

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

3

**SOMERS PLANNING BOARD MINUTES  
FEBRUARY 8, 2012**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

Ms. DeLucia, Mr. Keane, Acting Chair Foley  
and Ms. Gannon

11

12

13 **ALSO PRESENT:**

Town Planner Sabrina Charney Hull  
Consulting Engineer Joseph Barbagallo  
Town Attorney Joseph Eriole  
Planning Board Secretary Marilyn Murphy

14

15

16

17

18 **ABSENT:**

Mr. Currie, Ms. Gerbino and Mr. Goldenberg

19

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

24

25 **APPROVAL OF DECEMBER 14, 2011 MINUTES**

26

27 Acting Chairman Foley noted that Planning Board Secretary Marilyn  
28 Murphy prepared and submitted for the Board's consideration the approval  
29 of the draft minutes of the Planning Board meeting held on December 14,  
30 2011 consisting of twenty (20) pages.

31

1 Acting Chairman Foley asked if there were any comments or questions  
2 from members of the Board on the draft minutes of December 14, 2011  
3 and no one responded.

4  
5 Acting Chairman Foley asked the Planning Board Secretary if there were  
6 any comments or questions on the draft minutes of December 14, 2011  
7 from members who are absent this evening.

8  
9 Planning Board Secretary Murphy noted that there was no communications  
10 on the minutes from Planning Board members who are absent this evening.

11  
12 The Acting Chair asked if there was a motion to approve the December 14,  
13 2011 draft minutes.

14  
15 On motion by Ms. Gannon, seconded by Ms. DeLucia, and unanimously  
16 carried, the minutes of December 14, 2011 were approved.

17

18 **TIME-EXTENSION**

19

20 **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC**  
21 **FINAL CONSERVATION SUBDIVISION**  
22 **[TM: 16.12-1-41 & 42]**

23

24 Acting Chairman Foley said that this time-extension request relates to the  
25 application of Susan Haft/Ridgeview Designer Builders Inc. for a five lot  
26 Conservation Subdivision for property located east of Lovell Street,  
27 north of where Lovell Street and Benjamin Green Lane meet. He noted that  
28 this application received conditional subdivision approval on August 5,  
29 2010.

30

31 Acting Chair Foley acknowledged for the record receipt of a letter dated  
32 February 7, 2012 from Geraldine Tortorella of the law firm Hocherman,  
33 Tortorella & Wekstein, LLP requesting a fifth time-extension from the  
34 current deadline of February 21, 2012.

35

36 Acting Chairman Foley asked the applicant's representative to give an  
37 explanation for the request for a time-extension for Susan Haft/Ridgeview  
38 Designer Builders Subdivision.

39

1 Adam Wekstein, Esq. of the law firm Hocherman, Tortorella & Wekstein,  
2 LLP, the applicant's attorney, explained that he is asking the Board's  
3 consideration for a fifth 90-day time-extension . He explained that the  
4 additional time-extension would be from February 21, 2012 to and including  
5 May 21, 2012.

6  
7 Acting Chair Foley explained the reason for the request for the time-  
8 extension is due to the condition of approval that requires the payment of  
9 funds and/or posting of security which the applicant is not prepared to  
10 undertake at this time given the current economic conditions.

11  
12 The Acting Chair asked if there were any comments or questions from  
13 members of the Board and no one replied.

14  
15 The Acting Chair asked staff if they had any objection to the Planning Board  
16 issuing the requested time-extension.

17  
18 Town Planner Hull responded that she had no objection to issuing the  
19 requested time-extension.

20  
21 Consulting Engineer Barbagallo mentioned that at the last meeting there  
22 was discussion in reference to starting construction for the infrastructure to  
23 accomplish completion of the infrastructure before filing the subdivision plat.  
24 He asked Attorney Wekstein if he had an update on this request.

25  
26 Attorney Wekstein said that there was a request to the Town Board to allow  
27 construction of the infrastructure before posting bonding but that request  
28 was not entertained by the Town Board.

29  
30 Acting Chair Foley noted that there was a consensus of the Board to grant  
31 the fifth request for a time-extension.

32  
33 On motion by Ms. DeLucia, seconded by Ms, Gannon, and unanimously  
34 carried, the Board moved to grant a fifth 90-day time-extension to Susan  
35 Haft and Ridgeview Designer Builders, Inc. to the period of Conditional  
36 Final Subdivision Approval from February 21, 2012 to and including May  
37 21, 2012.

38  
39  
40

**1 DECISION****2**  
**3 MCENTEGART STEEP SLOPES, TREE PRESERVATION AND**  
**4 STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**  
**5 CONTROL PERMITS [TM: 36.12-2-6]**  
**6**

7 Acting Chairman Foley noted that the Planning Board will be reviewing the  
8 draft Resolution of Approval and making a decision on the application of  
9 the Marino Group, LLC and Patricia McEntegart for Steep Slopes, Tree  
10 Preservation and Stormwater Management and Erosion and Sediment  
11 Control Permits. He said that this application is for the proposed  
12 construction of a single family residence on the East side of Amawalk Point  
13 Road which is a private road that travels north from Route 35 at a point  
14 approximately 100 yards east of the intersection of Route 35 and  
15 Tomahawk Street. Acting Chair Foley stated that this application was last  
16 discussed at the January 25, 2012 Planning Board meeting whereby the  
17 Board closed the Public Hearing and directed that a revised draft resolution  
18 be considered this evening.

19  
20 The Acting Chair asked the applicant's representative if he had any  
21 comments on the draft resolution.

22  
23 Timothy Allen, the applicant's engineer, said that he reviewed the draft  
24 resolution and found the resolution acceptable.

25  
26 The Acting Chair asked if there were any comments or questions from  
27 members of the Board on the draft resolution.

28  
29 Ms. Gannon suggested adding the date that the Planning Board  
30 determined the proposed activity to be a Type II Action. She also  
31 asked that language be added to condition 1, under the conditions attached  
32 to the Steep Slopes Protection Permit to read, The excavated material  
33 must be removed immediately and disposed of *in accordance with*  
34 *applicable law*.

35  
36 The Acting Chair asked Consulting Engineer Barbagallo if he had any  
37 comments on the draft Resolution.

38  
39 Consulting Engineer Barbagallo said that based on discussion at the last  
40 meeting he added a Whereas clause on page 3 to read *the Applicant*

1 provided an alternative layout of the proposed residence and driveway by  
 2 the drawing sheet titled "Alternative Site Plan" ... He also reviewed the  
 3 Town Code and calculated the amount of the securities to be calculated  
 4 under all three chapters of the Town Code and added sections a. and b.  
 5 under "Be It Further Resolved".

6  
 7 The Acting Chair said that there was a consensus of the Board to Approve  
 8 Resolution 2012-01.

9  
 10 On motion by Ms. DeLucia, seconded by Ms. Gannon and unanimously  
 11 carried, the Board moved to adopt Resolution 2012-01 as amended,  
 12 granting of Conditional Steep Slopes Protection, Tree Preservation and  
 13 Stormwater Management and Erosion and Sediment Control Permits to the  
 14 Marino Group, LLC (owner) and Patricia McEntergart (applicant) for the  
 15 Chairman's signature.

16  
 17 **DISCUSSION**

18  
 19 **WRIGHT'S COURT SITE PLAN**  
 20 **[TM: 17.11-1-5]**

21  
 22 Acting Chairman Foley noted that this discussion relates to Planning Board  
 23 Resolution 2009-17 granting Conditional Site Plan Approval; Special  
 24 Exception Use Permit for Location within the Groundwater Protection  
 25 Overlay District and Stormwater Management and Erosion and Sediment  
 26 Control Permits to Hallic Place Development, LLC for Wright's Court. He  
 27 mentioned that the application is for the development of two lots separated  
 28 by Scott Drive which runs in a northerly direction from Somers Town  
 29 Turnpike (Route 202) at a point slightly west of the Il Forno Restaurant.

30  
 31 Acting Chairman Foley acknowledged for the record a letter dated January  
 32 25, 2012 from Adam L. Wekstein of the law firm Hocherman, Tortorella &  
 33 Wekstein, LLP, counsel for Hallic Place Development. He commented that  
 34 the applicant's attorney advised that all conditions of the resolution have  
 35 been fulfilled except the one relating to the required legal instruments. All  
 36 legal documents relating to the site maintenance responsibilities and the  
 37 cross access easement are provided for review and approval by staff and  
 38 the Town Attorney prior to filing the documents. Acting Chair Foley  
 39 indicated that the resolution does not set fourth any description of what is  
 40 meant by the phrase *cross access easement*. He noted that his

1 recollection was confirmed by Attorney Wekstein's letter that the conditional  
2 access easement is meant to benefit the neighboring party on which the Il  
3 Forno Restaurant is located. Acting Chair Foley mentioned that Silvio  
4 Management Corp, the owner of the property where the Il Forno  
5 Restaurant is located has refused to sign the instrument prepared by  
6 Attorney Wekstein's office to create the cross access easement. He noted  
7 that Attorney Wekstein feels that his client cannot meet the requirement for  
8 the creation of the Il Forno Easement because the establishment thereof  
9 remains solely within the power of a third party over whom he has no  
10 control. Acting Chair Foley said that on this basis Attorney Wekstein is  
11 asking the Planning Board to eliminate the requirement of the Il Forno  
12 Easement.

13  
14 The Acting Chair asked the applicant's representative if he had any  
15 comments.

16  
17 Adam Wekstein, the applicant's attorney, explained that all the legal  
18 instruments have been signed by the applicant and approved by staff and  
19 the Town Attorney. He said that he has had several conversations with the  
20 attorney for the Il Forno Restaurant and was told that the owner of the Il  
21 Forno Restaurant is unwilling to sign the easement for a number of  
22 reasons.

23  
24 Acting Chair Foley asked if Attorney Wekstein has something in writing  
25 saying that the owners of the Il Forno Restaurant will not sign the access  
26 easement.

27  
28 Attorney Wekstein indicated that he has nothing in writing but the attorney  
29 for the owner of the Il Forno Restaurant said that the owner of the Il Forno  
30 Restaurant is not willing to live with the condition requiring that his parking  
31 lot come into compliance with the Town's parking requirements. He also  
32 does not want to bear the costs of building the connection and he fears that  
33 the Town will use this easement to create the connection even if he is not  
34 before the Board seeking an approval. Attorney Wekstein said that the  
35 owner of the Il Forno Restaurant wants an indemnification from the  
36 applicant for any liability that may occur as a result of the connection.  
37 He commented that the owner of the restaurant also said that if he makes  
38 the connection he will lose three parking spaces.

39

1 Attorney Wekstein stated that if the Board is concerned he will provide an  
2 affidavit detailing the chronology.

3  
4 Town Attorney Eriole advised that having something in writing has value for  
5 the record. He stated that the Planning Board to eliminate the condition for  
6 the cross access easement will have to modify or eliminate the condition.  
7 Town Attorney Eriole noted that the Board will have to make a finding that  
8 whatever the reasons for that condition are no longer sufficient. He opined  
9 that the concerns of the owner of the Il Forno Restaurant seem reasonable.

10  
11 Acting Chair Foley mentioned that Attorney Wekstein said that the owner of  
12 the Il Forno Restaurant is unwilling to bring the parking lot up to Code.

13  
14 Attorney Wekstein said that the owner of the Il Forno did not say he was  
15 unwilling to bring the parking lot up to Code but that he did not want that  
16 requirement to be in the cross easement.

17  
18 Acting Chair Foley asked why that condition to bring the parking lot up to  
19 code is an issue in the draft cross access easement.

20  
21 Attorney Wekstein said that the restaurant has parking across the street,  
22 Route 100, and the access easement will use up all the parking on the  
23 Wright's Court site. He noted that this topic was discussed throughout the  
24 process.

25  
26 Acting Chair Foley mentioned that if you did not know about this application  
27 other than the resolution you would not realize that it benefits the Il Forno  
28 Restaurant. He stated that he is concerned how you define this condition.

29  
30 Mr. Keane said that his recollection for the access easement was two fold;  
31 one, a safety issue, two, zoning for the Business Historic Preservation  
32 District. He mentioned that there is a safety problem within the hamlet and  
33 he opined that the business owners in the hamlet should all cooperate with  
34 each other.

35  
36 Ms. Gannon noted that she did not receive a copy of the cross access  
37 easement and she felt that the Whereas clause in the Resolution did not  
38 have a lot of defining characteristics.

39

1 Attorney Wekstein said that the cross access easement was only provided  
2 to staff and the Town Attorney.

3  
4 Mr. Keane asked the Board to assume that the cross access easement  
5 was eliminated from consideration and there will be parking areas behind  
6 the buildings on the northern most end of the property. He said that people  
7 will park there and go into the restaurant and the Board recognizes that will  
8 happen. Mr. Keane noted that the people would not have to park across  
9 the street which is a safer situation. He asked if it is necessary that Il Forno  
10 is a part of the easement.

11  
12 Acting Chair Foley questioned why the applicant can't grant the easement.

13  
14 Attorney Wekstein said that Il Forno does not have to be part of the  
15 easement. He stated that the applicant is willing to give an easement to Il  
16 Forno but if they will not sign the easement there is no force and effect. He  
17 noted that the easement can be given to the Town and they can assign it to  
18 whoever they wanted.

19  
20 Attorney Wekstein opined that it is not legal to ask the applicant to solve a  
21 pre-existing problem. He noted that traffic studies show that development  
22 of the site works without any connection.

23  
24 Mr. Keane said that the issue the Planning Board was considering at the  
25 time was not access for Il Forno but to try and meet the Business Historic  
26 District design guidelines.

27  
28 Attorney Wekstein noted that the easement was going to be conditional  
29 and may not work with the development of the property. He said that if  
30 there is a mechanism that gives the easement to the Town the applicant  
31 will do that but the law says that the easement must be given to someone  
32 who has property that benefits from it.

33  
34 Town Planner Hull said that she spoke to the owner of Il Forno and he  
35 stated that his parking conforms to Code.

36  
37 Acting Chair Foley said that the draft easement states that the parking must  
38 be in conformance.

39

1 Ms. DeLucia noted that the applicant is requesting the elimination of the  
2 cross access easement.

3  
4 Acting Chair Foley suggested because the condition is worth while for long  
5 term planning that the applicant try again to work out the issue with the  
6 owner of the Il Forno Restaurant.

7  
8 Town Planner Hull explained that the Il Forno Restaurant offers parking  
9 across the street. She said that the applicant is concerned that the  
10 restaurant's customers will use their parking instead of parking across the  
11 street.

12  
13 Town Attorney Eriole said that it is not clear to him why a third party would  
14 agree to pay to comply with a condition in the applicant's approval. He  
15 noted that the applicant can make a record that the condition should not  
16 apply.

17  
18 Attorney Wekstein stated that the easement is a value to the property. He  
19 stressed that the applicant was told that the condition was acceptable and if  
20 the Board did not state that things would have gone in a different direction.

21  
22 Acting Chair Foley said that the Board will review the draft easement and  
23 hopefully allow this condition to remain in place.

24  
25 Town Attorney Eriole commented that if the Board modifies the condition  
26 there should be support in the record. He said that the Board can review  
27 what was said in the previous minutes and compare them to the easement.

28  
29 Mr. Keane stressed that the Board needs more information and justification  
30 on the Board's decision. He mentioned that the Code can also be reviewed  
31 to see if it has to be altered.

32  
33 Attorney Wekstein said that in discussion with Mr. DiNardo he said that the  
34 easement was supposed to give Il Forno the right to park on the Wright's  
35 Court site.

36  
37 Ms. Gannon said that the applicant's attorney offered to provide an  
38 affidavit.

39

1 Attorney Wekstein noted that he will provide an affidavit, a copy of the draft  
2 access easement, and the Board after reviewing the information can make  
3 a decision.

4  
5 Town Planner Hull asked that the affordable units that will be provided be  
6 marketed according to the County's Fair and Affordable Housing marketing  
7 strategy so they can be counted toward the settlement agreement. She  
8 said that she will provide the information to Attorney Wekstein.

9  
10 Attorney Wekstein indicated that once he understands the information he  
11 will discuss it with the applicant.

12

13 **INFORMAL DISCUSSION**

14

15 **STEVENS PRELIMINARY SUBDIVISION**

16 **[TM: 15.12-2-1]**

17

18 Acting Chairman Foley mentioned that the discussion relates to the  
19 application of Roy Stevens for approval to subdivide into three lots,  
20 a 9.81 acre parcel which lies just west of the bike trailway in the vicinity of  
21 Green Tree Road, which is a dead end road running west from Tomahawk  
22 Street (Route 118) and terminating in a cul-de-sac 100 yards east of the  
23 North County Trailway. He noted that this matter has been under  
24 consideration for several years and was last discussed by the Planning  
25 Board at their March 12, 2008 meeting.

26

27 Acting Chair Foley indicated that the issue that has created the greatest  
28 amount of debate and no doubt will continue to in the future relates to the  
29 fact that access to the site is being proposed by either an extension of  
30 Green Tree Road or a shared 16-foot driveway connecting to Green Tree  
31 Road and with either proposal the North County Trailway will be  
32 transversed. He noted that there are wetlands and steep slope issues.

33

34 The Acting Chair acknowledged for the record receipt of a letter dated  
35 January 12, 2012 from Jeffrey Contelmo, P.E. of the firm Insite  
36 Engineering, Surveying and Landscape Architecture, PC, requesting an  
37 informal appearance to review updated layouts, wetland delineations,  
38 discussions with the NYS Department of Transportation (DOT) concerning  
39 the proposed trailway crossing, establish a process to proceed with an  
40 Open Development area and review issues with a Stormwater Pollution

1 Prevention Plan (SPPP). The Acting Chair stated that three drawings, a  
 2 Conventional Subdivision Map, Open Development Area Map and Soils  
 3 Map were also submitted. He also noted that a memorandum from Town  
 4 Planner Hull was also received summarizing the application and a brief  
 5 summary of her initial response to the applicant's recent submission.

6  
 7 The Acting Chair asked the applicant's representative to give a  
 8 presentation.

9  
 10 Richard Williams, the applicant's engineer, mentioned that a different  
 11 design professional appeared before the Board on this application and  
 12 he wanted to discuss the application, the new layouts and the procedure for  
 13 moving forward on an open development area.

14  
 15 Engineer Williams noted that the project is located off of Green Tree Road  
 16 which intersects with Route 118. He mentioned that the Town right-of-way  
 17 (ROW) intersects with the North County Trailway which forms the eastern  
 18 boundary of the subject property. Engineer Williams said that there is a  
 19 stream on the southern portion of the property that flows east to west and  
 20 an off site Town wetland. He noted that another Town wetland is located  
 21 on the southern portion of the Town right-of-way. Engineer Williams  
 22 mentioned that the original wetland flagging was done in 2004 and updated  
 23 in 2007. He stated that Evans Associates Environmental Consultants  
 24 delineated the wetland in accordance to Town Code in April 2011. Engineer  
 25 Williams showed the Board an Open Development Map and explained that  
 26 this property does not have frontage on an existing Town road. He  
 27 indicated that the proposal is for a three lot subdivision with access to the  
 28 site with a common driveway with each lot serviced by individual septic  
 29 and wells. Engineer Williams mentioned that the common driveway will  
 30 have to cross the bike path. He noted that there is an existing 16 ½ foot  
 31 easement, which was obtained by the owner and the NYS DOT. He said  
 32 that as part of the agreement the DOT cannot unreasonably withhold a  
 33 Highway Work Permit from the applicant. Engineer Williams commented  
 34 that there were Highway Work Permits issued for that crossing but have  
 35 expired. He explained that the DOT recognizes that multiple users would  
 36 be accessing the site safety improvements were recommended and made  
 37 conditions of the Highway Work Permit. He said that the safety  
 38 improvements include a locked gate installed and maintained by the  
 39 permittee and subsequent owners, speed bumps, stop signs and all  
 40 pertinent items on the permit application review check list. Engineer

1 Williams stated that another condition is that the 16.5' wide drive shall  
 2 serve underdeveloped lands northwest of the railway ROW which should  
 3 be limited to a maximum of four (4) residential units to insure safe access.  
 4 Town Planner Hull stressed that the DOT receives its information from the  
 5 property owner when they request the Highway Work Permit. She  
 6 questioned if it was DOT judgment that 4 lots can be created on this  
 7 proposal.

8  
 9 Engineer Williams said that he is pointing out that the DOT recognizes the  
 10 amount of use that potentially can come across the driveway and  
 11 incorporated that information in their safety requirements.

12  
 13 Engineer Williams noted that he provided a Conventional Subdivision Plan  
 14 so the maximum lot count can be established. He said that the applicant is  
 15 looking to develop the open development area and part of that process is a  
 16 recommendation to the Town Board from the Planning Board. Engineer  
 17 Williams mentioned that he would like to discuss the development of the  
 18 Stormwater Pollution Prevention Plan (SPPP) which he would liked based  
 19 on the open development area understanding that the Conventional  
 20 Subdivision Plan is used to establish the lot count. He stated that he will  
 21 provide the necessary calculations and explanations that the Conventional  
 22 Subdivision Plan conforms to the stormwater standards of the State, Town  
 23 and Department of Environmental Protection (DEP).

24  
 25 Mr. Keane said that the street has to be shown on a plat approved by the  
 26 Planning Board. He noted that the Planning Board has to determine if this  
 27 proposal is adequate with respect to Health, Safety and Welfare in order to  
 28 meet the special circumstances to put the road on the map.

29  
 30 Engineer Williams explained that with an open development area there is  
 31 no frontage on an improved town road with the Town Board having the  
 32 authority to approve for development without frontage.

33  
 34 Town Attorney Eriole said that allowing a Subdivision off a common  
 35 driveway and not a public road that section of Town Law does not speak to  
 36 the applicant being able to develop a cluster plan until the applicant  
 37 qualifies separately under the provisions of the Code that relate to the lot  
 38 count under the Conventional Plan and then having the Board approve the  
 39 Cluster Plan. He stressed that this also has to be justified by benefits to  
 40 the Town.

1 Acting Chair Foley opined that the Conventional Plan does not comply and  
2 the Board needs a complying Conventional Plan to prove the lot count and  
3 then the Board can decide if the alternative is worth while.

4  
5 Mr. Keane said that the Board has to determine if they will allow the  
6 extension of Green Tree Road. He noted that the proposal is for the  
7 access to go across the northern end of the wetland and through the buffer.  
8 He stressed that there has to be compelling reasons as to why it is  
9 appropriate to impact the wetland.

10  
11 Mr. Keane also said that he has a problem with the DOT condition for a  
12 locked gate.

13  
14 Engineer Williams stressed that the North County Trailway has  
15 approximately 28 crossings with public right-of-ways. He indicated that  
16 there are five crossings in the Town of Somers, two driveways, two county  
17 roads and one State Highway. He said that the crossings happen and the  
18 applicant has a piece of property that is cut off from the existing ROW by  
19 the bike path and is looking to develop his property.

20  
21 Ms. DeLucia read from the minutes of March 12, 2008, *Engineer Bayer*  
22 *explained that the DOT set standards with gates on both sides with*  
23 *homeowners only having access to the gates.* She said that there has to  
24 be provisions for emergency vehicles to get through the locked gates.

25  
26 Ms. DeLucia mentioned a letter from former Town Engineer Gagné in  
27 which he says that *the application parcel is effectively land locked and is*  
28 *located on the west side of the County bike path and has no frontage on an*  
29 *approved road...The project application is similar to another project*  
30 *reviewed by the Planning Board in the past with no successfully resolve.*  
31 She said that the application was the Martine application and she will  
32 review the application to see why it was not resolved.

33  
34 Ms. DeLucia read parts of a memo dated March 5, 2008 from Kathleen  
35 Pacella, Town Clerk, *The Town Attorney said that the Town Board had the*  
36 *authority not the obligation to declare an Open Development area which*  
37 *would then allow the Planning Board to allow the property to be accessed*  
38 *via a driveway. Councilman Meyer said as a matter of policy it was a bad*  
39 *idea to have the driveways crossing the trailway. Supervisor Murphy said*

1 *that they had not gotten a recommendation from the Planning Board, it was*  
2 *simply to review and comment.*

3  
4 Acting Chair Foley commented that it does not appear that this lot can be  
5 accessed from any other direction. He said that since this application was  
6 before the Board in 2008, work has been done with the neighbor to the  
7 North, Somers Realty, and it deserves a look to see if access can be done  
8 in another way.

9  
10 Consulting Engineer Barbagallo asked that the size of Wetland A be  
11 confirmed and that it is not hydraulically connected to another watercourse  
12 system. He said that wetland and the wetland buffer mitigation has to be  
13 part of the site plan.

14  
15 There being no further business, on motion by Ms. Gannon, seconded by  
16 Mr. Keane, and unanimously carried, the meeting adjourned at 9:15 P.M.  
17 and the Chair noted that the next Planning Board meeting will be held on  
18 Wednesday, March 14, 2012 at 7:30 P. M. at the Somers Town House.

19  
20  
21  
22  
23  
24  
25  
26  
27

Respectfully submitted,  
  
Marilyn Murphy  
Planning Board Secretary