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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
APRIL 22, 2014

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

11

12

13 **ALSO PRESENT:**

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

14

15

16

17

18 **ABSENT:**

Mr. Foley, Mr. Keane and Mrs. DeLucia

19

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

23

24 **PROJECT REVIEW**

25

26 **HIDDEN MEADOW AT SOMERS**

27 **[TM: 15.07-1-6]**

28

29 Chairman Currie said that this is a project review for Preliminary
30 Subdivision Approval, Site Plan Approval, Steep Slopes, Wetland and
31 Stormwater Management and Erosion and Sediment Control Permits
32 relative to the application of Multifamily Residence Baldwin Place District

1 (MFR-BP) Floating Zone for Tax Map 15.07, Block 1, Lot 6 under
 2 consideration by the Town Board to apply to their 16.7 acre parcel located
 3 along the south side of US Route 6 for the proposed development of 53
 4 units of housing, sixteen of which would be affordable, within 45 townhouse
 5 buildings on 45 fee simple lots plus one lot for lands to be owned in
 6 common by a Homeowners Association.

7
 8 Chairman Currie asked the applicant to update the Board on the three
 9 alternative concept plans.

10
 11 Kenneth Kearney, applicant, explained that at the last meeting the Board
 12 asked him to provide alternatives. He noted that his architect and engineer
 13 reviewed many concepts but ultimately decided on three alternatives. Mr.
 14 Kearney reiterated that at the beginning of the project certain decisions
 15 were made on what will work best on the site and the mix of affordable and
 16 market rate townhomes. He mentioned that there will be a homeowner
 17 concept with a rental component. Mr. Kearney indicated that he has been
 18 dealing with the issues from the Watershed Inspector General (WIG),
 19 environmental constraints, access to the site and economics. He noted
 20 that he was before the Town Board and they took action on the
 21 Modification to the 1994 Town of Somers Comprehensive Master Plan and
 22 associated Zoning Text Amendment. He commented that the Westchester
 23 County Planning Board supports the proposed amendments.

24
 25 Mr. Kearney noted that there was a site walk with members of the Open
 26 Space Committee, Woodard & Curran and the applicant's representatives
 27 to review ecological concerns on the property. He mentioned that field
 28 study operations are scheduled to be completed by early June.

29
 30 Richard Williams, the applicant's engineer, said that he would like to
 31 explain what goes into designing a site. He noted that there are four main
 32 parts; physical site and the environment and constraints associated with it,
 33 (wetlands, slopes across the property), access in and out of the property,
 34 impervious surfaces, multi agencies that will review the project. Engineer
 35 Williams said that he has to create a plan that is marketable and how the
 36 affordable component works. He commented that the applicant would like
 37 to look at and maybe develop the access to the Town owned property that
 38 is next to this development.

39

1 Engineer Williams noted that he submitted three alternatives that were
2 based on feedback from the Board. He reviewed Alternative A1 with the
3 Board. Engineer Williams explained that this alternative shows the ring
4 road with garages in the rear accessing the ring road. Engineer Williams
5 indicated that the layout will require wetland buffer disturbance which may
6 be viewed negatively by the Open Space Committee and WIG. He noted
7 that the architecture would establish the front of the house on a central
8 corridor but the units would not be used that way and the rear of the house
9 would be the true front. Engineer Williams explained that the front of the
10 house would be used as the backyard and all the backyards would be
11 facing another unit. He commented that this layout increases the amount
12 of cut bringing the site further out of balance. Engineer Williams stressed
13 that this layout increases the amount of pavement creating redundant
14 roadways and is in conflict with the requirements of the NYS Stormwater
15 Management Design Manual. Engineer Williams said he is concerned that
16 this layout from a marketing standpoint will not be attractive to buyers.

17

18 Engineer Williams said that the access road was reviewed with all the
19 alternatives. He noted that the access road was coming in through an
20 intersection and up into the Town property with a one-way drive. He asked
21 what would make the site more fluid and interact with the Town Park and
22 that was for the access road to come into the site with the primary access
23 taking you to the Town Park. Engineer Williams indicated that this change
24 was made to all the alternatives.

25

26 Engineer Williams showed the Board copies of a development in Fishkill
27 that is similar to how the applicant wants to develop Hidden Meadow at
28 Somers. He said that the picture shows the garage under the unit which
29 minimizes the amount of earthwork and brings it closer to balance.

30

31 Engineer Williams mentioned that Alternative A2, which creates a main
32 road and locates the units off the spur roads, was a concept that was
33 discussed with Town staff. He explained that this layout results in the
34 greatest amount of wetland buffer disturbance and eliminates the rear
35 yards as the back of the units will be facing each other. Engineer Williams
36 noted that this layout increases the amount of pavement by creating
37 additional roadways and is in conflict with the requirement of the NYS
38 Stormwater Management Design Manual.

39

1 Consultant Town Engineer Barbagallo asked about the cut and fill and how
2 it relates to the original plan.

3
4 Engineer Williams said that it might end up increasing some of the cuts but
5 it is probably not significant.

6
7 Engineer Williams noted that Alternative A3 takes in a lot of the comments
8 from the last meeting. He said that the revised architecture allows for an
9 expanded central green and is approximately 5 to 6 times larger than the
10 previously presented green. Engineer Williams indicated that this
11 alternative shows a garage under the unit on the uphill side which reduces
12 the amount of earthwork and is the only alternative that reduces the
13 earthwork bringing the total earthwork closer to balance. He explained that
14 the driveways can be separated or paired together. Engineer Williams
15 noted that there is no wetland buffer disturbance, except for the proposed
16 widening of Route 6. He said that he heard the concern about sidewalks
17 and this design has the driveways paired together lending itself to sidewalk
18 design. He also noted that the sidewalks would focus on the central green
19 as a destination. Engineer Williams stated that this is the preferred
20 alternative.

21
22 Ms. Gerbino asked where the rental units will be located.

23
24 Engineer Williams said that the rental units will be groups 38 to 41, 42 to 45
25 with the driveway in the back so the apartments below can be accessed.
26 He noted that none of the rear units look at another unit and this makes the
27 rear area more useable for future purchasers as well as more marketable.

28
29 Ms. Gannon asked where the sidewalks and the pedestrian flow will be.

30
31 Engineer Williams indicated that a sidewalk will go to the bus stop area with
32 the sidewalk in front of units 45 to 38 and into the green area and behind
33 the affordable units. He said that sidewalks will also go into the recreation
34 area. Engineer Williams said that at this time there are no sidewalks
35 around the properties that front on the green but if the Board prefers those
36 sidewalks the applicant is willing to work with the Board.

37
38 Ms. Gannon asked if the origination is flip flopped to have shared
39 driveways on the upper side, will that make it easier to have a sidewalk
40 there.

1 Engineer Williams said that if the Board wants the sidewalk continued the
2 applicant will agree to that.

3
4 Ms. Gannon stated that the Town has embraced complete streets and the
5 sidewalks will be a help with this.

6
7 Ms. Gerbino asked how the residents can enjoy their common area and
8 spend time outdoors.

9
10 Engineer Williams said that a passive recreation walking path could be
11 created. He noted that different agencies will have to review the walking
12 path and its closeness to the wetland buffer.

13
14 Mr. Kearney explained that on the other side of the buffer there is a three
15 acre piece of property that possibly could be used for recreation. He
16 explained that this was his thought originally but he shied away from it
17 because some Boards may not embrace that idea.

18
19 Chairman Currie asked Director of Planning Dym if she had any comments.

20
21 Director of Planning Dym agreed that Alternative A3 is a great improvement
22 on the original concept. She said that the linear nature and constraints on
23 this site that were shown on the original plan were felt when you went down
24 the central corridor and this alternative has opened this up. She said that
25 the Board can decide how the driveways are treated and she would like
26 them to state their preference. Director of Planning Dym opined that if the
27 driveways are paired you reduce the lineal visual feel and that is an
28 improvement as it allows more green space. She said that she prefers the
29 paired driveways as it improves the visual character and the walk ability on
30 the site.

31
32 Director of Planning Dym mentioned in the original plan the affordable units
33 were mixed with two end market rate units and in Alternative A3 they are
34 isolated with the affordable units. She said that she understands the
35 reason for this because of the driveways in the back. Director of Planning
36 Dym indicated that a closer look at the access road has to take place to
37 see how it will work for the development and for potential future access.
38 She also felt that the seven units (31-37) should be separated.

39

1 Engineer Williams stated that this is a preliminary layout and he will look at
2 separating the 7 units.

3
4 Chairman Currie asked if Consultant Town Engineer Barbagallo had any
5 comments on the alternatives.

6
7 Consultant Town Engineer Barbagallo said that he is curious how
8 Alternative A3 is so open.

9
10 Engineer Williams said it is about the architecture. He mentioned that 10
11 feet was picked up on both sides of the road.

12
13 Consultant Town Engineer Barbagallo suggested that if units 31-37 are
14 separated and pushed back there will be a better angle into the main
15 access road and it will improve the size of the green.

16
17 Consultant Town Engineer Barbagallo said that what he liked at The Mews
18 was the incorporating of attractive stormwater features as part of the
19 central area. He asked if the Board wants the green area for recreation or
20 stormwater features.

21
22 Ms. Gannon noted that she is happy that the applicant will consider green
23 infrastructure with the expanded space.

24
25 Consultant Town Engineer Barbagallo opined that Alternative A3 is an
26 improvement. He asked how closely the access drive was studied.
27 He said that his main comment is to improve the intersection and as
28 suggested by Planning Director Dym to break up the 7 units.

29
30 Engineer Williams said that he reviewed the access drive with the
31 horizontal radius but it hasn't been profiled yet.

32
33 Ms. Gannon asked that now that the buildings will be smaller will there be a
34 change in the height of the buildings.

35
36 Engineer Williams indicated that the height of the building will be according
37 to the Town's Code restriction.

38
39 *At this time Town Attorney Roland Baroni joined the meeting.*

40

1 Chair Currie noted that there was a consensus of the Board that Alternative
2 A3 is a big improvement with shared driveways and a better layout.

3
4 Consultant Town Engineer Barbagallo stated that three Board members
5 are absent this evening and he suggested that they review the alternatives
6 before the Board makes a decision.

7
8 Mr. Goldenberg reminded the Board that four members have agreed that
9 Alternative A3 is the best alternative.

10
11 Mr. Kearney explained that after the last meeting his team immediately
12 went to work to review all the options. He said that one reason for this
13 special meeting was for the Board to stay on schedule for various reasons
14 including funding. Mr. Kearney noted that his hope tonight was for a
15 consensus from the Board on how to move forward.

16
17 Ms. Gannon stated that if she cannot attend a meeting she does not expect
18 all progress to cease until she can weigh in on the topic. She said that she
19 does not consider that to be fair to the applicant and other Board members.
20 Ms. Gannon opined that the changes that have been made, input from
21 Board members and discussions she is confident that Alternative A3 should
22 move forward. She noted that the plan is not finished and there will be
23 plenty of opportunities for further input and dialog from members.

24
25 Chair Currie indicated that the Board should discuss the referral from the
26 Town Board for review and comment on the proposed plan modifications
27 and text amendments.

28
29 Ms. Gerbino said that she has a complaint about the wording on the
30 agenda as it should reference the Comprehensive Master Plan so the
31 public knows what is being discussed.

32
33 Town Attorney Baroni stressed that the wording for the agenda was taken
34 from the Town Board Resolution.

35
36 Ms. Gerbino opined that the wording from the Town Board Resolution is
37 inappropriate.

38
39 Director of Planning Dym said that in order to accomplish the plan that was
40 just discussed the 1994 Comprehensive Town Master Plan does not permit

1 application of the Multifamily Residence Baldwin Place District (MFR-BP) at
 2 the Hidden Meadow site and has to be modified and amended. She
 3 indicated that based on the direction of the Town Board she had to take a
 4 look at fitting this into the MFR-BP District as long as it is limited to parcels
 5 on Route 6 with an analysis that both the zoning and Comprehensive Plan
 6 actually apply to this site. Director of Planning Dym indicated that her
 7 analysis found that the 1994 Comprehensive Plan does need a minor
 8 modification as does the MFR-BP District. She said that the 1994 Plan was
 9 very specific that it no longer felt that mixed use of office and other uses
 10 was appropriate and therefore the multi-family housing that had been
 11 recommended to support those more intense uses was no longer needed
 12 west of the Muscoot River. Director of Planning Dym said that she spoke to
 13 Ed Burroughs, the author of the 1994 Master Plan, to make sure of her
 14 interpretation of the plan. She noted that the 1994 Plan spoke about the
 15 need for multifamily housing in the Baldwin Place area. Director of
 16 Planning Dym said that the way the zoning district was created to
 17 implement the concept of the 1994 Plan was the Planned Hamlet, a mixed
 18 use zone with multifamily uses, the old Baldwin Place Shopping Center
 19 was rezoned to Community Shopping with the remainder of the corridor
 20 rezoned from General Business to Neighborhood Shopping. She said the
 21 question is now what is appropriate for the area west of the Muscoot River.
 22 Director of Planning Dym mentioned that the Windsor Farm development
 23 was approved as a cluster subdivision with the preservation of two large
 24 open space recreation parcels. She noted that the parcel on the north side
 25 of Route 6 is 36 acres and on the south side of Route 6 the parcel is 46
 26 acres and they both were dedicated to the Town for recreation and open
 27 space. She indicated that the Town has focused on the southern parcel for
 28 active recreation.

29
 30 Director of Planning Dym said that the Hidden Meadow site is closest to the
 31 Baldwin Place Business area. She noted that it appears that this project is
 32 from 1,200 to 1,500 feet from the area that currently permits multifamily
 33 housing and that Hidden Meadow is appropriate for multifamily housing.
 34 Director of Planning Dym stated that this is part of the amendment that she
 35 crafted to the 1994 Master Plan. She explained that in order to implement
 36 this to the 1994 plan there has to be an amendment to the multifamily zone
 37 which is §170-13A. She said that this amendment is Attachment B of the
 38 Notice of SEQRA Actions to modify the 1994 Town of Somers
 39 Comprehensive Master Plan and Zoning Text Amendments.

40

1 Director of Planning Dym mentioned that the Westchester County Planning
 2 Board has replied to the Lead Agency Notice and said that they have no
 3 objection to the Town Board assuming Lead Agency status for the review
 4 of the Comprehensive Plan Amendment and Zoning Text Amendment and
 5 they support the proposed amendments.

6
 7 Director of Planning Dym noted that amendments to Zoning include
 8 clarification on the wording related to Baldwin Place and that the
 9 amendment clearly defines that the underlying zoning must be R40 or R80
 10 to be eligible for the MFR-BP District. She said that there has to be
 11 frontage along Route 6 and proximity to the Baldwin Place area and that
 12 the parcels are within 2,000 linear feet, as measured along Route 6 from
 13 the centerline of the intersection of Route 6 and Mahopac Avenue.

14
 15 Director of Planning Dym said that she wants to make a clarification on
 16 Attachment A, fourth page on the top of the first paragraph, to read
 17 Residence District or R80 Residence District *with frontage on Route 6, that*
 18 *meet all other criteria of the MFR-BP District and be located no further than*
 19 *2,000 linear feet measured along Route 6 from the centerline of the*
 20 *intersection of Route 6 and Mahopac Avenue as measured to its property*
 21 *line closest to that intersection* .She said this is what the Board is being
 22 asked to consider tonight in order to make a recommendation to the Town
 23 Board for their meeting on May 8, 2014.

24
 25 Town Attorney Baroni explained that there will be two Public Hearings one
 26 to amend the Comprehensive Master Plan and one to change the text of
 27 the Zoning Code.

28
 29 Ms. Gerbino requested that a copy of the 1994 Master Plan be provided to
 30 Planning Board members.

31
 32 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously
 33 carried, the Board moved to recommend to the Town Board Attachment A,
 34 as amended, to the 1994 Comprehensive Plan and Attachment B, as
 35 amended to §170-13A of the Multifamily Residence District of the Zoning
 36 Ordinance.

37
 38 Chair Currie said that the Board should discuss the protocol on Threatened
 39 and Endangered Species Habitat.

40

1 Consultant Town Engineer Barbagallo said that last Friday the applicant's
2 consultant submitted a Biodiversity Assessment Protocol. He noted that
3 the Open Space Committee and his office received a copy for their meeting
4 on site. He indicated that the applicant's ecologist gave a comprehensive
5 tour of the site. He mentioned that the Open Space Committee submitted a
6 memo dated April 14, 2014 saying they were generally pleased with the
7 document and look forward to seeing the results. Consultant Town
8 Engineer Barbagallo said their comments were less about the protocol but
9 more of how the results of the protocol should be interpreted.

10
11 Consultant Town Engineer Barbagallo stated that he instructed his
12 ecologist to rely on "good science" to make sure that the protocol is
13 implemented in accordance with its intent and that the results of the survey
14 are adequately interpreted relative to the presence of threatened and
15 endangered species that are on the County list. Consultant Town Engineer
16 Barbagallo said his ecologist said that because species are rare and
17 threatened does not mean they are everywhere they could be. He said that
18 his ecologist will review the survey with a close eye toward good science
19 and then he will be in a position to comment to the Board. He explained
20 that there will be a number of site visits conducted to verify what exists and
21 does not exist on site.

22
23 There being no further business, on motion by Chair Currie, seconded by
24 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 9:15
25 P.M. The Chair noted that the next Planning Board meeting will be on
26 Wednesday, May 14, 2014 at 7:30 P. M. at the Somers Town House.

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Respectfully submitted,

Marilyn E. Murphy
Planning Board Secretary