

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 MARCH 11, 2015

4

5

6

ROLL:

8

PLANNING BOARD

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

13

14 **ALSO PRESENT:** Consultant Town Engineer Barbagallo
15 Director of Planning Syrette Dym
16 Planning Board Attorney Eriole
17 Planning Board Secretary Marilyn Murphy

18

19 **ABSENT:** Mr. Goldenberg

20

21 Acting Chair Gerbino said that she will conduct the meeting at Chairman
22 Currie's request due to his temporary health issue.

23

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

27

APPROVAL OF DRAFT JANUARY 28, 2015 MINUTES

28

29
30 Acting Chair Gerbino noted that Planning Board Secretary Marilyn Murphy
31 prepared and submitted for the Board's consideration approval of the draft
32 minutes of the Planning Board meeting held on January 28, 2015.

1
2 The Chair asked the Board if there were any comments or questions on the
3 draft minutes of January 28, 2015 and no one replied.

4
5 On motion by Mr. McNamara, seconded by Ms. Gannon, and unanimously
6 carried, the draft minutes of January 28, 2015 were approved.

7
8 Acting Chair Gerbino explained that the DVD of the January 28, 2015
9 Planning Board meeting is made a part of the approved minutes and is
10 available for public viewing at the Somers Public Library. The text of the
11 approved minutes is also on the Town's website www.somersny.com and is
12 available for public review at the Planning & Engineering office at the Town
13 House.

14
15 **TIME EXTENSION**

16
17 **MERRITT PARK ESTATES FINAL SUBDIVISION**

18
19 Acting Chair Gerbino said that the request is for a 90-day time extension for
20 final Subdivision Plat Approval for Merritt Park Estates Subdivision. She
21 noted that the Planning Board granted an eighteenth time extension up to
22 and including March 30, 2015. Acting Chair Gerbino indicated the current
23 request for a time extension would extend a nineteenth time extension
24 through June 29, 2015. She said this request is made under Town Law
25 Section 276(7) (c).

26
27 Acting Chair Gerbino asked Director of Planning Dym to review her memo
28 for the benefit of the Board and the public.

29
30 Director of Planning Dym said that the developer is still working in the field
31 and the work is being reviewed by Steve Woelfle, the Principal Engineering
32 Technician. She noted that the developer is making progress but needs
33 more time and therefore requested the time extension.

34
35 Acting Chair Gerbino asked the Board if they had any concerns with
36 granting the time extension and no one responded.

37
38 On motion by Chairman Currie, seconded by Ms. Gannon, and
39 unanimously carried, the Board moved to grant a nineteenth time extension
40 to Merritt Park Estates Final Subdivision Approval from March 30, 2015 up

1 to and including June 29, 2015 in accordance with Somers Town Code
2 Section 150-13.M.

3

4 **PUBLIC HEARING**

5

6 **GERLACH/ZADJELOVICH [STUART FARM]**

7

8 Acting Chair Gerbino noted that this is an application for Preliminary
9 Subdivision Approval for a 2 lot subdivision including one 3.0047 acre
10 building lot and a 96.9953 acre lot to remain undisturbed. She said that the
11 owner is Mary Lee Gerlach (Stuart) and the applicant is John Zadjelovich.
12 Acting Chair Gerbino mentioned that the property is located on Granite
13 Springs Road and is in the R-120 Zoning District.

14

15 Acting Chair Gerbino opened the Public Hearing on the Gerlach-
16 Zadjelovich (Stuart Farm) application. She asked Planning Board
17 Secretary Marilyn Murphy if the notice of the Public Hearing was published
18 and the adjoining property owners notified.

19

20 Planning Board Secretary Murphy noted that the notice of the Public
21 Hearing was published in the Somers Record on February 25, 2015 and
22 the adjoining property owners were notified via mail on February 27, 2015.

23

24 Acting Chair Gerbino asked if the sign stating the date, time and location of
25 the Public Hearing was posted at the site.

26

27 Planning Board Secretary Murphy said that the sign was posted on the
28 property on February 26, 2015.

29

30 Acting Chair Gerbino asked the applicant's representative to explain the
31 application for the benefit of the Board and the public.

32

33 Timothy Allen, the applicant's engineer, said that this is a three (3) acre
34 parcel on a little less than three acres on the Stuart Farm property. He
35 explained that Ms. Gerlach owns that portion of the property which is on the
36 west side of the farm. Engineer Allen noted that the three acre parcel was
37 carved out for a long time employee for the construction of a single family
38 residence. He mentioned that the Health Department requires that the
39 septic area be shown on two building lots and one was at the cul-de-sac at

1 the top of the property but that was only shown to prove that the property
2 has a buildable lot in the future.

3
4 Engineer Allen said that there was confusion on the type of action. He
5 mentioned that the Board will be reviewing the Negative Declaration which
6 he reviewed and has no problem with the Neg Dec. He noted that the
7 action is an Unlisted Action and not a Type 2 Action. Engineer Allen
8 suggested that Preliminary and Final Approval be granted at the same time
9 at the next Planning Board meeting. He indicated that he will address the
10 outstanding issues in the Consultant Town Engineers' memos.

11
12 Acting Chair Gerbino asked if anyone from the public would like to be
13 heard.

14
15 Andrew Giglio, resident of Quaker Church Road, said that he understood
16 the development rights were purchased in combination with the State,
17 County and the Town to secure open space at Stuart's Farm. He
18 questioned how the land can be subdivided and developed.

19
20 Acting Chair Gerbino said there was a proposal but the development rights
21 for open space never went through.

22
23 Mr. Giglio asked if the property can be subdivided and developed.
24 He asked if he will receive a building schedule.

25
26 Director of Planning Dym said that the EAF states that there will be one
27 phase and it will last 12 months.

28
29 Bennett Macaluso, resident of 15 Cottage Place, noted that his property is
30 located on the north end of the site. He said he remembers when the
31 Planning Board divided the property into two pieces. Mr. Macaluso asked
32 why the septic on Lot 2 was drawn all the way up on the northern end of
33 the property. He said that it is a distance away from where the property will
34 be developed.

35
36 Engineer Allen said that the septic was located on the northern end of the
37 property for convenience because he could get a backhoe there to dig the
38 test holes. He noted that nothing is proposed for that area.

39 Consultant Town Engineer Barbagallo explained that when the Health
40 Department approves a subdivision it wants to make sure that both portions

1 of the land that is being created represents a viable lot. He said that the lot
2 has to demonstrate that it can accommodate septic flows. Consultant
3 Town Engineer Barbagallo said that the only thing before this Board is the
4 single family home.

5

6 Michael Murphy, resident of Cottage Place, said that he does not
7 understand why you have to show a septic system on property that is not
8 being built on.

9

10 Mr. McNamara explained that only one septic will be built on the three acre
11 lot but the Health Department has to be shown that you can create a viable
12 septic field somewhere else on the property.

13

14 Mr. Murphy asked if the property can be subdivided to build more homes.
15 He said that he is concerned that the cul-de-sac can be opened in the
16 future.

17

18 Mr. McNamara said that the owner has property rights and can subdivide
19 the property but the owner will have to come back to the Planning Board for
20 approval.

21

22 On motion by Mr. McNamara, seconded by Ms. Gannon, and unanimously
23 carried, the Board moved to close the Public Hearing on the
24 Gerlach/Zadjelovich Preliminary Subdivision.

25

26 Mrs. DeLucia said that the Bureau of Fire Prevention in their memo dated
27 February 12, 2015 had no objection to the subdivision and the Open Space
28 Committee in their memo dated February 26, 2015 recommended dark sky
29 compatible downward directed lighting.

30

31 Director of Planning Dym said that originally the Lead Agency notice
32 identified the Action as Type II and in fact it is an Unlisted Action. She
33 explained that the Lead Agency has to be amended to change the action to
34 Unlisted. Director of Planning Dym noted that the Planning Board has to
35 review Part 2 of the EAF which is the basis of the draft Negative
36 Declaration. The Board and Director of Planning Dym reviewed the Neg
37 Dec and found in all the categories that the impacts did not exist or were
38 small impacts. She suggested a change under Reasons Supporting the
39 Determination to read, *The project is classified as an Unlisted Action as per*
40 *Chapter 92 of the Code of the Town of Somers although a Lead Agency*

1 *was circulated incorrectly indicating it as a Type II Action. A Part 1 EAF*
2 *was submitted by the applicant, the Lead Agency prepared Part 2 EAF*
3 *which has identified the following reasons why the proposed action will*
4 *have no significant impact on the environment.* Director of Planning Dym
5 explained that there is no significant environmental impact; therefore, no
6 Environmental Impact Statement has to be prepared.

7
8 Acting Chair Gerbino asked if amending the Neg Dec corrects the error on
9 the Action.

10
11 Director of Planning Dym said that she will reissue the Lead Agency Notice
12 along with the Negative Declaration. She mentioned that none of the
13 Interested or Involved Agencies provided any objection to the Planning
14 Board acting as Lead Agency.

15
16 Planning Board Town Attorney Eriole clarified that the Lead Agency was
17 sent to all Involved and Interested Agency's with the incorrect type action
18 and advised that if the Neg Dec does not correct the problem the risk is on
19 the applicant to proceed. He said that if the Lead Agency notice is
20 recirculated the Board has to give them the 31 days to reply.

21
22 Engineer Allen said that the applicant is willing to take the risk if there is a
23 problem with the Lead Agency notice.

24
25 On motion by Mr. McNamara, seconded by Mrs. DeLucia and unanimously
26 carried, the Board moved to issue a Negative Declaration under 6 NYCRR
27 Part 617 State Environmental Quality Review Act of the Environmental
28 Conservation Law, the Planning Board determined that the Proposed
29 Action Gerlach\Zadjelovich request for a two lot subdivision for creation of
30 one 97 acre lot to remain undisturbed in an R-120 zone will not have a
31 significant adverse effect on the environment, as amended.

32
33 Acting Chair Gerbino directed that the Conditional Preliminary and Final
34 Resolution be prepared for the April 8, 2015 Planning Board meeting
35 provided that most of Woodard & Curran issues are addressed.

36
37
38
39 **CONTINUATION OF PUBLIC HEARING**

40

1 **NORTH COUNTY HOMES, WETLAND, STEEP SLOPES, TREE**
2 **PRESERVATION AND STORMWATER MANAGEMENT AND EROSION**
3 **AND SEDIMENT CONTROL PERMITS [TM: 36.20-1-59]**
4

5 Acting Chairman Gerbino said that this is the application of North County
6 Homes (applicant) and Thomas Caracciolo (owner) for property located on
7 the west side of Bedell Road in South Somers for permits for the
8 construction of a single family home, well and septic system.
9

10 Acting Chair Gerbino stated that this is the continuation of the Public
11 Hearing. She mentioned that the public spoke at the last Public Hearing.
12

13 Consulting Town Engineer Barbagallo noted that he went out to the site
14 along with a member of the Department of Environmental Protection (DEP).
15

16 Acting Chair Gerbino asked the applicant's representative to update the
17 Board and the public on the application.
18

19 John Karell, the applicant's engineer, explained that he met with Consultant
20 Town Engineer Barbagallo and his staff to discuss the stormwater report.
21 He noted that the adjacent property owner requested an easement to
22 continue to discharge water onto the applicant's property. Engineer Karell
23 indicated that the applicant agreed to the easement. He mentioned that the
24 stormwater was modified to include additional infiltration areas for the
25 house and roof area. Engineer Karell noted that trees were added in the
26 vicinity of the back-in area for the driveway.
27

28 The Acting Chair asked Consultant Town Engineer Barbagallo to review his
29 memo for the benefit of the Board and the public.
30

31 Consultant Town Engineer Barbagallo said that the stormwater has been
32 tweaked and additional infiltration areas have been added based on field
33 testing that showed there may not have been enough separation to
34 groundwater in one of the treatment areas and that has been redesigned to
35 provide that protection. He stated that he is comfortable that the lot can be
36 constructed and managed to meet stormwater requirements and comply
37 with Somers regulations.
38

39 Consultant Town Engineer Barbagallo explained that he still has some
40 details to work out with the applicant. He mentioned that he met with

1 Steve Woelfle, the Principal Engineering Technician, and he had concerns
2 with the grading adjacent to the lot to the left and he would like to see a
3 buffer maintained there and where the pipes come down to divert and pick
4 up the flow that is coming from the neighboring property he wants to clean
5 up the line so it is all in the Town's right of way or all on the applicant's
6 property until it leaves and not go back and forth. He stated that this is a
7 pipe routing issue and not a feasibility issue. Consultant Town Engineer
8 Barbagallo said that Mr. Woelfle is looking for more detail and clarity when
9 he is working with the developer in the field.

10
11 Consultant Town Engineer Barbagallo indicated that the property line on
12 the map is shown differently on the filed map and that has to be cleared up.
13 He mentioned that the easement is shown but a written easement is
14 necessary and will be a condition of approval. Consultant Town Engineer
15 Barbagallo stated that this project will work but now it is just cleaning up the
16 details. He said that unless something significant comes up tonight he is
17 comfortable closing the Public Hearing.

18
19 Acting Chair Gerbino asked if anyone from the public would like to be
20 heard.

21
22 Attorney John Gettinger, representing Sandra Singer of 36 Bedell Road,
23 said he understood that the easement would be 20 feet and would go to the
24 street and discharge into the Town sewer.

25
26 Consultant Town Engineer Barbagallo said that who is responsible for
27 taking care of the easement should be written into the easement. He said
28 that he has no problem taking the easement to the street.

29
30 Attorney Gettinger noted that he will prepare the easement for the next
31 meeting.

32
33 Philip Butler, attorney representing Richard Streisfeld, the owner of 40
34 Bedell Road, said that at the last meeting the issue was raised about
35 encroachments from the Streisfeld property onto the applicant's property.
36 He noted that it has been confirmed that there is a fence, shed and lawn
37 area that cross the property boundary. He mentioned that he discussed the
38 issue with the owner of the property's attorney to resolve the issue without
39 having to remove the fence, shed and lawn area. Attorney Butler stated
40 that the area in question was cleared by Mr. Festo's company and later

1 fenced in by Mr. Streisfeld when he purchased the property. He indicated
2 that the area has been used as part of their side and backyard for the last
3 15 to 16 years. He said that Attorney Rosten, the owner's attorney,
4 indicated that he will discuss the issue with Mr. Caracciolo, the owner of the
5 property. Attorney Butler said that the area of encroachment is substantial
6 and may impact the developability of this lot if he is forced to bring a
7 proceeding to assert title to the area Mr. Streisfeld has occupied since he
8 purchased the property. He noted that if Mr. Streisfeld had a reasonable
9 belief that it was his property when he made improvements and they were
10 never challenged for a statutory period he has a tenable claim and may
11 assert that if this issue cannot be resolved. He said that he doesn't want a
12 lawsuit but is only trying to preserve the status quo which can be granted
13 with an easement. Attorney Butler commented that this may have
14 happened because of Mr. Festo's past conduct since he has to provide an
15 easement because of a pipe he put in and clearing on Mr. Streisfeld
16 property on property that Mr. Festo did not own. Attorney Butler opined that
17 it is unfair to blame Mr. Streisfeld as he made reasonable improvements
18 based on needing a certificate of occupancy for his pool.

19

20 Mr. Foley said that the proceeding is adverse possession and that takes
21 years to iron out.

22

23 Consultant Town Engineer Barbagallo asked if Mr. Streisfeld has a permit
24 for the shed.

25

26 Joe Festo, applicant, said there are two sheds and there are no permits for
27 the sheds.

28

29 Mr. McNamara stated that the burden is on Mr. Streisfeld to check the
30 property line. He questioned if the Board can approve a plan where there
31 is a building violation.

32

33 Mr. Foley opined that the Board can approve the applicant's plan because
34 the violation is not by the applicant.

35

36 Planning Board Attorney Joseph Eriole advised that this has nothing to do
37 with the Planning Board and may be a private civil action. He stated that
38 there is a risk to the applicant proceeding until it is sorted out but it does not
39 appear that it should interfere with closing the Public Hearing.

40

1 On motion by Ms. Gannon, seconded by Chairman Currie, (Mr. Foley
2 abstained) and carried, the Board moved to close the Public Hearing and
3 granted a ten day written comment period for North County Homes
4 Wetland, Steep Slopes, Tree Preservation and Stormwater Management
5 and Erosion and Sediment Control Permits.

6
7 Acting Chair Gerbino directed that a Draft Conditional Resolution be
8 prepared for the April 8, 2015 Planning Board meeting provided the plans
9 are revised.

10 **CONTINUATION OF PUBLIC HEARING**

11 **SOMERS REALTY PHASE III [TM: 4.20-1-15]**

12
13 Acting Chairman Gerbino said that this is the continuation of the Public
14 Hearing on the application for Preliminary Subdivision Approval, Steep
15 Slopes, Wetlands, Tree Removal and Stormwater Management and
16 Erosion and Sediment Control Permits to create Lots 3a,3b,3c and 3d for
17 (45.1 acres) relative to the Site Plan application of AvalonBay
18 Communities, Inc. and Lot 4 (4.9 acres) and Lot 5 (0.9 acres) for future
19 commercial and firehouse uses respectively and Lot 6 (7.1 acres) to be
20 marketed for an Assisted Living Facility, stormwater management
21 improvements, including road right-of-ways (4.3 acres) as part of the
22 Planned Hamlet proposed subdivision. She said that the property is located
23 on the southeast side of Route 6 and at Clayton Blvd. in the Planned
24 Hamlet (PH) Zoning District.
25
26

27
28 The Acting Chair asked the applicant's representative to explain the
29 application for the benefit of the Board and the public.
30

31 Linda Whitehead, the applicant's attorney, noted that new plans were
32 submitted and the Stormwater Pollution Prevention Plan (SWPPP) was
33 revised according to the New York State New Stormwater Manual. She
34 mentioned that she also submitted two (2) supplemental submissions with
35 one in response to the Department of Transportation (DOT) letter and the
36 other on the removal of the onsite soil stockpile. She mentioned that it is
37 estimated that a maximum of 60 trucks can be accommodated in an 8 hour
38 work day which equals 7 to 8 trucks leaving the site per hour. Attorney
39 Whitehead explained that the potential impact of the additional truck traffic
40 will be a short term temporary impact.

1
2 Attorney Whitehead referred to the letter from the NYS DOT dated
3 February 23, 2015 and said that she is working to address the issues with
4 the DOT as many of their comments were inaccurate. She mentioned that
5 a meeting is scheduled with the DOT for March 12, 2015. Attorney
6 Whitehead reminded the Board that the DOT was an Involved Agency
7 during the SEQRA process for the Master Plan and they may have
8 forgotten that a full SEQRA process was conducted. She said that she will
9 update the Board after the meeting with the DOT.

10
11 Attorney Whitehead said that there was a meeting with the Consultant
12 Town Engineer and the Water District Superintendent and there was an
13 agreement in concept to plan for the installation of the water main
14 connecting from the Somers Realty property to the water main to be
15 constructed at Hidden Meadows who will be extending the portion from
16 Windsor Farms to the Hidden Meadow site. She said that this loop will
17 benefit the entire water district.

18
19 Attorney Whitehead explained that this addressed the provision in the
20 Findings Statement and the Water District Resolution whereby Somers
21 Realty was required to either install a hydro pneumatic system on site for
22 emergency supply or complete the loop to the Windsor Farm Water District.
23 She stressed that this is not an issue of water supply for the project as
24 there is no problem with the water supply.

25
26 Richard Williams, the applicant's engineer, said that he will take a look at
27 the worst case scenario. He mentioned that the stockpile is 60,000 cubic
28 yards that was created from excess cut during the Phase 2 construction.
29 He noted that he recently received an As-Built showing the stockpile is
30 70,000 cubic yards. Engineer Williams explained that 20,000 c.y will be
31 used on site and 50,000 c.y. will be exported. He noted that it is estimated
32 that on average 60 truckloads or 1,200 c.y. can be accommodated during a
33 work day. Engineer Williams indicated that the fill export operations could
34 span over a period of 8 weeks.

35
36 Consultant Town Engineer Barbagallo mentioned that originally no fill was
37 going to leave the site and now 5,000 c.y. will leave the site.
38 Director of Planning Dym said that the applicant talks about travel time from
39 the project site to the destination site and that is unknown so she
40 questioned what travel time was used. She noted that the trucks will be

1 using different entrances and Clayton Boulevard will not be completed at
2 that time.

3

4 Consultant Town Engineer Barbagallo opined that there is not multiple
5 ways for the material to leave the site. He said that Clayton Boulevard has
6 to be finished first and the trucks go directly out to Route 6.

7

8 Attorney Whitehead agreed that the best way for the trucks to leave the site
9 is by Clayton Boulevard because of the light. She said that she is willing to
10 provide restrictions during morning and evening rush hours.

11

12 Mrs. DeLucia asked if the trucks will be covered and Engineer Williams
13 stated that the trucks will be covered.

14

15 Peter Wise, Attorney representing AvalonBay, said that AvalonBay is
16 working hard to find disposition of the fill.

17

18 Consultant Town Engineer Barbagallo said that originally the site was
19 balanced and now material is being exported and he asked if AvalonBay
20 will be importing fill.

21

22 Todd Nicotra, Senior Director of Development for AvalonBay, said that only
23 structural fill will be brought in.

24

25 Consultant Town Engineer Barbagallo noted that the Town is looking for an
26 option for the backup water supply. He mentioned that there is a timing
27 issue as the water main extension and the backup water supply has to be
28 in place before certificates of occupancies are issued for AvalonBay.

29 Consultant Town Engineer Barbagallo said that the challenge is the Hidden
30 Meadow piece and if that doesn't happen the Town will step in because of
31 the benefit to the Town.

32

33 Consultant Town Engineer Barbagallo mentioned that at the last meeting
34 Marilyn Glotzer resident of 231 Mahopac Avenue expressed concern that
35 the groundwater table appears to have risen within her neighborhood since
36 the commencement of the Somers Realty Planned Hamlet development.
37 He said that Ms. Glotzer reported that her basement has experienced
38 greater water seepage in recent years and questioned whether
39 development of the Planned Hamlet may have exacerbated this condition.

1 Consultant Town Engineer Barbagallo said that he reviewed the location of
2 Ms. Glotzer's property in response to her concern and found that the
3 topography along Mahopac Avenue pitches from the high point at the
4 intersection with Route 6 south towards the culvert crossing at the Muscoot
5 River and Mahopac Avenue functions as a drainage divide between
6 drainage area within the Planned Hamlet and the Muscoot River to the
7 west. He noted that parcels located on the west side of Mahopac Avenue
8 are generally at higher elevation than adjoining land areas in the Planned
9 Hamlet parcel. Consultant Town Engineer Barbagallo indicated that the
10 Glotzers property is at an elevation of 536 feet where design point No. 3 is
11 thirty feet higher than where water is discharged. He said that the work
12 done to date and what is contemplated in the future is not going to have
13 any impact on Ms. Glotzer's groundwater.

14

15 Ms. Gannon mentioned that in Consultant Town Engineer Barbagallo
16 memo he says that in the event that Ms. Glotzer or other residents have
17 further information relating to their concern, he recommends that such
18 information should be provided to the Town for consideration by his Office.

19

20 Robert Curtis, resident 228 Mahopac Avenue, said he would like to know
21 where the storm water will exit.

22

23 Richard Williams, the applicant's engineer, showed Mr. Curtis the pipe that
24 is located on the opposite side of Mr. Curtis's property which is proposed to
25 capture all the water on site, holding it back and then release it at a rate
26 that is less than the current rate.

27

28 Mr. Curtis said he is still concerned about the easement on his property to
29 Road "B" as he has not received any documentation.

30

31 Consultant Town Engineer Barbagallo said that there isn't an easement, it
32 is the Town right-of-way that can be a future road.

33

34 Attorney Whitehead advised that the road will be shown on the filed map
35 and if Mr. Curtis suitably improves the road it can be used by Mr. Curtis.

36

37 Director of Planning Dym suggested that the Planning Board close the
38 Public Hearing with an agreement by the applicant to waive the 62 day
39 approval timetable, if necessary.

40

1 Attorney Whitehead agreed to waive the 62 day time for the Conditional
2 Resolution to the May 13, 2015 Planning Board meeting.

3
4 On motion by Mr. McNamara, seconded by Chairman Currie, and
5 unanimously carried, the Board moved to close the Public Hearing on
6 Somers Realty Planned Hamlet Phase III Subdivision.

7
8 **CONTINUATION OF PUBLIC HEARING**

9
10 **AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, P/O 12]**

11
12 Acting Chairman Gerbino said that this is an application for Site Plan
13 Approval, Steep Slopes, Tree Removal and Stormwater Management and
14 Erosion and Sediment Control Permits for AvalonBay Communities, Inc. for
15 the construction of 152 residential units within 17 buildings with 23
16 affordable units on 45.1 acres. She noted that also proposed is a
17 community recreation building, pool and 324 parking spaces. The Acting
18 Chair mentioned that the property is located on the south side of Route 6
19 and Clayton Boulevard and east of Mahopac Avenue and is in the Planned
20 Hamlet (PH) Zoning District.

21
22 Acting Chair Gerbino asked the applicant's representative to update the
23 Board on the project.

24
25 Peter Wise, attorney for AvalonBay, said that the design of the Village
26 Green has to be decided. He noted that the applicant presented an original
27 design and a modified design and he is looking for direction from the
28 Board.

29
30 Director of Planning Dym noted that there was a formal design for the
31 Village Green that was part of the original concept plan and the other is a
32 scaled back version of the original design. She indicated that if no
33 playscape area is to be provided there, it has to be provided elsewhere on
34 the site. Director of Planning Dym stated that Avalon will build and
35 maintain the playscape area if it is located at the Village Green or
36 elsewhere on the site.

37
38 Acting Chair Gerbino said it was the consensus of the Board that the
39 original plan for the Village Green is the preferred design.

40

1 Ms. Gannon referenced the March 2, 2015 memo from the Somers Parks &
2 Recreation Board. She noted that they reviewed the request to reduce the
3 recreation fees for the affordable housing units and were in favor of giving a
4 reduction for the 23 affordable units as was granted to The Mews II units.
5 She said that the memo also reviewed the issuing of a credit of recreation
6 fees on the 1.4 acre Village Green parcel, as it will be open to all Town
7 residents and they recommended that if the Town Board feels there should
8 be a recreation fee credit, it should be equal to a residential site, not to
9 exceed \$11,500 and the Village Green must be available to all Somers
10 residents.

11
12 Director of Planning Dym said that the 36 parking spaces outside Avalon's
13 boundary can be counted toward the total needs to be addressed so it can
14 be found that the parking requirement is met. She mentioned that the
15 sidewalks in many locations on the plan are shown outside the Avalon
16 owned property on public right-of ways. Director of Planning Dym said that
17 she discussed this with Attorney Wise and he suggested that Avalon show
18 an area of landbanked parking on its property that would meet this
19 requirement and remains unbuilt so that there is no further action, such as
20 a zone change or variance. She noted that the additional 36 spaces would
21 remain around the Village Green as previously shown on Town property.

22
23 Director of Planning Dym noted that she discussed the issue with Town
24 Attorney Baroni and he felt that landbanking the parking could be a good
25 idea. She indicated that Code Section 170-41 seems to permit it. He said
26 that sidewalks in the right-of-way would need to be approved by the
27 Consultant Town Engineer and the Highway Superintendent. She
28 explained that the Town would issue a work permit allowing the
29 construction to occur with a recordable covenant regarding continuing
30 maintenance.

31
32 Attorney Wise advised that according to the Town Zoning Ordinance street
33 spaces are not permitted on roads dedicated to the Town but if the Board
34 still wants them he will build them.

35
36 Attorney Whitehead interjected that in the Master Plan the spaces on the
37 public roads around the Village Green were approved as part of the Master
38 Plan and were counted toward the spaces for the commercial property.

39

1 Attorney Wise said that in the next submission he will provide a drawing
2 showing the 36 spaces that can be landbanked.

3
4 Mrs. DeLucia asked if the sidewalks will have lighting.

5
6 Todd Nicotra, Senior Director of Development for AvalonBay, stated that
7 there will be site lighting throughout the site including the parking area,
8 sidewalks and all outdoor spaces.

9
10 Acting Chair Gerbino asked if anyone from the public would like to be heard
11 and no one responded.

12
13 Mrs. DeLucia asked when the Board can see the building materials that
14 were requested.

15
16 Mr. Nicotra stated that he met with the Architectural Review Board (ARB)
17 last month to review the building material and as a result of their input he is
18 working on modifying the plan. He noted that they will meet at the end of
19 the month to review the changes. Mr. Nicotra said after the ARB approves
20 the changes he will bring the materials to the Planning Board.

21
22 Mrs. DeLucia asked if there will be elevators in the buildings.

23
24 Mr. Nicotra stated that there will not be any elevators in the buildings. He
25 explained that no one will walk up three flights of steps as the only time
26 there will be three floors is the terrace units where you enter on the main
27 level and walk down one flight of stairs to get to them. Mr. Nicotra noted
28 that all the handicap units will be on the first floor.

29
30 Director of Planning Dym reminded the Board that each unit will have an
31 individual outside exit so elevators will not be appropriate.

32
33 On motion by Ms. Gannon, seconded by Mrs. DeLucia, and unanimously
34 carried, the Board moved to close the Public Hearing on AvalonBay at
35 Somers with the agreement that the applicant waive the 62 day time to
36 approve the Resolution.

37 **PROJECT REVIEW**

38
39 **LORD WETLAND PERMIT [TM: 15.07-1-6]**

40

1 Acting Chairman Gerbino said that the review will be on the application for
2 a Wetland Permit by owner Robert Lord for property located on the east
3 side of 7 South Lane for the construction of a detached garage. She noted
4 that the property is located in an R-80 Zoning District.
5

6 Acting Chairman Gerbino asked the applicant to explain the application for
7 the benefit of the Board and the public.
8

9 Robert Lord, applicant, said that he eventually wants to renovate the house
10 but would like to start with a detached two car garage. He noted that there
11 is a large oak tree in the yard which he hopes to preserve. Mr. Lord
12 mentioned that there is a stream that is considered a wetland that is dry in
13 the summer.
14

15 Ms. Gannon asked how old is the house.
16

17 Mr. Lord noted that the house was built in 1932 and the house is
18 approximately 500 feet from Moseman Avenue.
19

20 Acting Chair Gerbino asked Consultant Town Engineer Barbagallo to
21 review his memo for the benefit of the Board and the public.
22

23 Consultant Town Engineer Barbagallo said that his comments are typical
24 for the first review of a project. He noted that based upon the plan, it
25 appears the level of site disturbance may be greater than 5,000 square feet
26 and that the project will be subject to preparation of a Stormwater Pollution
27 Prevention Plan (SWPPP). Consultant Town Engineer Barbagallo said that
28 this is a project that the Board has to take a look at as the garage is in
29 close proximity to the wetland line. He mentioned that when work takes
30 places in a wetland buffer the Board looks for mitigation. He suggested a
31 rain garden coming off the roof of the garage to treat the water before it
32 goes into the wetland. Consultant Town Engineer Barbagallo suggested a
33 site walk in the middle of April.
34
35
36

37 **INFORMAL APPEARANCE WITH SKETCH PLAN REVIEW**

38
39 **HERITAGE 202 CENTER [TM: 17.11-10-20]**
40

1 Acting Chair Gerbino noted that this is the application of Urstadt Biddle
2 Properties, Inc. for an informal appearance with Sketch Plan under Town
3 Code Section 150-11 B for property located at the Heritage 202 Center for
4 the removal of one section of existing planters and the installation of a patio
5 area with seating.

6
7 Acting Chair Gerbino asked the applicant's representative to explain the
8 project for the benefit of the Board and the public.

9
10 Anthony Shabani, Property Manager for Urstadt Biddle Properties, said he
11 would like to revive a project that was before the Board in August 2014. He
12 said with the coming of Spring and Summer it was a good time to renew
13 this project with the Board. Mr. Shabani said that he is proposing a patio
14 area. He mentioned that the current planting area consists of waist high
15 shrubs and he wants to replace those with 500 to 600 feet of patio area.
16 Mr. Shabani explained that the existing shrubbery from the 2 planting areas
17 will be removed and new permeable paving units will be installed. He
18 mentioned that the shrubbery will be replaced with appropriate new nursery
19 stock in two adjacent planting areas. Mr. Shabani said that four new
20 benches will be added along with new lighting.

21
22 He feels that this will spruce up the shopping center and will benefit the
23 businesses and residents of the Town.

24
25 Mr. Shabani introduced Ed Novack, business owner and owner of Tazza
26 Café in the Heritage 202 Center. He indicated that he approached Urstadt
27 Biddle and there is an evergreen spruce about three feet high in the
28 existing planters and he feels they are not attractive. He opined that the
29 Town of Somers does not attract people to be competitive with more New
30 England type of towns such as Katonah. Mr. Novak said his business
31 depends on the flow of traffic in the Shopping Center and having an outside
32 seating area will be very nice and beneficial for business and the
33 community. He said that the patio area could become like a street café
34 area where people can get together.

35
36 Consultant Town Engineer Barbagallo explained that this is just an informal
37 appearance to see if the Board likes the plan before they go ahead and put
38 a formal plan together.

39

1 Mr. Foley asked why this is a Planning Board issue and questioned if this is
2 an amended Site Plan.

3
4 Director of Planning Dym said that the Board has to make the decision if an
5 Amended Site Plan is needed. She explained that because of the addition
6 of impervious surface that will make it an Amendment to the Site Plan.

7
8 Consultant Town Engineer Barbagallo said that the amendment to the Site
9 Plan can be avoided if the applicant uses porous pavers. He said that the
10 applicant should work with Principal Engineering Technician Woelfle to
11 review this as administrative.

12
13 Acting Chair Gerbino said that it was the consensus of the Board that the
14 project be handled administrately.

15 **INFORMAL APPEARANCE WITH SKETCH PLAN REVIEW**

16 **SOMERS POINTE COUNTRY CLUB [TM: 6.17-20-1.21]**

17
18 Ms. Gannon stated that she is a resident of Heritage Hills and lives near
19 the proposed project.

20
21 Chairman Currie mentioned that he is a former employee of the Somers
22 Pointe Golf Club.

23
24 Acting Chairman Gerbino noted that this is the application of Somers
25 Pointe Country Club for an informal appearance with sketch plan under
26 Town Code Section 150-11 B. for property located on the southeast side of
27 the Somers Pointe Clubhouse at 100 West Hill Drive for the construction of
28 a swimming pool and cabana building and two tennis courts with
29 associated parking lots to provide additional recreational activities.

30
31 Acting Chair Gerbino asked the applicant's representative to review the
32 application for the benefit of the Board and the public.

33
34 John Petroccione, the applicant's engineer, said that the proposal is for a
35 50X30 foot swimming pool with a 70X50 foot cabana that will have lockers
36 and bathrooms and two tennis courts. He noted that the proposal was
37 shown on the original plan for the Heritage Hills Development.
38
39
40

1 The Acting Chair asked what year the original plan was issued.

2

3 Engineer Petroccione said that the original plan was in 1975 and he is
4 aware that approval does not apply for this project. He explained that he
5 put the original layout back together based on the current conditions and he
6 is here to get the Board's opinions and feedback on that layout.

7

8 Acting Chair Gerbino said that the applicant is expanding the private club
9 and facilities and will offer membership to Town residents.

10

11 Engineer Petroccione noted that there will be different packages offered
12 with a membership option for just the pool. He said that the primary intent
13 of the pool is to better serve the present membership and will provide a
14 variety of activity for an entire family.

15

16 Mrs. DeLucia asked how many members can be accommodated for the
17 pool and golf club.

18

19 Engineer Petroccione said that the pool will accommodate approximately
20 30 people with a membership of 100 and will be \$1,500 per family, the golf
21 and pool membership is \$6,500 and just the golf membership which can
22 accommodate 250 golfers is \$4,500.

23

24 Chairman Currie said that water and sewer will be part of Heritage's
25 existing system.

26

27 Mrs. DeLucia asked if there will be food served at the pool.

28

29 Engineer Petroccione mentioned that there will be snack bar in the cabana
30 for small items.

31

32 Ms. Gannon said that she is concerned about the truck deliveries at the
33 clubhouse as the large trucks are parked on the road and you have to go
34 into the oncoming traffic lane to get around them.

35

36 Richard Doino, General Manager of the Somers Pointe County Club,
37 explained that right after the entrance to the restaurant there is a pull-in
38 where the trucks can unload their deliveries. He said that he will address
39 this problem as he wants to be good neighbors.

40

1 Mrs. DeLucia asked if the club membership is open to just Somers
 2 residents or can someone from Yonkers become a member.

3
 4 Mr. Doino said that membership is 80% Heritage Hills with 20% outside of
 5 Heritage Hills residents.

6
 7 Ms. Gannon asked if the pool is being underbuilt.

8
 9 Engineer Petroccione explained that the pool is being built to the threshold
 10 of the Department of Health regulations. He noted that once they expand
 11 the pool it will be very expensive.

12
 13 Mrs. DeLucia asked what the hours will be for the pool.

14
 15 Mr. Doino stated that the hours for the pool are 10:00 AM to 6:00 PM.

16
 17 Consultant Town Engineer Barbagallo said that traffic circulation, parking
 18 and stormwater have to be studied.

19
 20 Director of Planning Dym said that the next step for the applicant is a Site
 21 Plan application with a long form EAF. She said that what constitutes a
 22 membership has to be described and what the facility will provide and what
 23 will be the beginning and end of the season for each membership.

24
 25 **DISCUSSION**

26
 27 **AT&T MOBILITY, LLC STORMWATER MANAGEMENT AND EROSION**
 28 **AND SEDIMENT CONTROL PERMIT [TM: 17.05-1-6]**

29
 30 Consultant Town Engineer Barbagallo explained that the applicant revised
 31 the plan and that will be handled administrately and will not need Panning
 32 Board approval.

33
 34
 35
 36 **DISCUSSION**

37
 38 **SOMERS CROSSING**

39

1 Acting Chairman Gerbino said that there will be discussion of comments on
 2 the Somers Crossing DEIS, including the potential need for extension of
 3 the comment period scheduled to end on March 16, 2015.

4
 5 Tim Allen, the applicant's engineer, explained that the Town Board held a
 6 Public Hearing for Somers Crossing which was held over until April 9, 2015
 7 and the applicant needs comments before that date. He asked the Board
 8 to consider a second meeting in March so the Board can provide their
 9 questions to the Town Board. Engineer Allen stated that the Draft
 10 Environmental Impact Statement (DEIS) has been deemed complete.

11
 12 Director of Planning Dym mentioned that the Board will have all the
 13 consultants comments prior to the March 25, 2015 Planning Board
 14 meeting.

15
 16 On motion by Mrs. DeLucia, seconded by Ms. Gannon and unanimously
 17 carried, the Board moved to hold a meeting on March 25, 2015 in order for
 18 the Board to provide their input to the Town Board on their comments for
 19 the FEIS.

20
 21 There being no further business, on motion by Chair Currie, seconded by
 22 Ms. Gannon and unanimously carried, the meeting adjourned at 11:15 P.M.
 23 The Chair announced that the next Planning Board meeting will be on
 24 Wednesday, March 25, 2015 at 7:30 P. M. at the Somers Town House.

25
 26
 27

28 Respectfully submitted,

29
 30
 31
 32
 33 Marilyn E. Murphy
 34 Planning Board Secretary
 35

36