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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 9, 2014**

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6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

11

12

13 **ALSO PRESENT:**

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

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17

18 **ABSENT:**

Mrs. DeLucia and Mr. Foley

19

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

23

24 **APPROVAL OF DRAFT MINUTES FOR MEETING HELD ON
25 FEBRUARY 12, 2014**

26

27 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
28 prepared and submitted for the Board's consideration approval of the draft
29 minutes of the Planning Board meeting held on February 12, 2014.

30

31 Chair Currie asked if there were any comments or corrections from the
32 Board on the February 12, 2014 Planning Board minutes.

1
2 Ms. Gerbino said that she mentioned that there were a lot of subjects being
3 discussed concerning work that might be done by the applicant on the
4 Town’s park property. She said these discussions are a “stumbling block”
5 that needs to be resolved before the Planning Board can review the actual
6 application.

7
8 On motion by Ms. Gannon, seconded by Ms. Gerbino, (Mr. Goldenberg
9 abstaining) and carried, the Board moved to approve the draft minutes of
10 February 12, 2014, as amended.

11
12 The DVD of the Planning Board meeting held on February 12, 2014 is
13 made a part of the approved minutes and a permanent record and is
14 available for public viewing at the Somers Public Library. The text of the
15 approved minutes is also on the Town’s website www.somersny.com and is
16 available for public review at the Planning & Engineering office.

17
18 **TIME-EXTENSION**

19
20 **MITCHELL CONSERVATION SUBDIVISION**
21 **[TM: 16.09-1-9]**

22
23 Chairman Currie noted that this is a request for a 180-day time-extension
24 for a (4) four lot Preliminary Conservation Subdivision Re-Approval for Gary
25 and Ann Mitchell.

26
27 Chair Currie acknowledged receipt of a letter from the applicant’s engineer
28 Timothy S. Allen, P.E, dated March 4, 2014 requesting a 180-day time-
29 extension from April 14, 2014 up to and including October 13, 2014 in
30 accordance with §150-12.N of the Code of the Town of Somers. He noted
31 that this is the third request for an extension of Preliminary Subdivision Re-
32 Approval.

33
34 Chair Currie noted that Director of Planning Dym in her memo dated April
35 1, 2014 had no objection to the Planning Board granting the 180-day time-
36 extension.

37
38 Chair Currie asked the Board if they had comments or questions regarding
39 the requested time-extension and no one responded.

40

1 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously
2 carried, the Board moved to grant a 3rd request for a 180-day time-
3 extension to Gary and Ann Mitchell for the Mitchell Preliminary
4 Conservation Subdivision Re-Approval from April 14, 2014 up to and
5 including October 13, 2014.

6

7 **PROJECT REVIEW**

8

9 **HIDDEN MEADOW AT SOMERS [TM: 15.07-1-6]**

10

11 Chairman Currie noted that this is an application for Preliminary
12 Subdivision Approval, Site Plan Approval, Steep Slopes, Wetland and
13 Stormwater Management and Erosion and Sediment Control Permits
14 relative to application of the Multifamily Residence Baldwin Place District
15 (MFR-BP) under consideration by the Town Board.

16

17 Chair Currie acknowledged memos from Director of Planning Dym dated
18 April 3, 2014 and Consultant Town Engineer Barbagallo dated April 4,
19 2014.

20

21 Chair Currie asked the applicant's representative to update the Board on
22 the application.

23

24 Richard Williams, the applicant's engineer, said that he made a recent
25 submission that included a Tree Plan, Site Line Profile and an update of the
26 recreation area based on feedback from the Board. He said that there now
27 is one multi-sport court located in between the sand filter and Unit 34 with
28 the recreation field on the southern corner of the site. He noted that he has
29 been working with Town staff and the Open Space Committee. Engineer
30 Williams indicated that there was a conference call to work out addressing
31 the Open Space Committee concerns with respect to the Town of Somers
32 Endangered Species List. He mentioned that there will be a meeting on
33 site with members of the Open Space Committee and Woodard & Curran
34 to review the protocol.

35

36 Engineer Williams said that Ms. Gannon pointed out a few errors in the
37 Tree Plan which will be corrected. He said that the limit of disturbance on
38 the Tree Plan does not match the limit of disturbance on the Erosion
39 Control Plan. He indicated that Tree No. 58 was shown on the plan to be
40 removed but was not removed from the list of trees. He said that the total

1 for tree removal is 613 trees. Engineer Williams commented that there was
2 a temporary diversion swale on the Erosion Control Plan that conflicted
3 with the amount of trees to remain. He stated that the temporary diversion
4 swale will be relocated in order to save the trees.

5
6 Ms. Gannon asked why the recreation area where the picnic/barbeque area
7 is located is in the back area. She said that she is concerned how people
8 will get there and thought it should be located closer. Ms. Gannon asked
9 for more information so she can understand the thinking behind it.

10
11 Engineer Williams said he can look at shifting the barbeque area closer.
12 He noted that residents can access the recreation area via sidewalks.

13
14 Chair Currie asked Director of Planning Dym to review her memo for the
15 benefit of the Board and the public.

16
17 Director of Planning Dym referred to Page 4 of her memo. She said that
18 the MFR District specifies a 30 foot landscape buffer along property lines
19 that abut or are directly across a local street from any property in a
20 residential district. She stated that the Board can request additional
21 buffering. Director of Planning Dym mentioned that there are buildings
22 located within the 30 foot landscape buffer that need Planning Board
23 approval.

24
25 Ms. Gerbino said that the site is quite cramped and she suggested that the
26 garages be clustered instead of being in front of the townhomes. She
27 indicated that garbage can be handled with the clustering of the garages.

28
29 Mr. Goldenberg commented that some garages are used like another room
30 and not always for cars.

31
32 Kenneth Kearney, applicant, said he is familiar with the concept of
33 clustering garages but he feels that you lose the convenience of a garage.
34 He commented that if there is bad weather you can pull into your garage
35 but if that garage is clustered you will have to walk to your home.

36
37 Engineer Williams said that during the site walk he pointed out that the
38 units are out of the buffer area but there is grading within that buffer. He
39 indicated that he will look at supplementing landscaping along the buffer as
40 an option.

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Mr. Keane asked if Ms. Gerbino's comments are related to the visual aspects.

Ms. Gerbino said her idea came from the Director of Planning's memo in regard to visual impacts.

Mr. Keane suggested that the garages go in the back of the townhomes and take the roadway out of the middle and put it in a semi-circle. He said with the buildings closer to the center there could be a green with a sidewalk and that will be more visually appealing.

Ms. Gannon said that Mr. Keane's idea will relate to the issue of sidewalks.

Engineer Williams said that the ring road concept based on the horizontal and vertical geometry requirements of the Town cannot take place on this site. He said that he can look at how the garages are configured.

Mr. Keane asked that an alternative showing the garages in the back of the townhomes be provided. He also would like to know how much of an incursion into the buffer will take place with a road to the east.

Engineer Williams said he is surprised to be getting these comments so late as he hoped that the layout concerns could have been addressed earlier.

Ms. Gerbino asked about visitor's parking. Engineer Williams explained that there is visitor parking identified throughout the site with the required number of spaces per Code.

At this time Consultant Town Engineer Barbagallo joined the meeting.

Chair Currie suggested eliminating the existing road keeping the westerly section where it is which will help with the wetland issue.

Engineer Williams explained that he will look at what that means in terms of earthwork and what bringing the ring road up to the higher portion of the site means in terms of cut.

1 Director of Planning Dym returned to her memo and discussed the
 2 Adequacy of Recreation Areas and Facilities. She explained that the
 3 revised location for the recreation with the 1,400 SF gazebo and
 4 playground area remains the same. She indicated that the proposed 4,500
 5 SF recreation area containing the 50' X 75' multipurpose recreation field
 6 and picnic/barbeque area is now located in the southeast corner of the site
 7 between units 27 and 28. Director of Planning Dym said that the former
 8 proposed recreation area between units 21 and 22 has been relocated east
 9 of the driveway circling behind units 34, 35 and 36 with 3,000 SF of a 30' X
 10 50' multi-use sport court completing the required provision of 8,700 SF of
 11 recreation space with 8,900 SF of recreation space provided.

12
 13 Director of Planning Dym said that the introduction of the relocated multi-
 14 sport court in this area has required the introduction of two retaining walls
 15 of 4 feet and 5 feet in height at lengths approximately 110 and 95 feet
 16 respectively due to topography in this area. She noted that the material to
 17 be used for these retaining walls needs to be described and depicted on
 18 the detail plan. Director of Planning Dym stated that details of materials to
 19 be used for all retaining walls shown on the Site Plan at townhouse
 20 driveways also need to be provided along with the range of heights.

21
 22 Engineer Williams explained that this was done by design. He said that
 23 having the walls and that separation from the units will push the sound
 24 away from the units.

25
 26 Director of Planning Dym stated that the Board has to take a look at the
 27 applicant's design and decide if that is appropriate.

28
 29 Engineer Williams stressed that the applicant will stay with the design of
 30 the multi-sport court located in between the sand filter and Unit 34 with the
 31 recreation field on the southern corner of the site.

32
 33 Director of Planning Dym noted that things may change if the garages are
 34 relocated. She mentioned that things also may change with the screening
 35 of garbage cans for the affordable units if the garages are relocated. She
 36 stated that the applicant will need to submit details of the screening for
 37 garbage cans on the porches of the affordable units.

38
 39 Director of Planning Dym commented that at earlier meetings the applicant
 40 agreed to waive the requirement under SEQRA that a Determination of

1 Significance be made within 20 days of establishment of Lead Agency.
2 She noted that the applicant agreed to extend this time period until May of
3 2014. Director of Planning Dym explained that the Board felt by now we
4 would have a better understanding of where the project is but at this point
5 the only understanding is that we need more time. She explained that more
6 information is needed given additional field work, studies and Town Board
7 actions before the Board can make the Determination of Significance.

8
9 Director of Planning Dym said that the Town Board will take action at their
10 meeting tomorrow where they will take Lead Agency status on the
11 proposed plan modifications and the text amendments which will be
12 referred to the Planning Board. She noted that the Planning Board can
13 address this issue at a Special Meeting on Tuesday, April 22, 2014 or at
14 their Regular Meeting on May 14, 2014. Director of Planning Dym
15 explained that the Planning Board will refer their comments to the Town
16 Board and the Town Board will take those comments from the Board and
17 others and declare itself Lead Agency and set a date for a joint Public
18 Hearing on the Plan and Zoning Amendments.

19
20 Mr. Kearney asked the Planning Board to continue its review even though it
21 is working on dual tracks with the Town Board. He said that the issues that
22 have to be dealt with are the concerns of WIG and the State and Federal
23 Threatened and Endangered Species and the Westchester County Park
24 Lists. He indicated that there will be a site meeting with members of the
25 Open Space Committee and Woodard & Curran to discuss the protocol.
26 Mr. Kearney stated that his hope is that a protocol will be put in place to
27 provide more studies and if needed a plan to mitigate. He mentioned that
28 he will provide an alternative plan showing the relocation of the garages
29 within the constraints of the site. Mr. Kearney commented that the units
30 close to the Town property have beautiful backyards and that may be lost.

31
32 Mr. Kearney said that he promised that he would not push for a timeline
33 from the Board but he does have people he has to answer to who ask for
34 perspective dates for a determination. He stressed that he has to keep the
35 various funding sources up-to-date

36 Mr. Keane noted that visual impacts have not really been addressed and
37 tonight the Board addressed that issue.

38
39 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously
40 carried, the Board moved to extend the time period from May 20, 2014 to

1 August 13, 2014 to extend the time period to make a Determination of
2 Significance for Hidden Meadow at Somers.

3
4 Director of Planning Dym returned to her memo and mentioned the
5 Westchester County Planning Board letter dated April 1, 2014. She said
6 that they raised questions regarding the project's internal pedestrian
7 circulation pattern and whether proposed sidewalks provide adequate and
8 safe internal access. She noted another issue was the Bee Line Bus with
9 the County asking for more information regarding suggested outreach to
10 the County Department of Public Works and Transportation and ways to
11 provide transit access to the proposed development.

12
13 Engineer Williams said that based on information tonight the location of the
14 sidewalks are influx until the Planning Board selects the layout. He
15 indicated that he will reach out to the County in reference to the Bee Line
16 Bus issue.

17
18 Chair Currie asked if the applicant will be able to submit in time for the
19 Special Meeting on April 22, 2014.

20
21 Director of Planning Dym explained that the Board will have the official
22 referral from the Town Board for the review and comment on the proposed
23 modification and text amendments and the protocol for the Threatened and
24 Endangered Species Habitat.

25
26 Consultant Town Engineer Barbagallo said that the applicant will also have
27 the revised Layout Plan.

28
29 Consultant Town Engineer Barbagallo explained that the applicant's
30 submittal was mostly Planning items; therefore, there was not a lot of
31 engineering details to comment on. He said that he did comment on the
32 concerns of the Open Space Committee where the focus is on a scope that
33 is no wider then it has to be (wood turtle, wood thrush and salamanders).

34 Consultant Town Engineer Barbagallo mentioned that there will be a
35 meeting on site to review the protocol. He said that the Open Space
36 Committee wanted Hudsonia to participate in the review of the protocol;
37 however, it was decided that it may not be necessary. He said that all
38 studies would adopt Hudsonia protocols with calibration from the
39 applicant's team, Open Space Committee's team and Woodard & Curran's
40 team. Consultant Town Engineer Barbagallo explained that if the Open

1 Space Committee was not satisfied with the protocol Hudsonia may get
2 involved.

3
4 Mr. Goldenberg asked if there is proof that the type of species the Open
5 Space Committee wants looked at is in this area.

6
7 Consultant Town Engineer Barbagallo said that his office focused on the
8 State and Federal List but the Open Space Committee raised the issue
9 about the Westchester County List which was adopted by the Town. He
10 stressed that there is no regulatory structure around that list other than it is
11 used by the Parks Department. Consultant Town Engineer Barbagallo
12 stated that the County's List comes under the context of SEQRA and the
13 Westchester County Planning Board is an involved agency. He said the
14 Board is creating the "hard look" to make the record clean. He indicated
15 that a wood thrush turtle was identified on the site.

16
17 Ms. Gerbino referred to Consultant Town Engineer Barbagallo's memo on
18 Page 11, g. *Please provide additional information on water distribution*
19 *system demands in the Windsor Farm district to justify the availability of*
20 *adequate flow and pressure.* She asked about water towers.

21
22 Consultant Town Engineer Barbagallo said that the existing water tower is
23 not high enough to be useful for this development.

24
25 Engineer Williams explained that the Windsor Farm Water District is not fed
26 by the Amawalk Shenorock Water District but is fed from Yorktown.

27
28 There being no further business, on motion by Chair Currie, seconded by
29 Mr. Goldenberg. and unanimously carried, the meeting adjourned at 9:00
30 P.M. The Chair noted that the next Special Planning Board meeting will be
31 held on Tuesday, April 22, 2014 at 7:30 P. M. at the Somers Town House.

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35
36 Respectfully submitted,

37
38
39
40 Marilyn E. Murphy

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Planning Board Secretary