  
11 *intent of the design or are not significant, if required, may be approved by*  
12 *the Department Engineering Technician and the Consulting Town Engineer*  
13 *prior to implementation. Significant field changes or those that deviate from*  
14 *the intent of the design as approved by the Planning Board must be*  
15 *approved by the Planning Board.*

16  
17 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
18 carried, the Board moved to approve Resolution 2014-02, as amended,  
19 Granting Conditional Approval for Wetlands and Watercourse Protection  
20 Permit to Christopher and Dina Fabry.

21

## 22 **TIME EXTENSION**

23

### 24 **MITCHELL CONSERVATION SUBDIVISION** 25 **PRELIMINARY SUBDIVISION RE-APPROVAL** 26 **[TM: 16.09-1-9]**

27

28 Chairman Currie noted that this is a request for a 180-day time extension  
29 for Preliminary Subdivision Re-Approval from October 13, 2014 up to and  
30 including April 13, 2015 in accordance with §150-13.M of the Code of the  
31 Town of Somers. He said that this is the 4th request for an extension of  
32 Preliminary Subdivision Re-Approval.

33

34 Chair Currie acknowledged receipt of a letter from the applicant's Engineer,  
35 Timothy Allen, P. E. dated September 5, 2014 requesting a 180-day time-  
36 extension. Chair Currie noted that Director of Planning Dym in her memo  
37 dated September 26, 2014 had no objection to the Planning Board granting  
38 the 180-day time extension.

39

1 Chair Currie asked the Board if they had comments or questions regarding  
2 the requested time extension and no one responded.

3  
4 On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously  
5 carried, the Board moved to grant a 180-day time extension to Gary and  
6 Ann Mitchell for the Mitchell Conservation Subdivision for Preliminary  
7 Subdivision Re-Approval from October 13, 2014 up to and including April  
8 13, 2015 in accordance with §150-12.N of the Code of the Town of  
9 Somers.

10  
11 **COMPLETION REVIEW OF THE DEIS FOR SOMERS CROSSING**  
12 **[TM: 17.15-1-15.1]**

13  
14 *Mr. Goldenberg recused himself and did not participate in this application.*

15  
16 Chairman Currie noted that the Board will consider the completeness of the  
17 Draft Environmental Impact Statement (DEIS) for Somers Crossing dated  
18 July 15, 2014 with regard to the accepted scope of February 20, 2014.

19  
20 Chair Currie asked Consultant Town Planner Fred Wells to guide the Board  
21 through the process.

22  
23 Planner Wells indicated that the applicant wants to know if the Planning  
24 Board has comments on the DEIS in relation to completeness in regard to  
25 the accepted scope.

26  
27 Ms. Gerbino said that it is unfortunate that the Planning Board is not  
28 meeting jointly with the Town Board as it would be easier on the applicant.

29  
30 Richard O'Rourke, the applicant's attorney, commented that the important  
31 thing was that there was a lengthy meeting with all the consultant's for the  
32 applicant and the Town. He noted that the applicant will be fully responsive  
33 to all comments.

34  
35 Ms. Gannon noted that the DEIS makes reference to how the proposed  
36 project complies with the policies of the draft Update of the 1994  
37 Comprehensive Master Plan, and this document is a draft that is currently  
38 being revised. Ms. Gannon mentioned that the update of the Master Plan  
39 never made it to a Public Hearing and she wants to make sure that the  
40 Town is not bound by anything in that document. She mentioned that

1 Section 170-13.B. that the Zoning Code sets forth as its purpose  
2 Multifamily Residence MFR-H District that would be established in order to  
3 supply suitable opportunities within the Town for the development of  
4 housing designed to satisfy the need of households maintained by the  
5 young, elderly and families earning less than 80% of the County's median  
6 income and permit a broad range of housing dwelling units sizes and forms  
7 of ownership occupancy.

8  
9 Ms. Gannon indicated that the applicant quoted the DEIS saying that it  
10 further states that the proposed new floating zone has been designed to  
11 meet these purposes. She noted that language in the draft plan was used  
12 as justification for the applicant's proposal to create a new multifamily  
13 floating zone that eliminated the requirement for affordable housing when  
14 such housing is a stated purpose of the MFR-H District.

15  
16 Attorney O'Rourke said that there is an issue because the applicant has to  
17 take a snapshot of what is in the Master Plan and if he didn't he would be  
18 criticized.

19  
20 Planner Wells said that when there is a draft the applicant may not review it  
21 because it is a moving target. He asked the applicant to provide rationale  
22 for such statements and/or make appropriate adjustments, including  
23 possibly acknowledging that the newly proposed zone does not comply  
24 with the purpose of the existing zone.

25  
26 Planning Board Town Attorney Eriole advised that the Board is not bound  
27 by the draft document but that the record reflects that it is a moving target  
28 and that generally speaking it meets the long term planning goals of the  
29 Town.

30  
31 Ms. Gannon said that in reference to Section 170-13.B. if a cogent  
32 explanation cannot be made that the DEIS be adjusted accordingly.

33  
34 Planner Wells said that the applicant has to provide a further explanation of  
35 meeting the purposes of the draft zoning.

36  
37 Bonnie Von Olsen, applicant's planner, said that the applicant's proposal is  
38 the MFR-DH which is a new proposal for that zone. She noted that she will  
39 explain what the differences are and how it does or does not comply.

40 Mr. Foley asked what type of heating will be used.

1 Gus Boniello, applicant, said that geo thermal heating will be used in the  
2 residential section and fossil fuel will be used at the grocery store.

3  
4 Mr. Foley said that there is a statement in the scoping that says when you  
5 prepare the DEIS you have to include a discussion on how the project's  
6 heating and air conditioning needs will be met taking into consideration the  
7 Groundwater Protection Overlay District (GPOD). He stressed that he  
8 looked for that section but could not find it. Mr. Foley indicated that this  
9 issue was delineated in the final adopted scoping document at the bottom  
10 of page 21. He said that it states the following: E. Water Resources.1.  
11 Groundwater.b) Anticipated Impacts (3)(d) . He noted that Section 170-  
12 32.7(H) prohibits the storage of hydrocarbon products within the  
13 Groundwater Protection Overlay District.

14  
15 Timothy Allen, the applicant's engineer, said he remembers the discussion  
16 and basically it concluded that it is impossible in the Groundwater  
17 Protection Overlay District to have a prohibited statement about the storage  
18 of fossil fuels.

19  
20 Mr. Foley said that the applicant does not have the power to override the  
21 Code and the Code prohibits the storage of hydrocarbon products within  
22 the Groundwater Protection Overlay District.

23  
24 Mr. Boniello said that the issue of hydrocarbon products must be clarified  
25 as there is not a project in the GPOD that was prohibited from using fossil  
26 fuels. He indicated that if the grocery store does use fossil fuel it will not be  
27 a buried tank but an above ground tank inside the building.

28  
29 Mr. Keane asked if the meeting with the consultants took place after they  
30 submitted their comments and Mr. Boniello said that the meeting took place  
31 after all the consultant's comments were submitted and stated that he is  
32 here this evening as a courtesy to the Planning Board.

33  
34 Mr. Keane said that he has one concern and that is dealing with the  
35 discharge of the stormwater from the detention basins. He said that he  
36 wants to see the data that proves that the discharge of the stormwater has  
37 been taken care of.

38  
39 Consultant Town Engineer Barbagallo said that practices should be  
40 installed that eliminate the discharge of stormwater from happening.

1 *At this time Mr. Goldenberg returned to participate in the rest of the*  
2 *agenda.*

3

#### 4 **PROJECT REVIEW**

5

#### 6 **HAUSER WETLAND PERMIT [TM: 17.11-1-16]**

7

8 Chairman Currie said that the Board will be reviewing the application for a  
9 Wetland Permit for a single story frame garage for property owned by  
10 Michael and Randi Hauser located at 7 Scott Drive.

11

12 Chair Currie acknowledged a memo dated September 29, 2014 from  
13 Consultant Town Engineer Barbagallo.

14

15 Chair Currie asked the applicant's representative to describe the  
16 application to the Board.

17

18 William Hauser, the applicant's engineer, noted that the application is for a  
19 23' X 24' garage adjacent to the existing residence located at 7 Scott Drive.  
20 He explained that the bulk of the property is behind a stone wall with a  
21 drainage course that runs and turns toward an easement that runs away  
22 from the property. Engineer Hauser said that the entire property slopes  
23 toward the wetland from Scott Drive.

24

25 Engineer Hauser mentioned that he was before the Zoning Board of  
26 Appeals (ZBA) to obtain a variance because of the angled property line  
27 which does not allow the applicant to get ten feet away from the house  
28 which is a Code requirement to meet side yard setbacks. He stated that  
29 the variance was granted to place the garage in the orientation to meet the  
30 10 foot separation between the garage and the house. Engineer Hauser  
31 indicated that the driveway can be used to access the proposed garage.

32

33 Engineer Hauser said the reason for the garage is because whoever built  
34 the house in the 1970's constructed a 9 or 10 block foundation under the  
35 house which makes the garage unusable for anything other than a sedan.  
36 He opined that it is better to build a new garage rather than add on to the  
37 house.

38 Engineer Hauser mentioned that four years ago the applicant went through  
39 the wetland procedure to construct a fence around the backyard.

40

1 Engineer Hauser said that he received the memo from Consultant Town  
2 Engineer Barbagallo and he had a question in regard to the provision of the  
3 deep hole excavation data within the vicinity of the proposed chamber and  
4 results must demonstrate a minimum of 3' vertical separation between the  
5 proposed invert and bedrock or groundwater. He stated that he performed  
6 a water concentration analysis with a water quality volume of 56 cubic feet  
7 and that can be reached with a 2' deep 6' diameter drywell. Engineer  
8 Hauser noted that he performed perk tests somewhere between 24 and 30  
9 inches and water did not stay in the hole long enough to do the perk test.  
10 He said that he is comfortable that whatever water comes off the garage  
11 will not run over the surface.

12  
13 Consultant Town Engineer Barbagallo noted that the deep test hole is there  
14 to demonstrate adequate separation to a confining layer of groundwater.  
15 He said that the Town Code states that if you have construction in a  
16 wetland buffer you have to mitigate for the impact of the buffer. He said  
17 that infiltration can be mitigation so the infiltration of stormwater has to  
18 comply with the Stormwater Regulations.

19  
20 Consultant Town Engineer Barbagallo suggested a rain garden as  
21 mitigation.

22  
23 Engineer Hauser mentioned the question regarding the electrical capacity  
24 of the service to the house being able to handle the garage. He said that  
25 the only thing in the garage is two florescent lights and the garage door  
26 opener. Engineer Hauser asked what this has to do with a wetland permit  
27 as it is not a Site Plan.

28  
29 Engineer Hauser referred to number 6 in Consultant Town Engineer  
30 Barbagallo's memo and asked for an explanation of *the Planning Board*  
31 *should consider whether the proposed wetland buffer disturbance warrants*  
32 *further assessment of ecological buffer functions and design of additional*  
33 *mitigation measures.*

34  
35 Consultant Engineer Barbagallo said that when you talk about mitigation  
36 the Board may want to see other mitigation measures even though you are  
37 mitigating through stormwater and infiltration.

38 Mr. Keane explained that whenever you replace the impervious surface  
39 covering in square footage mitigation can take place elsewhere. He said

1 that you could improve the buffer function so that it makes up for the loss of  
2 the 1,000 square feet of coverage.

3  
4 Engineer Hauser asked if the Public Hearing can be waived as the ZBA  
5 held a Public Hearing on the Zoning Variance.

6  
7 Consultant Town Engineer Barbagallo explained that there will be a Public  
8 Hearing on the Wetland Application.

9  
10 Chair Currie asked the Board to review the project on their own and to look  
11 at the large tree and decide if a new tree should be planted if that one dies.

12 .  
13 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
14 carried, the Board moved to schedule a Public Hearing on the Wetland  
15 Application of Michael and Randi Hauser for Wednesday, November 12,  
16 2014 at 7:30 P.M at the Somers Town House.

17  
18 Consultant Town Engineer Barbagallo said that he will prepare a  
19 Resolution for the November 12, 2014 Planning Board meeting.

## 20 21 **PROJECT REVIEW**

### 22 23 **SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**

24  
25 Chairman Currie said that this is an application for Preliminary Subdivision  
26 Approval, Steep Slopes, Wetland, Tree Removal and Stormwater  
27 Management and Erosion and Sediment Control Permits to create lots 3a,  
28 3b and 3c (53.2 acres), relative to the Site Plan application of AvalonBay  
29 Communities, Inc. and Lot 4 (4.9 acres) and Lot 5 (0.9 acres) for future  
30 commercial and firehouse uses, Lot 6 (7.1 acres) marketed toward an  
31 Assisted Living Facility, respectively of the Planned Hamlet for the  
32 proposed subdivision, roads and stormwater management improvements.  
33 He noted that the property is owned by Somers Realty Corp. and is located  
34 on the southeast side of Route 6 and Clayton Blvd. and is in the Planned  
35 Hamlet (PH) Zoning District.

36  
37 Chair Currie asked the applicant's representative to update the Board on  
38 the project.

39

1 Linda Whitehead, the applicant's attorney, said she is here for the Phase 3  
2 Subdivision of the Somers Realty Master Plan to create the parcels to be  
3 conveyed to AvalonBay Community for the development of the residential  
4 portion of the Master Plan.

5  
6 Attorney Whitehead explained that she was here in August to talk about the  
7 reserve parcel and that has now been subdivided as a separate lot. She  
8 stated that the subdivision map has been amended to create Lot 6.

9 Attorney Whitehead noted that a revised Stormwater Pollution Prevention  
10 Plan (SWPPP) and the Phosphorous Loading Analysis has been  
11 submitted. She indicated that all plans have been revised, a Wetland  
12 Impact Analysis and a Mitigation Narrative have been provided. Attorney  
13 Whitehead said that the wetland impact went up slightly and that is  
14 because of additional stormwater management that was needed and a  
15 slight shift of Road D. She mentioned that the Road Improvement Plan  
16 which will be submitted to the Department of Transportation (DOT) has also  
17 been submitted.

18  
19 Chair Currie asked Consultant Town Engineer Barbagallo to review his  
20 memo for the benefit of the Board and the public.

21  
22 Consultant Town Engineer Barbagallo explained that an environmental  
23 review was done on the Master Plan and this project is implemented under  
24 that. He indicated that an item he wants to talk about is relative to the cut  
25 and fill. He mentioned that previously there was a net balance of cut and  
26 fill on the site and now that is changing.

27  
28 Attorney Whitehead noted that the applicant would like to get it down to  
29 30,000 cubic yards and AvalonBay is looking at what they can use.

30  
31 Consultant Town Engineer Barbagallo said that the stormwater  
32 management practices have been modified from the Master Plan  
33 and that may not be significant as long as the ultimate design complies with  
34 the regulations.

35  
36 Attorney Whitehead explained that the regulations have changed  
37 significantly since the Master Plan was adopted. She mentioned that the  
38 Road "B" right-of-way extending to the southern property line will show a  
39 shift of the AvalonBay buildings.

40

1 Mr. Goldenberg asked how close is the Algonquin Gas Line and Attorney  
2 Whitehead said that it is 100 feet from the gas line.

3 Consultant Town Engineer Barbagallo noted that the reserved parcel is  
4 now included in the current subdivision as Lot 6. He asked if the  
5 stormwater will be analyzed.

6  
7 Engineer Williams said that the phosphorous analysis already accounts for  
8 the development on the reserved and commercial parcel. He said that the  
9 impervious surfaces will be included in the next submission.

10  
11 Chair Currie asked the Director of Planning to review her memo for the  
12 benefit of the Board and the public.

13  
14 Syrette Dym, Director of Planning, said that the Board discussed the major  
15 points in her memo in regard to Lot 6 and the extension of Road "B". She  
16 mentioned sight easements at several of the intersections have been  
17 provided but one location that was not mentioned is the sight easement  
18 from Mahopac Avenue and Route 6.

19  
20 Attorney Whitehead indicated that adding the sight easement at Mahopac  
21 Avenue and Route 6 will not be a problem.

22  
23 Director of Planning Dym noted that the applicant has clearly stated its  
24 position that the changes proposed as identified in the project description  
25 with the addition of lack of extension of Road "B" and the creation of Lot 6  
26 does not constitute a modification of the Planned Hamlet Master Plan.  
27 She said that it can simply be identified as part of the Resolution. Director  
28 of Planning Dym said that if the Board feels that it rises to the level of a  
29 change it will be identified as such.

30  
31 Attorney Whitehead said that there are some modifications such as the  
32 excess fill. She mentioned that the Resolution can say that the Board  
33 approves certain changes from the Master Plan.

34  
35 Attorney Whitehead asked if the Board can schedule a Public Hearing for  
36 the November Planning Board meeting.

37  
38 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously  
39 carried, the Board moved to schedule a Public Hearing for the November  
40 12, 2014 Planning Board meeting for Somers Realty Phase 3.

1 Robert Curtis, owner of the Shore and Tetenbaum property, located at the  
2 south of the proposed project said he was promised that when the Somers  
3 Realty property was developed that a road would be provided that would  
4 dead end to his property.  
5

6 Attorney Whitehead said that in the Master Plan that road would not be  
7 paved to the property line but only a right-of-way would be provided and  
8 only if the property was developed in the future and needs access would  
9 the road be paved.  
10

11 Director of Planning Dym stressed that it was clear in the Master Plan that  
12 the road did extend further so there was an assumption that the road would  
13 be paved at some point. She said that the Board should consider if there is  
14 an obligation on the part of the applicant to provide bonding or a Letter of  
15 Credit for the future completion of the road.  
16

17 Mr. Keane mentioned that there no longer will be buildings in that location  
18 so there is no need to put a road in that location.  
19

20 Planning Board Town Attorney Eriole said that if it was a valid  
21 consideration to plan for a future connection it is a valid Planning Board  
22 consideration if they want to plan for that improvement.  
23

24 Attorney Whitehead stated that it is never the obligation of the property  
25 owner to pave an access that is not needed for their development.  
26

27 Planning Board Town Attorney Eriole disagreed with Attorney Whitehead  
28 and said that under certain circumstances it can be reasonable and lawful  
29 to put the burden on the present applicant for future improvement.  
30

## 31 **PROJECT REVIEW**

32

### 33 **AVALONBAY SOMERS [TM: 4.20-1-13,14,15, p/o 12]**

34

35 Chairman Currie noted that this is an application for Site Plan Approval,  
36 Steep Slopes, Tree Removal and Stormwater Management and Erosion  
37 and Sediment Control Permits for AvalonBay Communities, Inc. for the  
38 construction of 152 residential units within 17 buildings with 23 affordable  
39 units on 53.2 acres. He said that also proposed is a community recreation  
40 building, pool and 324 parking spaces. Chair Curie mentioned that the

1 property is located on the south side of Route 6 and Clayton Blvd. and east  
2 of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District.

3  
4 Chair Currie asked the applicant's representative to update the Board on  
5 the project.

6  
7 Janet Giris, the applicant's attorney, said that she responded to the  
8 comment letters from the Consultant Town Engineer and the Director of  
9 Planning. She noted that she met with the Fire Prevention Bureau and will  
10 incorporate their comments into the revised plans.

11  
12 Attorney Giris said that in the Director of Planning's memo she mentioned  
13 the change in the size of the site. She said that Somers Realty knew that  
14 they would subdivide the reserve parcel but AvalonBay already submitted  
15 their plans before they knew the reserved parcel would now be Lot 6. She  
16 said that the plans will be revised to reflect that change. Attorney Giris  
17 noted that clarification has to be done on the parking and that will be  
18 addressed in the next response. She commented that a modification has  
19 been made to accommodate the extension of the right-of-way to Road "B"  
20 as the garages have been moved. Attorney Giris said that a revised Tree  
21 Survey will be provided that show all the trees on the same drawing.

22  
23 Tom Daly, the applicant's engineer, showed the Board changes to the plan.  
24 He mentioned that the Fire Prevention Bureau had a concern with the  
25 garage that is located in the middle of an island. Engineer Daly explained  
26 that instead of having a garage in that location it has been turned into a  
27 landscape element. Building 1 and 4 have been switched and Building 4  
28 was turned 90 degrees which created the future road extension.

29  
30 Engineer Daly presented the concept changes to the Town Green. He  
31 explained that the current plan matches the Master Plan and is a very  
32 formal plan with a sidewalk and open space. He said that Avalon  
33 challenged him and asked for something different. He showed the Board  
34 an Alternate Plan showing changes to the Village Green which is  
35 comprised of 1.6 acres. Engineer Daly showed the Board multiple spaces  
36 throughout the open space. He noted that Road "A" will have a stonewall  
37 and a great lawn that will act as passive recreation and to the right will be a  
38 flowered tree grove, perennial gardens, pavilion in the middle, trellis and  
39 playground, picnic benches and tables.

40

1 Ms. Gannon opined that the alternative plan has much more thought put  
2 into it and she likes it better than the original plan.

3  
4 Consultant Town Engineer Barbagallo asked who will be responsible for  
5 maintenance of the Town Green.

6  
7 Engineer Daly said the Town Green will be dedicated to the Town.

8  
9 Ms. Gerbino opined that a park is needed in that area but questioned if it  
10 will be a Town Park.

11  
12 Engineer Daly said he realizes that the Board just received the changes to  
13 the Village Green and needs time to think about it.

14  
15 Consultant Town Engineer Barbagallo asked what was the reason for the  
16 circular shapes.

17  
18 Engineer Daly said the circular shapes compliments the original design.

19  
20 Consultant Town Engineer Barbagallo mentioned that the additional cut on  
21 the Village Green will bump up the numbers on the cut and fill.

22  
23 Engineer Daly said that the space is not that big in terms of the overall  
24 scope of the development. He noted that seniors, young professionals and  
25 office workers will have different interest on how they utilize the park.

26  
27 Consultant Town Engineer Barbagallo said that there has to be input from  
28 the Somers Park and Recreation in reference to the Town Park.

29 He indicated that there is a difference from the original design and the  
30 suggestions from the applicant's engineer.

31  
32 Mr. Keane said that he prefers the character and multi-function of the Town  
33 Park that was shown on the new drawing. He said that the use of the space  
34 is very important to the overall development of the project.

35  
36 Chair Currie opined that the problem will be the maintenance of the park.

37  
38 Director of Planning Dym said that the applicant has to do an analysis of  
39 the cost of the park from a fiscal point of view.

40

1 Engineer Daly explained that he met with the Fire Prevention Bureau (FPB)  
2 and they did not sign off on the plan as they have comments which will be  
3 submitted.

4  
5 Ms. Gerbino asked about the second water tower.

6  
7 Consultant Town Engineer Barbagallo said that he will provide details on  
8 the water issue not only on this application but with other applications that  
9 are preceding in Town.

10  
11 Mr. Keane commented that the Open Space Committee suggested the  
12 curb design be the "Cape Cod" design and he is not sure if that is allowed  
13 by Code.

14  
15 Consultant Town Engineer Barbagallo said that he will review and respond  
16 to the use of the Cape Cod design.

17  
18 There being no further business, on motion by Chair Currie, seconded by  
19 Ms. Gannon, and unanimously carried, the meeting adjourned at 9:45 P.M.  
20 The Chair announced that the next Planning Board meeting will be held on  
21 Wednesday, November 12, 2014 at 7:30 P. M. at the Somers Town House.

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Respectfully submitted,

Marilyn E. Murphy  
Planning Board Secretary