

Telephone 1
(914) 277-5366₂

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
Dennis McNamara

3

SOMERS PLANNING BOARD MINUTES
APRIL 8, 2015

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

11

12

13

14 **ALSO PRESENT:**

Consultant Town Engineer Joseph Barbagallo
Director of Planning Dym
Planning Board Town Attorney Gerald Reilly
Planning Board Secretary Marilyn Murphy

15

16

17

18

19 **ABSENT:**

Mrs. DeLucia and Mr. Foley

20

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

24

25 **DISCUSSION**

26

27 **GRANITE POINTE FINAL SUBDIVISION REVIEW**

28

29 Chairman Currie explained that the Board will be reviewing the proposal for
30 consulting professional services from Frederick P. Clark Associates (FPC)
31 in connection with the review of the Final Subdivision for the Granite Pointe
32 Subdivision.

1
2 The Chair asked the applicant's representative if he had any comments or
3 concerns in regard to the proposal from Frederick P. Clark Associates.

4
5 Timothy Allen, the applicant's engineer, said that he reviewed the proposal
6 and had no objection to the proposal but felt that there probably would be
7 three Planning Board meetings not two.

8
9 Director of Planning Dym said that the proposal does not have to go to the
10 Town Board as Frederick P. Clark is on retainer as the planning consultant
11 for the Town. She said that the Planning Office was informed that an
12 application would be forthcoming so she contacted FP Clark and asked
13 them to provide a proposal for the review of the final subdivision as they
14 have been the long-term consultant on this project.

15
16 Mr. Goldenberg asked if the proposal from FPC will be a public record.

17
18 Ms. Gannon explained that this is not new for the Board to review a
19 proposal for services and is the regular course of business.

20
21 Engineer Allen mentioned that under State Law public information should
22 be requested by a FOIL that is submitted to the Town Clerk.

23
24 Consultant Town Engineer Barbagallo noted that Woodard and Curran and
25 FP Clark work on an escrow basis for the Town. He said that when there is
26 an application the consultants submit an estimate which has to be
27 approved by the Board.

28
29 Chairman Currie stated that the applicant and the Board have no issue with
30 the estimate for professional services for Granite Pointe Final Subdivision
31 from FP Clark.

32
33 **TIME EXTENSION**

34
35 **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**

36
37 Chairman Currie explained that this is a request for a 90-day time
38 extension for Amended Final Approval for Section II from May 10, 2015 up
39 to and including August 8, 2015 under Town Law Section 276 (7) (c). He
40 mentioned that this is the second request for a time extension for Section 2.

1
2 Chairman Currie asked Director of Planning Dym if she had any comments
3 on the requested time extension.

4
5 Director of Planning Dym explained that the applicant separated the
6 subdivision into two sections and is not prepared to file Section II so they
7 are requesting a 90-day time extension from May 10, 2015 up to an
8 including August 8, 2015.

9
10 Consultant Town Engineer Barbagallo mentioned that he did a site visit
11 today and asked that the time extension be conditioned on the soil and
12 erosion features being installed before May 10, 2015.

13
14 On motion by Chairman Currie, seconded by Mr. McNamara, and
15 unanimously carried, the Board moved to grant the 90-day time extension
16 for Amended Final Subdivision Plat Approval for Section II from May 10,
17 2015 up to and including August 8, 2015 under Town Law Section 276
18 (7)(c) with the condition that the erosion and sediment controls be installed
19 before May 10, 2015.

20
21 **DECISION**

22
23 **GERLACH/ZADJELOVICH (STUART FARM) [TM: 26.11-1-1]**

24
25 Chairman Currie said that this is an application for Preliminary Subdivision
26 Approval for a 2 lot Subdivision at Stuart Farm that includes one 3.0047
27 acre building lot and a 96.9953 acre lot to remain undisturbed. He noted
28 that the owner is Mary Lee Gerlach nee Stuart and the applicant is John
29 Zadjelovich. The Chair said that the property is located on Granite Springs
30 Road and is in the R-120 Zoning District.

31
32 Chair Currie explained that the Board will be reviewing the draft resolutions.
33 He asked the applicant's representative to describe the application for the
34 benefit of the Board and the public.

35
36 Timothy Allen, the applicant's engineer, said that this is the one lot on the
37 southeastern portion of the property. He indicated that this lot will be on
38 three acres of the 100 acre property known as Stuart Farm. Engineer Allen
39 noted that the Public Hearing was closed and he requested that Preliminary
40 and Final Subdivision Approval be done together. He stated that he

1 reviewed the resolutions for Preliminary and Final Subdivision Approval
 2 and had no concerns.

3
 4 Chair Currie asked Director of Planning Dym to update the Board and the
 5 public on the application.

6
 7 Director of Planning Dym explained that the Board agreed to consider the
 8 Preliminary and Final Approvals at one meeting. She said that the
 9 abbreviated approval could not happen because it was not the correct
 10 category under SEQRA. Director of Planning Dym noted that she and
 11 Woodard & Curran jointly prepared the resolutions for the Board's review.

12
 13 Director of Planning Dym said the first thing the Board has to do is review
 14 the Conditional Preliminary Subdivision Approval Resolution. She modified
 15 Page 5 of the Resolution under the last paragraph to read in accordance
 16 with the New York State Law §276 and §278 **and §150-12M.**

17
 18 Mr. McNamara asked that on Page 6, conditions No. 8 say recreation **fee**
 19 not fees.

20
 21 Ms. Gannon requested that the language be changed on Page 7, Condition
 22 15, to read ***that if blasting is to occur, all blast work shall be limited to***
 23 ***occur between the hours of 8:00 a.m. to 6:00 p.m. Monday through***
 24 ***Friday only.***

25
 26 Chair Currie asked Consultant Town Engineer Barbagallo if he had any
 27 concerns or changes to the Resolution.

28
 29 Consultant Town Engineer Barbagallo stated that he is comfortable with the
 30 Resolutions.

31
 32 On motion by Chair Currie, seconded by Ms. Gannon and unanimously
 33 carried, the Board moved to grant a Conditional Preliminary Subdivision
 34 Approval by Resolution 2015-02 for a two lot subdivision including one 3
 35 acre lot and one 97 acre lot to remain undisturbed located on Granite
 36 Springs Road in an R-120 Zone and Stormwater Management and Erosion
 37 and Sediment Control Permit to John Zadjelovich pursuant to Section 150-
 38 12M of the Code of the Town of Somers, as amended.

39 On motion by Mr. McNamara, seconded by Ms. Gerbino and unanimously
 40 carried, the Board moved to waive the Public Hearing on Conditional Final

1 Subdivision Approval under Section 150-13 F (2) of the Somers Town
2 Code.

3
4 Mr. Goldenberg asked if any comments were made by the public on this
5 application.

6
7 Consultant Town Engineer Barbagallo mentioned that during the Public
8 Hearing comments were made concerning the location of the septic area
9 that was shown on the cul-de-sac of the larger piece of property. He
10 explained that it was clarified that two viable lots have to be shown
11 because that is a Health Department requirement. Consultant Town
12 Engineer Barbagallo noted that the only house that can be constructed at
13 this time is the one on the three acre parcel.

14
15 Ms. Gerbino mentioned that another resident was concerned that the
16 property would be subdivided.

17
18 Chair Currie said that it was explained that this is the only application
19 before the Board which is for the one home on a three acre lot.

20
21 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously
22 carried, the Board moved to grant a Conditional Final Subdivision Approval
23 by Resolution No. 2015-03 for a two lot subdivision including one 3 acre lot
24 and one 97 acre lot to remain undisturbed located on Granite Springs Road
25 in an R-120 Zone and Stormwater Management and Erosion and Sediment
26 Control Permit to John Zadjelovich for the Zadjelovich Subdivision pursuant
27 to Section 150-13J of the Code of the Town of Somers, as amended.

28
29
30 **PROJECT REVIEW**

31
32 **SOMERS REALTY PLANNED HAMLET SUBDIVISION PHASE 3**
33 **[TM: 4.20-1-15]**

34
35 Chairman Currie said that this is a project review for Somers Realty
36 Planned Hamlet Subdivision Phase 3. He asked the applicant's
37 representative to update the Board on the project.

38
39 Linda Whitehead, the applicant's Attorney, said that the Public Hearing was
40 closed on Preliminary Subdivision Approval. She mentioned that the

1 applicant was working on details for the removal of the soil stockpile.
2 Attorney Whitehead noted that the amount of soil to be exported from the
3 site has been confirmed at 45,000 CY. She said that the applicant is still
4 working on finding projects that will need soil. Attorney Whitehead
5 mentioned that timing is an issue that was discussed at a meeting with the
6 Town. She stated that the applicant would like to start exporting the soil as
7 soon as the Negative Declaration is approved. Attorney Whitehead
8 explained that projects need fill during the summer months and not in the
9 fall so if the applicant waits for all approvals to be in place it probably will be
10 in the fall. She opined that traffic is lighter during the summer so it will be
11 beneficial to export the soil at that time so there is less impact on traffic.
12 Attorney Whitehead said that she knows that SEQRA has to be finished
13 because the stockpile has to be addressed.

14
15 Richard Williams, the applicant's engineer, explained that SEQRA has to
16 be complete before the soil is exported so the Board can evaluate the
17 impacts associated with traffic. He mentioned that Maser Consulting, the
18 applicant's traffic consultant, ran preliminary numbers based on six (6)
19 truck trips coming into the site and leaving the site within an hour. He
20 noted that he looked at using the signalized intersection at Clayton
21 Boulevard because once the Neg Dec is approved soil can be exported. He
22 explained that there would not be time to construct the new Clayton
23 Boulevard access to Route 6. Engineer Williams mentioned that Maser
24 Consulting found that the left turn out of Clayton Boulevard going toward
25 Jefferson Valley in the AM peak hour that there is a 1.3 second delay from
26 what is experienced now. He said that in the PM peak hour there will be an
27 8.3 second delay. Engineer Williams stated that based on the analysis
28 from Maser Consulting the intersection can support six trucks going in and
29 out of the signalized intersection of Clayton Boulevard. He noted that the
30 trucks will export the soil on weekdays only from 8 AM to 4 PM.

31
32 Chair Currie said that Clayton Boulevard is a Town road so the applicant
33 will have to post a bond.

34
35 Consultant Town Engineer Barbagallo said that the applicant has to provide
36 a Soil Management Plan for review. He said that when SEQRA is
37 complete some type of Permit will be needed.
38 Engineer Williams said that there is an open permit under Phase 2 so he
39 suggested a revised plan.

40

1 Consultant Town Engineer Barbagallo agreed suggesting an amendment to
2 the Phase 2 Permit.

3
4 Consultant Town Engineer Barbagallo said that he met with representatives
5 of AvalonBay to review their construction sequence and there are
6 significant benefits to getting the stockpile removed sooner rather than
7 later. He stated that he is in support of the stockpile being removed as
8 soon as possible, although he has not reviewed the traffic data which is an
9 important factor. Consultant Town Engineer Barbagallo suggested having
10 a flag person at the left turn coming out of the site as that is a point where
11 there is a lot of interaction and is non signalized. He noted that a
12 Management Protection and Traffic Plan should be provided.

13
14 Attorney Whitehead suggested that the Director of Planning and the
15 Consulting Town Engineer meet with Maser Consulting to discuss the
16 traffic issues.

17
18 Director of Planning Dym asked what information from the applicant has to
19 be submitted to the Department of Transportation (DOT) so the Planning
20 Board can make a Determination of Significance. She said that she would
21 like something in writing from the DOT stating that they are okay with how
22 the stockpile will be removed.

23
24 Engineer Williams said it is difficult to get something in writing from the
25 DOT but he will ask them to submit their findings in writing.

26
27 Ms. Gerbino said that the applicant is hoping that the Board will submit a
28 Negative Declaration in the next few months. She mentioned that she has
29 heard comments from residents on the amount of truck trips it will take to
30 remove the soil from the site.

31
32 Attorney Whitehead interjected that the only open issue is the stockpile
33 concern. She stated that the only items that have to be addressed in the
34 Neg Dec are the items that have changed from the Master Plan. She
35 indicated that the biggest change is that the site is not a balanced site
36 because fill has to be exported.

37
38 Peter Wise, AvalonBay's attorney, said he shares Attorney Whitehead's
39 concern that the stockpile be moved as soon as possible.

40

1 Director of Planning Dym suggested that there be two meetings in May so
2 the Negative Declaration can be reviewed and approved and hopefully after
3 that the Resolution for Preliminary Subdivision Approval can be prepared.

4
5 Consultant Town Engineer Barbagallo said that the change from the
6 pneumatic tank to the water district has to be part of the Neg Dec. He
7 noted that stormwater has to be addressed and the safety issue in regard
8 to traffic or how that will be mitigated has to be provided.

9
10 Attorney Whitehead mentioned that the Neg Dec makes the application
11 complete in the view of the Department of Environmental Protection (DEP).

12
13 Director of Planning Dym said she wants to know about the treatment of
14 the Town road. She mentioned that there was a meeting with the Town
15 Supervisor, Highway Superintendent and representatives from AvalonBay
16 and Somers Realty. She noted that an issue came up in reference to the
17 extension of Road D with the timing of construction and whether it should
18 have a sidewalk or bike lane along its length. She commented that
19 everyone agreed on the positive nature of connecting the future adjacent
20 landlocked parcel to the Planned Hamlet with a public road. Director of
21 Planning Dym explained that there was a question on when the road
22 should be built. She mentioned that the Supervisor felt it may create an
23 “attractive nuisance” by building the road in advance of its needed use.
24 She said that the treatment of Road D is part of the Neg Dec.

25
26 Attorney Whitehead interjected that the plat will not change. She indicated
27 that the road has to be shown on the plat because the mapped road is
28 necessary to provide access to the other lot. Attorney Whitehead said that
29 there are two alternatives, one is to fully build the road now and the second
30 is to gate the road to prevent access. She mentioned that the Town does
31 not want to dedicate the road if it will not be used yet. She said that the
32 road will be dedicated when AvalonBay is developed. Attorney Whitehead
33 explained that part of the fill will be used for the road so she does not want
34 to do nothing because there will be a problem with the stockpile. She said
35 that the alternative would be to ruff grade the road by using the fill but not
36 pave the road.

37
38 Mr. McNamara said that his preference is to put the binder down to
39 stabilize the road and avoid erosion and Attorney Whitehead agreed. She

1 stated that all the drainage would be put in, everything except the final
2 pavement.

3
4 Director of Planning Dym said that the question of whether a sidewalk or
5 bike lane should be part of the design on Road D was raised at the
6 meeting.

7
8 Engineer Williams mentioned that an easement has to be provided to get to
9 the bike trail.

10
11 Attorney Whitehead said that Road D will be a very low traffic road and she
12 feels that people can ride their bikes on the road. She said that she is
13 concerned because the widening of the road will create more impervious
14 surface within the wetland and wetland buffer.

15
16 Consultant Town Engineer Barbagallo said he supports rough grading the
17 road now.

18
19 Attorney Whitehead said it makes sense to have the road paved when the
20 subdivision is built. She stressed that this is a change that is not prompted
21 by the applicant.

22
23 Engineer Williams said that there should be a meeting with the Highway
24 Superintendent, Woodard & Curran and himself to discuss the treatment of
25 Road D.

26
27 **PROJECT REVIEW**

28
29 **AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, P/O 12]**

30
31 Chairman Currie said that this is an application for Site Plan Approval,
32 Steep Slopes, Tree Removal and Stormwater Management and Erosion
33 and Sediment Control Permits for AvalonBay Communities, Inc. for the
34 construction of 152 residential units within 17 buildings with 23 affordable
35 units on 45.1 acres. He mentioned that a community recreation building,
36 pool and 324 parking spaces are also proposed.

37
38 Peter Wise, the applicant's attorney, noted that the last plan addresses all
39 the comments to date. He mentioned that the plan shows the 36 parking
40 spaces around the Village Green with 296 parking spaces on the site and

1 room for 28 landbanked spaces. Attorney Wise noted that the parking
2 meets the Zoning requirements.

3
4 Ms. Gerbino asked how many garages will be built.

5
6 Attorney Wise noted that there will be 44 garages.

7
8 Chair Currie asked if the Highway Superintendent's concern about snow
9 plowing can be addressed.

10
11 Todd Nicotra, representing AvalonBay, said that the Highway
12 Superintendent asked about snow shelves between the roadway and
13 sidewalk so that plowed snow would not cover the sidewalks which would
14 have to be cleared again, possibly into the roadways. He noted that
15 AvalonBay will use the snow shelves.

16
17 Director of Planning Dym said that the Highway Superintendent saw no
18 reason to totally ban parking on the public roads in the Planned Hamlet
19 District when the issue was the 24 or more snow days a year, as the other
20 times were no problem. She said that what was suggested was that the
21 Town adopt regulations that would not allow parking during times of snow
22 removal in the area along the Village Green where the public parking
23 spaces are proposed to be located. Director of Planning Dym mentioned
24 that the Town Board would propose language that during "snow events"
25 there would be no parking on Town roads. She said that AvalonBay would
26 provide signage in regard to no parking during "snow events".

27
28 Consultant Town Engineer Barbagallo said that he met with the
29 representatives of AvalonBay on their construction sequencing plan. He
30 mentioned that the applicant is requesting a waiver from the five acre
31 open area. Consultant Town Engineer Barbagallo stated that the applicant
32 agreed that if the disturbance is over five acres cleared and there is a
33 problem they will revert back to under five acres.

34
35 Mr. McNamara said that he is concerned if there is a 50-100 year storm
36 and there is uncompacted fill there will be a problem. He stressed that the
37 erosion control measures must be installed prior to commencement of any
38 work and maintained throughout the construction process.

39

1 There being no further business, on motion by Ms. Gannon, seconded by
2 Mr. McNamara and unanimously carried, the meeting adjourned at 9:15
3 P.M. The Chair announced that the next Planning Board meeting will be
4 held on Wednesday, May 13, 2015 at the Somers Town House.

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Respectfully submitted,

Marilyn Murphy
Planning Board Secretary