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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 DECEMBER 9, 2015

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6

ROLL:

8

PLANNING BOARD

MEMBERS PRESENT:

Chairman Currie, Mrs. DeLucia, Ms. Gerbino,
Mr. Goldenberg, Ms. Gannon and Ms. Corning

12

ABSENT:

Mr. McNamara
Consultant Town Engineer Barbagallo

15

ALSO PRESENT:

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

19

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.

23

APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING BOARD MEETING HELD ON OCTOBER 14, 2015

26

Chairman Currie noted that Planning Board Secretary Marilyn Murphy
prepared and submitted for the Board's consideration approval of the draft
minutes and DVD of the Planning Board meeting held on October 14, 2015.

30

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 Chair Currie, seconded by Ms. Gannon and unanimously
 3 carried the draft minutes and DVD of the October 14, 2015 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 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.

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 11
 12 **TIME EXTENSION**

13
 14 **SOMERS REALTY PLANNED HAMLET MASTER PLAN PHASE 3**
 15 **PRELIMINARY SUBDIVISION APPROVAL**

16
 17 Chairman Currie explained that this is a request for a time extension for
 18 Somers Realty Planned Hamlet Master Plan Phase 3 Preliminary
 19 Subdivision Plat Approval under Section 150-12N of the Code of the Town
 20 of Somers. He noted that this is the first request for a time extension.

21
 22 Chair Currie asked the applicant’s representative how much of a time
 23 extension is needed.

24
 25 Linda Whitehead, the applicant’s attorney, asked for a six-month time
 26 extension. She said that the applicant probably will not need that much
 27 time but she is still working on outside agency approvals. Attorney
 28 Whitehead explained that an Army Corps of Engineers Permit is needed for
 29 the main entry road. She mentioned that the public comment period is
 30 finished and she responded to a few minor comments. Attorney Whitehead
 31 noted that she resubmitted to the Department of Transportation (DOT) and
 32 expects final comments from them soon. She said that the Department of
 33 Health (DOH) asked for a minor tweak in the plans and that has been done.
 34 She said that the Department of Environmental Protection (DEP) has
 35 separated their review of the Stormwater Pollution Prevention Plan
 36 (SWPPP) and the variance. She explained that the DEP has a thirty-day
 37 time frame to complete their review. Attorney Whitehead said that she is
 38 also working on the easements and agreements with the Town.

39 Ms. Gerbino said that the removal of the soil was done very carefully and
 40 was protected from runoff.

1
 2 Attorney Whitehead stated that the export of the soil is now complete and
 3 what is left will be used on site.

4
 5 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously
 6 carried, the Board moved to grant a six month time extension from
 7 November 23, 2015 up to and including May 23, 2016 under Section 150-
 8 12N. of the Code of the Town of Somers to Somers Realty Planned Hamlet
 9 Master Plan Phase 3 for Preliminary Subdivision Approval.

10
 11
 12 **DISCUSSION AND COMMENT ON THE DRAFT COMPREHENSIVE**
 13 **PLAN UPDATE**

14
 15 Chairman Currie mentioned that the Board will be discussing their
 16 comments on the draft Comprehensive Plan Update.

17
 18 Mr. Goldenberg referred to a letter from Edward Buroughs, Commissioner
 19 of the Westchester County Planning Board, dated December 3, 2015 in
 20 reference to affordable housing and asked the Board if they agreed with
 21 Mr. Buroughs' recommendations.

22
 23 Director of Planning Dym clarified that Mr. Buroughs' letter acknowledged
 24 that the Town of Somers has provided a substantial amount of affordable
 25 housing but there is a model Zoning Ordinance that he wants towns to
 26 incorporate as part of their zoning that requires 10% of affordable units to
 27 be fair and affordable. She said the Board should decide if this model code
 28 should be adopted to require 10% fair and affordable housing units.

29
 30 Director of Planning Dym said that she provides a count to the County
 31 every year on the number of affordable housing units in Somers.

32
 33 Ms. Gerbino said that the Town has not done well in providing affordable
 34 work force housing. She said that there is a real need in the Town Fire
 35 Department.

36
 37 Director of Planning Dym noted that the Il Forno affordable housing units
 38 were in the category of work force housing. She said that a firefighter was
 39 interested but because of the restrictions in terms of income limit he did not
 40 comply as his salary was over the income limit.

1
 2 Mr. Goldenberg said that the school classrooms were increased but now
 3 classroom space is empty because most of the affordable housing is for
 4 seniors and not for families that will use Somers schools. He said that there
 5 should be an incentive for affordable housing for young families in the
 6 Comprehensive Plan.

7
 8 Ms. Corning said that the issue is not the housing but the infrastructure
 9 around the housing and transportation.

10
 11 Planning Board Town Attorney Eriole said that as part of the
 12 Comprehensive Plan there should be an emphasis on the younger
 13 demographics.

14
 15 Ms. Gerbino said that she has comments on pages 117, 127 and 167 of the
 16 Draft Comprehensive Master Plan which is set for a Public Hearing at the
 17 Town Board. She noted that the subject is West Somers Park, a 4.1 acre
 18 site that has a pond. She said that the Draft proposes use of the West
 19 Somers Park site for a basketball court and playground. She stated that
 20 there are 8 problems with that:

- 21
- 22 • Problem 1- this 4-acre site consists of more than three acres of
 23 forest, streambed and pond, leaving only a small, 14 degree hillside –
 24 meadow at the corner of Richard Somers and Granite Springs Road,
 25 measuring far less than 35,000 square feet.
 - 26
 - 27 • Problem 2-the site is primarily a wetland.
 - 28
 - 29 • Problem 3- the pond is man-made by a 250 foot long 100-year old
 30 earthen dam, rock spillway and stone bridge that fully supports the
 31 width of Granite Springs Road a major east west corridor through the
 32 Town of Somers. She said that it is important to note that the dam
 33 was built to protect that roadway.
 - 34
 - 35 • Problem 4- these 100-year old structures are part of the town’s
 36 infrastructure and are not included in the Draft Comprehensive
 37 Master Plan as such. This means there is no plan for their current
 38 condition as well as for their future.

39

- 1 • Problem 5- the pond’s boundaries are moving outward due to the silt
2 and sediment buildup in its middle portion, therefore endangering the
3 intent of the 100-year old infrastructures.
- 4
- 5 • Problem 6- trees downed in past storms impede the proper function
6 of the dam’s rock spillway.
- 7
- 8 • Problem 7- if the proposed construction of a basketball
9 court/playground were undertaken, it would require the displacement
10 of more than 4,000 square feet of soil which would trigger an MS4
11 storm water situation.
- 12
- 13 • Problem 8- by virtue of town ownership of this parcel, it is, according
14 to our former Town Engineer, a stormwater responsibility of the town
15 that will eventually have to be addressed that was stated in 2006 and
16 2007. This issue should be addressed in the Draft Comprehensive
17 Master Plan, and, it would seem, on a list with other such items for
18 our current Consulting Town Engineer. Other similar structures
19 owned by the town come to mind, such as the bridge on Bridge Lane
20 in Shenorock that was wiped out in Hurricane Irene. Ms. Gerbino
21 said that was a major disaster that was rebuilt using federal funds of
22 more than 1 million dollars. She pointed out that Granite Brook is a
23 fast moving perennial stream that empties into the Amawalk.

24

25 Ms. Gerbino said that the history of the site is that west Somers Park is the
26 name of a subdivision created in 1958, not, of a park. In 1973 James
27 Koegel received preliminary approval for a 12-lot subdivision along Granite
28 Springs Road called “Granite Meadows” that included the aforementioned
29 pond. In 1978 Gus Boniello bought, finalized and built the subdivision as a
30 13-lot project. As part of his approval, he gave the 4.1 acre Granite
31 Meadows pond site to the town for “passive” park use due to lobbying by
32 homeowners in West Somers Park who wanted to continue use of the pond
33 area for fishing and skating. She said that she was one of those residents.
34 She said that a minor point is that pond site is really, factually, Granite
35 Meadows Pond, not West Somers Park. Ms. Gerbino said that she has the
36 Town Board minutes reflecting its acceptance of the lot as a town owned
37 “park area”.

38

39 Ms. Gerbino stated that she has suggested resolution of this problem. She
40 suggested that the Town Board needs to list this park as “passive” which

1 was its original purpose and all its infrastructure responsibilities and plans
2 for their care now and in the future, should be listed and made part of this
3 Draft Comprehensive Plan.

4
5 Ms. Gerbino said that she likes the Draft Comprehensive Plan and is
6 pleased with the input from different groups but she did not see a thread
7 that includes the infrastructure. She said that the Comprehensive Plan
8 provides a blueprint for future uses but the basketball court/playground is
9 not an appropriate use. She said that there is no mention where the cars
10 will park to use the playground/basketball court.

11
12 Director of Planning Dym said that she has received comments and
13 concerns about the West Somers Park issue. She explained that the park
14 issue is in the Comprehensive Plan because it was part of the Parks
15 Master Plan document. She noted that the Town Board will decide if this
16 issue stays in the Comprehensive Plan. Director of Planning Dym stressed
17 that the purpose of reviewing the draft Comprehensive Plan like the
18 Planning Board and residents are doing is exactly how the appropriate
19 adjustments will be made.

20
21 Ms. Gerbino clarified that her concern is the infrastructure not the
22 basketball court.

23
24 Mr. Goldenberg said that on page 45 there may be changes in the DRD
25 section of Town, especially Heritage Hills.

26
27 Director of Planning Dym noted that this was discussed previously and
28 most likely will be removed from the Code.

29
30 Director of Planning Dym explained that she provided a list of suggested
31 changes to the Draft Comprehensive Master Plan, *such a local road might*
32 *connect Route 202 in the vicinity of Fireman's Park to Route 100 in the*
33 *vicinity of the State Police Barracks. Add the following: an alternative*
34 *identified in the 1994 Comprehensive Master Plan could also be an*
35 *extension of the developed Voris Drive through IBM lands to connect to*
36 *Route 100. Such a connection could possibly provide full or emergency*
37 *only access.*

38
39 Director of Planning Dym showed the Board the planned map with a dotted
40 line showing the connector from Route 202 to Route 100. She mentioned

1 that this shows up under the Transportation Section. Director of Planning
2 Dym said that conceptually there is a need for additional access.

3
4 Planning Board Town Attorney Eriole said that the context of the
5 Comprehensive Plan is that it is a long term planning document which
6 expresses a set of goals on planning the community and if at some future
7 date a proposal came forward to advance a land use change or zoning
8 change and the proposal is outside the planning goals it legally cannot be
9 adopted. He stated by suggesting conceptual things you are allowing them
10 to be considered.

11
12 Mr. Goldenberg questioned if this draft Comprehensive Plan is considering
13 changes that are happening now and he is not sure that the
14 Comprehensive Plan has considered these major changes.

15
16 Director of Planning Dym said that the plan does not make
17 recommendations for large scale changes. She explained that this is the
18 reason that the Town Board did not have to do a Final Environmental
19 Impact Statement (FEIS) and can move forward with an Environmental
20 Assessment Form (EAF).

21
22 Planning Board Town Attorney Eriole said that the fear that there are
23 applications coming in that may be counterproductive to the Town's goals
24 is one of the reasons you want the Comprehensive Plan adopted.

25
26 Mr. Goldenberg said he is concerned that the Town is not thinking about
27 future growth and he would like to see a motel or hotel. He opined that
28 hospitality use is under-represented in the Comprehensive Plan.

29
30 *At this time the Planning Board went into Executive Session to discuss*
31 *litigation.*

32
33 The Board then returned from Executive Session and the Chairmen
34 announced that there being no further business, on motion by Chair Currie,
35 and seconded by Mr. Goldenberg, and unanimously carried, the meeting
36 adjourned at 9:30 P.M.

1 The Chair then announced that the next Planning Board meeting will be
2 held on Wednesday, January 13, 2016 at 7:30 P.M. at the Somers Town
3 House.

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Respectfully submitted,

Marilyn Murphy
Planning Board Secretary