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3 **SOMERS PLANNING BOARD MINUTES**
4 **MAY 27, 2009**

5
6 **ROLL:**

7
8 **PLANNING BOARD**

9 **MEMBERS PRESENT:**

Chairman DeLucia, Mr. Keane,
Mr. Knapp, Ms. Gerbino, Mr. Foley,
Mr. Goldenberg and Ms. Gannon

10
11
12
13 **ALSO PRESENT:**

Town Engineer Gagné
Town Planner Charney Hull
Town Attorney Holt-Cinque
Planning Board Secretary Murphy

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16
17
18 Chairman DeLucia noted that it is with great sadness to announce the
19 death of Carl Holman, the gentleman who was in charge of operating
20 our camera and equipment. She sent the Board's condolences to
21 Carl's wife and family.

22
23 The Meeting commenced at 7:30 P. M. Planning Board Secretary
24 Marilyn Murphy called the roll. Chairman DeLucia noted that a
25 required quorum of four members of the Board being present called
26 the meeting to order.

27
28 Chairman DeLucia noted that Planning Board Secretary Murphy
29 prepared and submitted for the Board's consideration the approval of
30 the draft minutes of the April 8, 2009 meeting consisting of twenty-
31 seven (27) pages and the April 22, 2009 Planning Board meeting
32 consisting of thirteen (13) pages. She said that there will be two
33 separate motions.

34
35 The Chair asked if there were any comments or questions from
36 members of the Board and no one responded.

37
38 The Chair asked if there was a motion to approve the April 8, 2009
39 draft minutes.

40

1 On motion by Ms. Gannon, seconded by Mr. Knapp, and
2 unanimously carried, the minutes of April 8, 2009 were approved.

3
4 The Chair asked if there was a motion to approve the April 22, 2009
5 draft minutes.

6
7 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and
8 unanimously carried, the minutes of April 22, 2009 were approved.

9
10 The Chair noted that the DVD of the April 8, 2009 and the April 22,
11 2009 Planning Board meetings are made a part of the approved
12 minutes and are available for public viewing at the Somers Public
13 Library and on the Town's website www.somersny.com. She said
14 that the approved minutes are also available for public review at the
15 Planning & Engineering office at the Town House.

16

17 **PUBLIC HEARING**

18

19 **BACKMAN WETLAND PERMIT**

20 **[TM: 16.10-2-36.5]**

21

22 Chairman DeLucia explained that this is the Public Hearing of the
23 application of Gary and Sharon Backman for a Wetland Permit for
24 property located at 18 Shenorock Drive situated on the east side of
25 Shenorock Drive about 300-feet from the intersection of Overhill
26 Road. She noted that the 0.4 acre lot is in the R-10 Residential
27 Zoning District. The Chair said that the applicant proposes to
28 construct a two story frame addition within the wetland buffer
29 consisting of a two-car garage enclosure on piers at basement level
30 and a master bedroom and bath at the first floor at the north side of
31 the existing residence. She indicated that a site walk was conducted
32 by the Town Engineer and members of the Board on Saturday, April
33 18, 2009. The Chair noted that by letter dated April 30, 2009 the
34 applicant's representative submitted revised drawings through April
35 25, 2009 and responded to comments contained in Town Engineer
36 Gagné's April 21, 2009 memo to the Board. She mentioned that this
37 application was last discussed at the May 13, 2009 Planning Board
38 meeting whereby the Board scheduled a Public Hearing for this
39 evening.

40

1 The Chair acknowledged receipt of a memo dated May 22, 2009 from
2 Town Engineer Guy L. Gagné, P.E. with his comments and
3 recommendations and a determination that under SEQRA, the
4 proposed activity is a Type II Action.

5
6 The Chair asked if there was a Motion to declare the proposed
7 activity a Type II Action.

8
9 On motion by Ms. Gannon, seconded by Ms. Gerbino, and
10 unanimously carried the Board declared the proposed
11 activity a Type II Action, pursuant to 6NYCRR Part 617 of the
12 implementing regulations pertaining to Article 8 (SEQRA) of the State
13 Environmental Conservation Law and Chapter 92 (Environmental
14 Quality Review) of the Code of the Town of Somers, and therefore,
15 no further SEQR review is necessary.

16
17 The Chair commenced with the Public Hearing. She asked Planning
18 Board Secretary Murphy if prior to the Public Hearing had the
19 required legal notice been published and the adjoining property
20 owners notified.

21
22 Planning Board Secretary Murphy replied that the notice was
23 published in the North County News on May 17, 2009 and the notice
24 of the Public Hearing was mailed to the adjoining property owners on
25 May 17, 2009.

26
27 The Chair asked the applicant's representative to give a brief
28 presentation regarding this application for the benefit of the public.

29
30 James Immediato, the applicant's representative, noted that the
31 proposal is for a two story addition with a two car garage. He
32 explained that there will be a master bedroom suite and bath over the
33 garage. Mr. Immediato explained that the house presently has two
34 bedrooms and one will be eliminated and a kitchen will take its place.
35 He mentioned that there are two water courses on the property, one
36 is a man-made pond that is spring fed. Mr. Immediato noted that
37 there is an existing tent with a gravel base on the property which will
38 be removed. He asked if the tent can be left up until the landscaping
39 work is complete.

40

1 Town Engineer Gagné and the Planning Board had no objection to
 2 leaving the tent up until the issuance of the Certificate of Occupancy.

3
 4 Mr. Immediato noted that the applicant's wetland expert, Paul
 5 Jaehnig, submitted a Mitigation and Planting Plan. He indicated that
 6 a rain garden with detailed notes has been provided. Mr. Immediato
 7 said that Town Engineer Gagné in his memo states that the soil
 8 material to be removed to construct the rain garden will need to be
 9 performed using a small rubber tire or track machine but he said that
 10 the addition and the rain garden will be hand excavated and no
 11 machines will be used on this property. He commented that the fill
 12 will be removed off site. Mr. Immediato explained that the rain
 13 garden will be located where an existing patio is and he commented
 14 that there never was any parking on site. He mentioned that a flag
 15 stone walk will be provided and he will comply with Town Engineer
 16 Gagné's request that the landscaping work be conducted in small
 17 sections to reduce the potential for erosion prior to stabilization.

18
 19 The Chair asked Town Engineer Gagné to summarize his memo to
 20 the Board dated May 22, 2009, beginning on page 2, for the benefit of
 21 the public.

22
 23 Town Engineer Gagné said that Mr. Immediato summarized his
 24 memo and noted that the Planning Board members conducted a site
 25 walk of the property and are pleased with the mitigation plantings and
 26 rain garden that is proposed. He mentioned that the filter fabric and
 27 hay bales noted to be installed in the brook will be eliminated. Town
 28 Engineer Gagné noted that he has no objection to using small
 29 equipment to prepare the rain garden but if hand tools will be used
 30 that is even better.

31
 32 The Chair asked if there was anyone present from the public who
 33 wished to be heard on this application and no one responded.

34
 35 The Chair asked if there were any comments or questions from
 36 members of the Board.

37
 38 Ms. Gerbino noted that Somers is an established Town and this
 39 project is an older home and is a good example of a homeowner
 40 buying a charming older home and doing good things with the home.

1 She said that during the site walk she was impressed with the care
2 the homeowner took with the property to preserve something very
3 special.

4
5 The Chair asked Town Engineer Gagné if he had any objection to
6 closing the Public Hearing and issuing the wetland permit with
7 conditions.

8
9 Town Engineer Gagné stated that he had no objection to closing the
10 Public Hearing and issuing the wetland permit with conditions.

11
12 The Chair asked if there was a consensus of the Board to close the
13 Public Hearing, issuing the wetland permit and preparing a
14 Conditional Resolution for the Chairman’s signature.

15
16 On motion by Mr. Goldenberg, seconded by Mr. Knapp,
17 and unanimously carried the Board moved to close the Public
18 Hearing on the application of Gary and Sharon Backman, grant a
19 Wetland Permit, and prepare a Resolution Granting Conditional
20 Approval with the standard conditions and 5 additional
21 conditions listed in Town Engineer Gagné’s May 22, 2009 memo
22 to the Board for the Chairman’s signature.

23

24 **PUBLIC HEARING**

25

26 **SANTARONI WETLAND, STEEP SLOPES AND TREE**
27 **PRESERVATION PERMIT [TM: 38.05-2-19]**

28

29 Chairman DeLucia said that this is the Public Hearing of the
30 application of Santaroni Construction Corp. by Umberto
31 Santaroni, President, for Wetland, Steep Slope and Tree
32 Preservation Permits. She noted that the subject of the property is
33 Lot 1 of the approved Manor Ridge Conservation subdivision which
34 was approved on May 25, 2005 by Resolution No. 2005-15. The
35 Chair indicated that the property is located on the west side of
36 Young Road about 1,000 feet north of the intersection with Elmer
37 Galloway in the R-80 Residential Zoning District. The Chair said
38 according to Town Engineer Gagne’s May 22, 2009 memo to the
39 Board, “the southeast corner of the lot is encumbered by a small
40 portion of wetland and a 15-25% steep slope band across the middle

1 of the lot. The affected wetland was generally abolished by the
2 exterior of Young Road.” The Chair indicated that the applicant
3 proposes to construct a driveway within the wetland buffer area
4 located along the lot frontage and steep slope area. The proposed
5 single-family residence will be served by a well and separate sewage
6 disposal system, all of which are not located within any
7 environmentally regulated areas. The Chair said that by letter dated
8 April 22, 2009 the applicant’s representative submitted plans and
9 supporting materials in accordance with Environmental Permit
10 Chapter 167 “Wetland and Watercourse Protection”. The Chair noted
11 that this application was last discussed at the May 13, 2009 Planning
12 Board meeting whereby the Board scheduled a Public Hearing for
13 this evening.

14
15 The Chair acknowledged receipt of a memo dated May 22, 2009 from
16 Town Engineer Guy L. Gagné, P.E. with his comments and
17 recommendations and a determination that under SEQRA, the
18 proposed activity is a Type II Action.

19
20 The Chair asked if there was a Motion to declare the proposed
21 activity a Type II Action.

22
23 On motion by Ms. Gannon, seconded by Mr. Keane, and
24 unanimously carried, the Board moved to declare the proposed
25 activity a Type II Action pursuant to 6NYCRR Part 617 of the
26 implementing regulations pertaining to Article 8 (SEQRA) of the State
27 Environmental Conservation Law and Chapter 92 (Environmental
28 Quality Review) of the Code of the Town of Somers, and therefore,
29 no further SEQR review is necessary.

30 The Chair commenced with the Public Hearing. She asked Planning
31 Board Secretary Murphy if prior to the Public Hearing had the
32 required legal notice been published and the adjoining property
33 owners notified.

34
35 The Planning Board Secretary replied that the notice was published
36 in the North County News on May 17, 2009 and the notice of the
37 Public Hearing was mailed to the adjoining property owners on May
38 17, 2009.

39
40 The Chair asked the applicant’s representative to give a brief

1 presentation regarding this application for the benefit of the public.

2
3 Tim Allen, the applicant's engineer, explained that this application is
4 for Lot 1 of the Manor Ridge Subdivision and is in general
5 conformance with the subdivision plan.

6
7 The Chair mentioned that during the review of this application at the
8 May meeting she noted that this is such a minor issue that it should
9 have been an administrative permit.

10
11 The Chair asked Town Engineer Gagné to summarize his memo to
12 the Board dated May 22, 2009, beginning on page 2, for the benefit
13 of the Public.

14
15 Town Engineer Gagné said that infiltration practices should be
16 provided for the infiltration practice for the new impervious areas. He
17 asked that the engineering detail for the retaining wall with wall drain
18 discharge point be provided. Town Engineer Gagné suggested that
19 the dead and dangerous trees in the vegetation buffer area be
20 removed and consider replanting native trees along the southern
21 boundary line. He noted that the rip-rap swale adjacent to the
22 driveway be provided to accommodate the driveway drainage and
23 discharge into the stormwater basin and provide screening along the
24 north property line. Town Engineer Gagné said that the tree count
25 should be conducted prior to the issuance of the tree cutting permit.
26 He asked that the vegetative buffer strip be fenced during
27 construction to allow the area to remain natural.

28
29 Engineer Allen explained that the subdivision, as a whole, accounted
30 for Lot 1 to go into the stormwater basins. He mentioned that the
31 lower lots have infiltration practices. Engineer Allen said that
32 because Lot 1 is included in the big picture he does not want to
33 provide infiltration practice for the new imperious areas.

34
35 Town Engineer Gagné suggested a stone line trench be provided
36 instead of the infiltration practice.

37
38 Engineer Allen agreed to provide treatment along the driveway.

39
40 The Chair asked if there was anyone present from the public who

1 wished to be heard on this application and no one responded.

2

3 The Chair asked if there was any comments or questions from
4 members of the Board.

5

6 The Chair asked Town Engineer Gagné if he had any objection to
7 closing the Public Hearing and issuing the permits.

8

9 Town Engineer Gagné replied that he had no objection to closing the
10 Public Hearing and issuing the permits.

11

12 The Chair asked if there was a consensus of the Board to close the
13 Public Hearing, issue the wetland, steep slopes and tree preservation
14 permits and prepare a Conditional Resolution for the Chairman's
15 signature.

16

17 On Motion by Mr. Keane, seconded by Ms. Gannon, and
18 unanimously carried, the Board moved to close the Public Hearing on
19 the application of Santaroni Construction Corp. by Umberto
20 Santaroni, President, grant the Wetland, Steep Slope and Tree
21 Preservation Permits, and prepare a Resolution Granting Conditional
22 Approval with the standard conditions and 7 additional conditions
23 listed in Town Engineer Gagné's May 22, 2009 memo to the Board
24 for the Chairman's signature.

25

26 **PROJECT REVIEW**

27

28 **ST. JOSEPH'S CHURCH AND JOHN F. KENNEDY**
29 **HIGH SCHOOL [TM: 28.15-1-8.9, 10]**

30

31 Chairman DeLucia noted that this is the Project Review of the
32 applications of the Roman Catholic Archdiocese of New York for
33 Amended Site Plan Approval, Stormwater Management and Erosion
34 and Sediment Control, Tree Preservation, Steep Slopes, Wetlands
35 and Groundwater Protection Overlay District Permits. She explained
36 that the project involves the relocation and construction of a new St.
37 Joseph's Church from the current location on Croton Falls Road to a
38 portion of the 58.3-acre JFK Catholic High School campus on
39 Goldens Bridge Road, NYS Route 138, in an R-120 Residential
40 Zoning District. The Chair noted that JFK school campus is

1 surrounded on three sides by lands that border the Muscoot
2 Reservoir, part of the Croton water supply, owned by the NYC
3 Department of Environmental Protection. She explained that the
4 revised submission proposes to construct a new St. Joseph's Church
5 seating approximately 720 parishioners, a daily 80-seat chapel,
6 approximately 400 parking spaces, a new septic system and well,
7 and among other things, relocation and reconstruction of athletic
8 fields, as well as other improvements. The Chair noted that this
9 application was last discussed at the March 11, 2009 Planning Board
10 meeting whereby the Board reviewed the resubmission of the Full
11 Environmental Assessment Form (EAF) and determined that the
12 proposed action is a Type I Action under SEQRA and Chapter 92 of
13 the Somers Town Code because this project involves the physical
14 alteration of more than ten acres. The Chair explained that a Type I
15 Action defined in SEQRA is one that has been identified in the
16 SEQRA Regulations as being more likely to require the preparation of
17 an Environmental Impact Statement (EIS). The Chair noted that the
18 Board then declared its intent to be Lead Agency and to circulate a
19 Notice of Intent to all involved and interested agencies, together with
20 Part I of the revised EAF and a copy of the revised plans, which was
21 mailed on March 19, 2009 with a 30-day notice to respond in writing if
22 they object. On April 20, 2009 we received a response from the City
23 of New York Department of Environmental Protection (NYCDEP) by
24 letter dated April 16, 2009 that they do not object to the Planning
25 Board acting as Lead Agency for the Coordinated Review of the
26 proposed action pursuant to SEQRA and noted several discrepancies
27 in the EAF that should be revised prior to making a determination of
28 significance. The Chair said that the NYCDEP also submitted
29 additional comments for the Board's consideration. All other involved
30 agencies have not responded and 30 days has expired as to whether
31 they object to the Planning Board serving as Lead Agency and
32 therefore, the Somers Planning Board declares itself Lead Agency
33 and assumes this role.

34
35 The Chair stressed that the Planning Board as Lead Agency will not
36 be making a Determination of Significance on the Proposed Action
37 until all outstanding issues have been addressed. She said that the
38 Lead Agency must consider the action as defined in SEQR
39 subdivisions 617.2(b) and 617.3(g) as follows:
40

1 §617.2(b) Actions include: (1) projects or physical activities,
 2 such as construction or other activities that may affect the
 3 environment by **changing** the use, appearance or condition or
 4 any natural resource or structure, that: (i) thru (iii) ...; (2) thru
 5 (4);

6
 7 §617.3(g) Actions commonly consist of a set of activities or
 8 steps. The **entire set of activities** or steps **must be**
 9 **considered the action**, whether the agency decision-making
 10 relates to the action as a whole or to only a part of it. (1)
 11 Considering..., and (2) If it is determined ...

12
 13 The Chair said for the record, we are in receipt of the following:
 14 a memo dated March 23, 2009 from Town Planner Hull and Town
 15 Engineer Gagné with comments regarding a site walk they conducted
 16 on March 21, 2009 with members of the Board and listing 13
 17 comments for the Board's consideration; a submission by hand
 18 delivery on April 20, 2009 by applicant's representative DCAK
 19 Architecture, P.C. (DCAK) of numerous documents listed in its Letter
 20 of Transmittal dated April 20, 2009; a transmittal letter via e-mail on
 21 May 21 and 22, 2009 addressing staff's March 26, 2009 comments
 22 regarding traffic studies, and sending two drawings (Hudson C-2 & C-
 23 5) revised 4/29/09 erroneously omitted in the April 20, 2009
 24 submission; letter dated April 14, 2009 from DCAK with responses to
 25 comments in letters and memoranda from staff; letters dated April 14,
 26 2009 and May 6, 2009, respectively, from Edward Burroughs, AICP,
 27 Deputy Commissioner, Westchester County Planning Board
 28 requesting site plan alternatives; a memo dated March 5, 2009 from
 29 Architectural Review Board with the only concern being that the
 30 proximity of the new ballfield to Route 138 be screened with trees; a
 31 memo dated April 23, 2009 from the Conservation Board with four
 32 concerns and recommendations; a memo dated May 22, 2009 from
 33 Town Engineer Guy L. Gagné, P.E. with current status responses to
 34 the Action Letter dated March 3, 2009; and a memo dated May 25,
 35 2009 from Town Planner Sabrina Charney Hull, AICP, with a Project
 36 Description, Project Review, and attaching Part 2 and Part 3 of the
 37 EAF for the Planning Board's discussion and evaluation.

38
 39 The Chair said that the public is invited to review the applicant's
 40 submissions at the Planning & Engineering office.

1 The Chair asked the applicant's representative to give a very brief
2 status report of the recent submission.

3
4 Drazen Cackovic, the applicant's architect, noted that the items that
5 have been addressed are the additional pond and the remediation or
6 the treatment of water which is entering the pond by three outlets. He
7 mentioned that the outlet structure on the pond has been improved.
8 Architect Cackovic said that the additional traffic report has been
9 submitted and shows no additional traffic problems. He commented
10 that detail drawings for the hydrants, tanks and water for the sprinkler
11 system have been provided. Architect Cackovic indicated that there
12 were concerns about the netting at the ballfield at Route 138 and the
13 drawings, pictures and a letter from the manufacturer stating the
14 height of the netting have been submitted. He said that there were
15 site walk issues and they have been addressed. He explained that
16 additional borings have been performed on the site underneath the
17 proposed future retaining walls. He noted that it was determined that
18 the soil conditions are conducive for placement of the retaining walls.
19 Architect Cackovic indicated that additional borings have been done
20 in the proposed alternative area for the septic system leeching fields
21 and determined that the fields can be located in the alternative area.
22 He commented about the letter from the Department of
23 Environmental Protection (DEP) dated May 8, 2009 and said that
24 many items were missed by DEP review personnel and he
25 highlighted the areas where the responses can be found.

26
27 The Chair noted that the DEP said that there were discrepancies in
28 the Environmental Assessment Form (EAF) and she asked if they
29 have been corrected.

30
31 Architect Cackovic said that the discrepancies have been corrected in
32 the EAF. He noted that the discrepancy in the acreage has been
33 fixed and is explained in his response letter to the DEP.

34
35 Ms. Gerbino asked about the ballfield netting and the material that
36 has been submitted. She asked if the netting will remain up
37 permanently. Ms. Gerbino mentioned a group of young men playing
38 casual ball and she is concerned about the netting during a casual
39 ballgame.

40

1 Architect Cackovic indicated that the netting is shown as permanent
2 on the drawings but the Board should make the decision if the netting
3 should be permanent.

4
5 Mr. Keane said that he would like to discuss the baseball field issue
6 when the Board discusses Community Character. He noted that
7 because the baseball diamond has to be shoehorned in there is an
8 issue with the netting. He mentioned that the netting was discussed
9 using a golfing operation in New Jersey but golf and baseball are very
10 different as balls react differently. Mr. Keane opined that more detail
11 is needed on the baseball field issues especially with foul balls going
12 into the roadway to see if it rises to a significant level under safety
13 issues under Community Character.

14
15 Mr. Goldenberg mentioned that he was impressed with the revised
16 traffic report especially the listing of where the parishioners of the
17 Church will be coming from. He said that most of the parishioners will
18 come from Heritage Hills. Mr. Goldenberg said that originally he was
19 worried about the traffic conditions but now he does not see any
20 traffic problems.

21
22 Mr. Keane stressed that the action itself has to be defined and he
23 does not feel that was accurately done in Part I of the EAF. He noted
24 that all the mitigative measures that have been employed and reports
25 have to be added so that becomes an official part of the action and
26 demonstrates that all of the impacts have been mitigated. Mr. Keane
27 noted that if the mitigation is not noted this project may be a Positive
28 Declaration. He indicated that the construction of the Church and the
29 repositioning of the baseball and softball fields can be considered the
30 initial action.

31
32 Architect Cackovic asked Mr. Keane to be more specific on which
33 part of the EAF should be revised.

34
35 William Lachenauer, the applicant's engineer, asked if the Board
36 wants all the reports and analysis in one binder and tie the EAF to the
37 other documents.

38 Mr. Keane said that Part I of the EAF needs to be revised. He noted
39 that a list of all the mitigative measures has to be enumerated in Part
40 1 and show that it includes all the measures that have been taken.

1 He said that now the action is the complete action. Mr. Keane noted
 2 that the Board needs all the information so it can make a
 3 Determination of Significance.

4
 5 Architect Cackovic opined that the Board has all the information in the
 6 form of the narrative, the listing of all the documents that have been
 7 provided but he will make an addendum to Part I of the EAF if that is
 8 what the Board wants.

9
 10 The Chair strongly recommended that all the information requested
 11 by the Board be provided and if it is not provided the applicant will
 12 face the possibility of providing a full Environmental Impact Statement
 13 (EIS).

14
 15 Town Planner Hull said that the applicant has provided the
 16 information but the Board now has to determine significance and that
 17 analysis of significant impacts follows the forms that are provided
 18 under the EIS Part I, Part 2 and Part 3. She noted that the only
 19 action described in Part I is the construction of the Church and
 20 relocation of the fields and does not speak of the mitigation that is
 21 proposed as part of the project. Town Planner Hull explained that
 22 she made an assumption to the Board when she prepared Part 2 and
 23 Part 3 of the EAF that the mitigation plans were part of the proposed
 24 action. She said that the Board is saying that the mitigation plans are
 25 not part of the proposed action because they are not listed in the
 26 description of the action and there is no connection to Part 2 and 3 of
 27 the draft EAF that the Board has for consideration in relation to Part
 28 1. Town Planner Hull explained that the Board wants the applicant to
 29 include a description of the mitigating plans that have been set forth
 30 in the narrative and the submission of the plans.

31
 32 Mr. Keane explained that only two things can happen as a result of
 33 the SEQRA process and that is either there will be a Positive
 34 Declaration declared and the applicant will have to do an EIS or a
 35 Negative Declaration will be determined that there are no significant
 36 negative impacts.

37
 38 The Chair explained that if the Board determines that the action is a
 39 Positive Declaration the project continues but if the Board determines

1 the action to be a Negative Declaration that ends the SEQRA
2 process.

3

4 Mr. Keane noted that during the March Planning Board meeting he
5 encouraged the applicant to prepare a list of rationales as to why
6 there are no significant impacts for each element of the environment.

7

8 Architect Cackovic said that list was provided to the Board as the
9 proposed Part 2.

10

11 Town Planner Hull indicated that the applicant submitted Part 2 but
12 there was no list of why there are no significant impacts.

13

14 Mr. Keane explained that if the Board determines that this action is a
15 Type I Action, Negative Declaration it has to be recorded in the
16 Environmental Notice Bulletin and the Board has to make a reasoned
17 elaboration of why there are no significant negative impacts.

18

19 The Chair asked Town Engineer Gagné to summarize his May 22,
20 2009 memo to the Board for the benefit of the public.

21

22 Town Engineer Gagné said that he will just go over the items in his
23 memo that have not been addressed. He mentioned that the railroad
24 bed and the existing and proposed well lines and the water supply to
25 the existing residence adjacent to the proposed septic system should
26 be identified on the plans. Town Engineer Gagné asked that the
27 Wetland Functional Analysis Report be updated as it is incomplete as
28 the report lacks documentation of where the test holes were taken for
29 the delineation. He asked that the number of cars utilizing Route 138
30 from the east to access the proposed church in the traffic report be
31 verified as the volumes appear to be reversed potentially from using
32 the Katonah post office address as the basis. He said that a
33 clarifying letter has been provided and the traffic report has been
34 updated. Town Engineer Gagné asked that a copy of the slope
35 stability analysis on the geo-connector block retaining wall be
36 provided and add a note to the wall details to refer to the William A.
37 Truss Engineering Report for installation recommendations. He
38 suggested that a chain link detail of the top of the wall with the
39 method for blocking access around same be provided and extend the
40 fence a short distance around the wall end at the upper field. Town

1 Engineer Gagné said that the water supply demand should
2 demonstrate demand and reliability of the water source for the fire
3 sprinkler system. He noted that the Goldens Bridge Fire District must
4 approve the proposed system and storage tank proposed. He said
5 that if this is acceptable add a note that the system must be provided
6 with the necessary Health Department approval for the backflow
7 prevention device required prior to installation; and the two drawings
8 showing the dry hydrant system must be coordinated. Town
9 Engineer Gagné said that the EAF should be revised to be consistent
10 with the plans and submitted reports. He noted that it should be
11 ensured that the appropriate calculations are used and proper
12 permits are listed. He said that the Town Planner will verify and add
13 the steep slopes and site plan to the list of permits required from the
14 Planning Board. Town Engineer Gagné mentioned that the
15 emergency power for the on-site hydrants water supply source be
16 shown. He mentioned that the proposed fire hydrant and 20,000
17 gallon storage tanks be detailed and the water source identified along
18 with the required maintenance schedule to be relocated to the front of
19 the building. He said that this is acceptable provided the Fire District
20 approves the system and proposed maintenance schedule.

21
22 Town Engineer Gagné said that the next comments are from the
23 March 23, 2009 memo from the Planning Board site walk of March
24 21, 2009. He noted that the potential to relocate the church's
25 proposed septic system expansion area to the south of its current
26 location across the driveway must be considered. He noted that this
27 has been addressed and the area tested but additional information
28 will be provided. He noted that the location of the proposed wetland
29 mitigation swale discharge point from the existing parking lot to the
30 pond should be re-examined to expand and shift the discharge point
31 to the south in the location of the existing concrete patio. He
32 mentioned that this is acceptable; see the Hudson Engineering Plan
33 C2 and C5 which were submitted late. Town Engineer Gagné
34 mentioned that the condition and the potential upgrade of the existing
35 pond outlet control structure must be considered, along with the
36 outfall pipe and headwall. He said that this was addressed with minor
37 maintenance required as part of the reshaping of the existing field.
38 Town Engineer Gagné said that the traffic comments were submitted
39 under separate cover and mentioned the traffic Engineer's revised
40 report and letter dated May 21, 2009.

1 The Chair asked if Town Engineer Gagné considers any of the items
2 in his memo significant.

3

4 Town Engineer Gagné said that the items are minor and can be
5 easily addressed.

6

7 Mr. Keane explained the SEQRA process; first define the action and
8 then take the Town Planner's forty documents under Project Review
9 in her May 25, 2009 memo and add any documents submitted after
10 April 20, 2009.

11

12 Town Planner Hull asked Mr. Keane if he is looking for the actual list
13 of mitigation practices.

14

15 Mr. Foley said that the applicant can leave Part I of the EAF as
16 submitted but takes a risk if they do.

17

18 Mr. Keane stated that the Planning Board has to figure out what the
19 action is and the applicant has to incorporate it as Part I of the EAF.
20 He mentioned that the action will be important if this project is
21 deemed a Negative Declaration. He said that before the Board
22 makes a determination of significance they have to know what the
23 action is. Mr. Keane indicated that on Part 2 there are three
24 instances where there will not be a No answer: water quality, traffic
25 and community character (baseball field). He said that it has to be
26 decided if any of these issues rise to such a significance that the
27 Board has to decide on a Positive Declaration.

28

29 The Chair noted that the Lead Agency (Somers Planning Board) must
30 consider the action as defined in SEQRA.

31

32 Neil Alexander, the applicant's attorney, said that when there is a
33 Type I action and the project is considered a Negative Declaration,
34 the applicant must detail the changes that have been made during
35 the process with the give and take between the applicant and the
36 Board and as a result the project has transformed. He noted that this
37 is SEQRA working.

38

39 Mr. Keane said that the letter from the DEP as an involved agency
40 has to be addressed. He opined that statements in the DEP letter are

1 not totally accurate but in some cases the applicant did not answer
2 the questions that were asked by the DEP. Mr. Keane commented
3 that in the DEP letter they say that the EAF does not identify the
4 Muscoot Reservoir as a contiguous water body. He said that the
5 Muscoot Reservoir is not a contiguous water body and does not
6 border the applicant's property on three sides. Mr. Keane mentioned
7 that the DEP states that if the maximum vehicular trips generated per
8 house by the project totals 250, why will a total of 628 parking spaces
9 be required post development. Mr. Keane opined that the applicant
10 did not answer this question.

11
12 Architect Cackovic said that there may be some overlap in the
13 parking but the applicant wants to make sure that there are a
14 sufficient number of parking spaces.

15
16 Mr. Keane noted that the DEP's concern will be the more impervious
17 surface that is created the more water quality problems there will be.
18 He asked how the number of parking spaces requested by the
19 applicant conforms to the Town Code.

20
21 Town Planner Hull stated that the number of parking spaces
22 requested by the applicant exceeds Code.

23
24 Mr. Keane referenced the DEP letter, *runoff that is not discharged to*
25 *infiltration system is generated in areas where no new construction or*
26 *disturbance has occurred. The runoff currently discharges overland to*
27 *the reservoir.* Mr. Keane opined that this is not true.

28
29 Mr. Lachenauer explained that all areas that are being disturbed
30 and/or improved are directed to mitigation practices. He said that the
31 comment about runoff from the site is probably about other areas that
32 are not changing or being disturbed; and will run off the site but will
33 not go directly into the reservoir, they traverse Plum Brook Road or
34 the DEP property. He opined that when all the information was
35 dispersed to the DEP a number of different personnel reviewed the
36 documentation and that may be the reason for the confusion.

37
38 Mr. Keane said that the DEP is saying that there is at least one
39 significant impact therefore an EIS will be needed but he does not
40 feel there is enough evidence in the DEP letter to support this

1 statement. He noted that it is important that the Board knows what
2 an involved agency is stating and that the Board incorporates it in
3 their thinking. Mr. Keane noted that there have been two
4 informational meetings involving the DEP and the DEC but the
5 SEQRA unit from the DEP was not present at those meetings.

6
7 The Chair indicated that Town Planner Hull attached Part 2 and Part
8 3 of the EAF to her memo for the Board's discussion and evaluation.
9 The Chair asked the members to turn to Part 2 of the attachment, and
10 asked Town Planner Hull to walk this through with the members.

11
12 Mr. Keane referenced Part 2 Impact on Land, *will the proposed*
13 *Action result in a physical change to the project site.* He stressed that
14 this means to answer this question you have to know what the action
15 is to answer this question. He said that when the Board reviews the
16 environmental characteristics, such as the Impact on Land there
17 should be a rationale as to why the Board decided that it is a small to
18 moderate impact. He said that there will be a significant change in
19 the use of where the baseball field is located. Mr. Keane explained
20 that the Board should elaborate on the important points in Part 3
21 under the evaluation of the importance of impacts.

22
23 Town Planner Hull noted that on Page 12 of 21 of Part 2 number 1.
24 *Creation of an additional 12% of impervious surface (26% total site)*
25 *on the subject site could have a significant impact on water quality.*
26 *Impacts can be mitigated by project change.* She said that the
27 Stormwater Pollution Prevention Plan will satisfactorily address any
28 and all potential impacts. The Board agreed that this section should
29 be under "Impacts on Water."

30
31 Mr. Keane suggested mentioning beneficial impacts such as the
32 applicant has agreed as part of wetland mitigation to deal with water
33 quality issues coming off the parking lot at the front of the school.

34
35 Town Planner Hull referred to Number 5 on Page 13, *Will proposed*
36 *Action affect surface or groundwater quality or quantity.* The Board
37 agreed the answer should be Yes but she will give a more elaborate
38 explanation as to why it is not a significant impact.

39

1 Mr. Foley explained that what is proposed to occur is that all the
2 mitigation measures that the Board and the applicant have agreed
3 to are now incorporated into the action thereby doing away with all
4 the problems. He said that the SEQRA analysis is if there is
5 mitigation available.

6
7 Attorney Alexander said that Part I should be based on what the
8 action was when the applicant submitted and Part 2 of the Board's
9 analyses of the potential and Part 3 is the resolution of the potential
10 items as mitigated by project change, as shown on the revised
11 plans. He noted that if something cannot be mitigated and has the
12 potential for a significant adverse impact the Board may have to
13 issue a Positive Declaration. Attorney Alexander explained that if
14 the project as proposed and revised will not have a significant
15 adverse impact a Negative Declaration can be issued. He
16 referenced under the instructions on Page 1 of Part 2, *if a potentially*
17 *large impact checked in column 2 can be mitigated by change(s) in*
18 *the project to a small to moderate impact, also check the Yes box in*
19 *column 3. A no response indicates that such a reduction is not*
20 *possible and must be explained in Part 3.*

21
22 Mr. Keane said that the Board does not want to be scrutinized or
23 criticized about not taking a hard look with questions they answered
24 "No" to. He noted that the Board in regard to "No's" must make a
25 statement to each No as to why they do not think it is an impact.
26 Mr. Keane reminded the Board that the EAF is guidance but is not
27 the law.

28
29 Ms. Gannon referred to Part 3 of the EAF under B. Proposed action
30 may adversely impact groundwater. She mentioned that the closing
31 line on the impacts states *given the proposed mitigation of*
32 *infiltration, this impact does not appear to be important.* She
33 suggested that the wording *does not appear to be important* be
34 changed and be more definite.

35
36 The Board reviewed the EAF and decided to discuss just the items
37 that have an impact on the environment unless there is
38 disagreement on the issues that say there is no effect on the
39 environment.

40

1 Town Planner Hull commented on Number 5, Page 13, *Will*
2 *proposed Action effect surface or groundwater quality or quantity.*
3 She explained that the answer will be “Yes” and she will provide a
4 more elaborate explanation as to why it is not a significant impact.

5
6 *AT THIS TIME THE BOARD TOOK A 5 MINUTE BREAK*

7
8 Mr. Goldenberg referred to Number 15, Page 18, under *Will there*
9 *be an effect to existing transportation systems.* He opined that
10 there are no traffic problems on Route 138 and opined that it should
11 not be a Yes answer.

12
13 Mr. Keane said that the Traffic Study should be proof and he asked
14 the Board if they agree with the Traffic Study.

15
16 The Chair opined that the Traffic Report is acceptable.

17
18 Ms. Gannon mentioned that the Traffic Report put the level of
19 service at the C level or better. She asked how it was decided how
20 many people will be in a car, sometimes the report has two, three or
21 2 ½ people in a car.

22
23 Harry Baker, the applicant’s traffic consultant, explained that the
24 information on how many people will be in a car going to Mass
25 came from the Church from their current facility. He noted that
26 people in the car (2 ½) is an average on how many people arrive for
27 the current Masses. Mr. Baker noted that during the weekday he
28 used single occupancy in vehicles because during the weekday
29 people go to Mass and then go to work.

30
31 Mr. Keane asked how much time are the Masses separated by.

32
33 Mr. Baker said that the Sunday Masses are separated by
34 approximately 1.5 hours.

35
36 Ms. Gannon mentioned that the Traffic Report mentions socializing
37 after Mass, therefore everyone will not be leaving at the same time.
38 Ms. Gannon said that she can understand the level C service
39 everywhere except leaving the Church parking lot onto Plum Brook
40 Road.

1 Mr. Baker explained that the way the algorithm capacity program
 2 works you have a choice to put in .25, 30 minutes or 60 minutes.
 3 He noted that when you put in .25 most cars leave during the first
 4 fifteen minutes after Mass and then the rest of the traffic is filtered
 5 out over the first hour.

6
 7 Mr. Baker said that the reason that so many parking spaces are
 8 needed is because the people who are attending Mass have to park
 9 as well as the people who are coming to the next Mass.

10
 11 Mr. Keane questioned if that many parking spaces are really
 12 needed. He mentioned that he is concerned about the traffic on
 13 Christmas Eve as there will be traffic from the train station and all
 14 the cars that are North bound from Interstate 684 accessing Route
 15 138. Mr. Keane asked how this level of traffic can be Level C.

16
 17 Mr. Baker said the Christmas Eve Mass is at 5:30 P. M. and people
 18 will be arriving from 5:00 PM on and that traffic is metered by the
 19 traffic light and the distance between Old Bedford Road and Plum
 20 Brook Road which will spread out the traffic over a time period. Mr.
 21 Baker mentioned that people realize there will be traffic on
 22 Christmas Eve as this is a one time event and are willing to be
 23 patient. He noted that if the Level of Service is C or D for one day
 24 during the year all the other days will not have a problem. Mr.
 25 Baker explained that the Church can also have someone directing
 26 traffic if they find that there is a traffic problem.

27
 28 Mr. Foley asked if there is sufficient room at the entrance to the
 29 Church on Plum Brook Road to allow cars to exit and enter at the
 30 same time.

31
 32 Mr. Baker said that the driveway is 24-feet wide and cars will be
 33 able to exit and enter at the entrance to the Church at the same
 34 time.

35
 36 The Chair asked the Board if they accept the Traffic Study that
 37 determines that the traffic is at the C or better level. It was
 38 determined that the Traffic Study is acceptable to the Board.
 39 She explained that under the Impact on Transportation the traffic
 40 issue will be a small to moderate impact with mitigation not required.

1 Mr. Keane said that he has an issue with the baseball field as it
 2 affects Community Character because it presents a safety issue
 3 in regard to foul balls that are directed to Route 138 with the cars
 4 passing by. He noted that he is not convinced that a vertical single
 5 netting arrangement is an adequate solution and is considered a
 6 slight or moderate impact.

7
 8 Ms. Gannon agreed with Mr. Keane and mentioned that she was
 9 disappointed in the short letter from Net Services in reference to the
 10 impacts of the baseball field that was provided. She said that she
 11 would like to see a diagram of the typical trajectory and more
 12 information considering the safety issues.

13
 14 Architect Cackovic said that what was provided to the Board was a
 15 response from the netting manufacturer who recommends 60 feet
 16 for the height of the netting given the distance to the road. He
 17 mentioned that the netting could be 70-feet if that would satisfy the
 18 Board. Architect Cackovic said that the main concern is the safety
 19 issue at the ballfield.

20
 21 Mr. Keane stated that if the letter from the manufacturer on the
 22 netting does not provide proof of the efficiency of the netting it is
 23 insufficient.

24
 25 Architect Cackovic mentioned that two elements were taken into
 26 account: one was the height of the netting (60 feet) and the other
 27 was the typical trajectory of the ball which would clear the trees and
 28 Route 138. He said that he will provide proof of the efficiency of
 29 the netting in a supplement.

30
 31 Ms. Gerbino asked about the permanency of the netting and
 32 questioned if the netting will remain in place for the casual game.
 33 She mentioned that Health, Safety and Welfare are one of the most
 34 important roles of the Planning Board.

35
 36 Architect Cackovic said that because of the casual baseball game
 37 the net should stay up at all times.

38
 39 Neil Alexander, the applicant's attorney, said that looking at the
 40 Community Character from a SEQRA standpoint the netting will be

1 at 70-feet which is what is used at the college level. He mentioned
 2 that during the site plan review if it is determined that there is a site
 3 plan issue on Health, Safety and Welfare it can be reviewed at that
 4 time and the Board can consider issuing a Negative Declaration.

5
 6 Mr. Keane stated that there has to be sufficient support for the
 7 Board's rationale to issue a Negative Declaration.

8
 9 The Chair asked Attorney Alexander if what is being discussed
 10 about the issue with the ballfield is a major modification and he
 11 replied that it is not a major modification.

12
 13 The Chair stated that the regulation under Community Character
 14 says that if it can be shown that the proposed action has the
 15 potential to change a community in such a way as to cause major
 16 modifications in any of the above characteristics a question of
 17 significant impact on community character would be reasonable.

18
 19 Mr. Foley questioned if the issue is more of a Public Health, Safety
 20 and Welfare issue. He said that Number 18 under "Impact on
 21 Public Health" should detail other impacts such as damage to
 22 automobiles or individuals due to the placement of a regulation
 23 sized ballfield along Route 138 posing a situation where foul balls
 24 may project in an easterly direction towards traffic along Route 138.
 25 He said that this impact can be mitigated by a project change.

26
 27 Town Engineer Gagné mentioned that under Number 19, "Impact
 28 on Growth and Character of Community or Neighborhood" is a small
 29 to moderate impact because the relocation of the church from the
 30 northeast corner of Somers to the proposed location at John F.
 31 Kennedy High School changes the fire district of the development to
 32 the Goldens Bridge Fire Department.

33
 34 The Chair mentioned that Jane Knapp, wife of Planning Board
 35 member Don Knapp and resident of Dale Avenue, would like to say
 36 something about the project.

37
 38 Jane Knapp mentioned that she used to use Plum Brook Road as a
 39 short cut to Goldens Bridge. Ms. Knapp noted that she saw many
 40 close calls at that intersection. She explained that the sight

1 distance to the west is limited by a curve on NYS Route 138 with a
2 suggested speed of 20 MPH but motorists go much faster. She
3 suggested a blinking light at the intersection because she is
4 concerned that there will be a serious accident. Ms. Knapp asked if
5 the emergency access drive between the church and school can be
6 open to allow for an alternative road. She said that she is concerned
7 for the safety of the parishioners and the young people who are
8 playing sports at the High School.

9
10 Mr. Knapp asked if the applicant can show the sight distance from
11 Plum Brook Road toward Ms. Cohen's house on Route 138.

12
13 Mr. Keane noted that Town Planner Hull will work on preparing Part
14 2 and 3 and the applicant will make the corrections to Part I of the
15 EAF for the Board's review.

16
17 Architect Cackovic mentioned that he will be submitting a list of
18 mitigation measures in support of Part I of the EAF

19
20 The Chair directed that the application be placed on the June 10,
21 2009 Planning Board agenda.

22
23
24 **FINAL APPROVAL BOARD DECISION**

25
26 **DEANS BRIDGE ASSOCIATES FINAL SUBDIVISION**
27 **STEEP SLOPES, SEUP FOR THE GROUNDWATER PROTECTION**
28 **OVERLAY DISTRICT AND TREE PRESERVATION PERMITS**
29 **[TM: 17.08-1-8]**

30
31 Chairman DeLucia mentioned that this is the Board's decision on the
32 application of Deans Bridge Associates, LLC Subdivision by Lenore
33 M. Adams, owner and applicant, for Final Subdivision approval, for
34 Steep Slopes, Stormwater Management and Erosion and Sediment
35 Control, Tree Preservation Permits as well as a Special Exception
36 Use Permit for Activity within the Groundwater Protection Overlay
37 District. The Chair said that the property is located at 15 Deans
38 Bridge Road in an R-40 Residential Zoning District. She commented
39 that the applicant proposes to construct 3 single-family dwellings with
40 driveways to be served by individual wells and septic systems.

1 The Chair acknowledged receipt of the following: a letter dated May
2 18, 2009 and received by the Planning and Engineering Office on the
3 same date from the applicant's representative Timothy S. Allen, of
4 Bibbo Associates, submitting the final plat recently re-signed by the
5 Westchester County Health Department, a memo dated May 22,
6 2009 from Town Engineer Gagné giving his status review and a
7 memo dated May 22, 2009 from Town Planner Charney Hull
8 attaching draft Resolution No. 2009-08 granting of Conditional Final
9 Subdivision Approval and Permits for the Board's consideration. She
10 noted that a line numbering system is used in this resolution and
11 henceforth will be used in all draft materials. The Chair mentioned
12 that during the review of the draft resolution members of the Board,
13 staff, Town Attorney Holt-Cinque and Engineer Allen may interject
14 their comments or questions.

15

16 The Chair said that the plat shows Lenore Adams as the owner of the
17 property but in the declaration it states that Lenore Adams is a
18 managing partner.

19

20 Lenore Adams stated that she is not the owner but the managing
21 partner and the owner is the LLC.

22

23 Town Engineer Gagné said that his memo dated May 22, 2009 is
24 clear with some minor outstanding items.

25

26 Town Attorney Holt-Cinque advised the Board that she looked over
27 the changes to the Conservation Easement, the Declaration of
28 Easement, Reservations and Common Driveway and it is acceptable.

29

30 The Board reviewed the draft Resolution 2009-08 and made the
31 following changes: in the box change to Deans Bridge Associates,
32 LLC for Deans Bridge Associates, LLC Subdivision and change all
33 references to Deans Bridge Associates, LLC; on page 3, the first
34 Whereas, second line change *eastern* to *southwestern* and on line 3
35 add the wording *from the pond across Route 202*; on page 5, Line 26,
36 change *northwestern* to *southwestern*, and on Line 26 add *Lot 8.3*
37 *and add Lot 8.3* on Page 5, Line 31.; on Page 8, Line 4 change
38 *three-lot* subdivision to *two-lot* subdivision; Page 9, line 25, *13F* add
39 *13F (2), Page 10, number 3. Line 39, omit the words on the plat;*
40 *Page 11, Number 11 eliminate number 11. and No. 13., change three*

1 *(3) lots to two (2) lots; and add a new number stating that under the*
2 *signature line add the title of the person signing and identify owner as*
3 *Deans Bridge Associates, LLC. and on Page 13 Line 10, eliminate*
4 *the words road fronting lots and add the words that the common*
5 *driveway, located in the ROW access and utility easement, as noted*
6 *on the plat, serving the lots.*

7

8 The Chair asked if there is a consensus of the Board to approve
9 Resolution 2009-08, as amended.

10

11 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and
12 unanimously carried, the Board moved to approve Draft Resolution
13 2009-08 Granting Conditional Final Subdivision Approval for Steep
14 Slopes, Stormwater Management and Erosion and Sediment Control,
15 Tree Preservation Permits, as well as a Special Exception Use Permit
16 for Activity within the Groundwater Protection Overlay District to
17 Deans Bridge Associates, LLC, as amended, for the Chairman's
18 signature.

19

20 **RECOMMENDATION TO THE ZBA**

21

22

23 **RICHARD A. AND JOANNE NASH AND HENRIETTA COHN**
24 **LOT LINE CHANGE [TM: 27.10-1-20.1 & 20.3]**

25

26 Chairman DeLucia noted that the Board will make a recommendation
27 to the ZBA for the application of Richard A. and Joanne L. Nash and
28 Henrietta Cohn for a lot line change. She indicated that the property
29 is located at Two Penny Lane and 82 Lake Road and is located in an
30 R-80 Residential Zoning District. The Chair explained that Mrs. Nash
31 is the daughter of Mrs. Cohn and the applicant proposes to adjust
32 property lines to a location between the existing buildings to conform
33 ownership to actual use of buildings. She mentioned that this
34 application was last discussed at the Planning Board meeting of April
35 22, 2009 whereby Glennon Watson, the applicant's licensed
36 surveyor, requested that the Board make a positive recommendation
37 to the Zoning Board of Appeals (ZBA) because the application meets
38 the request for an area variance. The Chair noted that at the April 22,
39 2009 Planning Board meeting Town Engineer Gagné said that he had
40 no objection to the proposed lot line change and that the slight

1 adjustment of the lot line can accomplish the needs of the applicants
2 and still meet the zoning requirement for the right-of-way line. The
3 Chair mentioned that Town Engineer Gagné had no objection to the
4 Board granting waivers of regulation requirements to provide a
5 constraints map and topography which the Board granted. She noted
6 that Town Planner Hull in her April 16, 2009 memo to the Board
7 commented that the applicant's request that the project be reviewed
8 under the Abbreviated Approval process Section 150-15 of the Code
9 of the Town of Somers would comply, however, non-conformities will
10 be created and that the Board should refer the applicants to the ZBA
11 prior to continuing the review of the application. The Chair noted that
12 a site walk was conducted on this application on May 16, 2009.

13

14 The Chair asked if there were any comments or questions from
15 members of the Board and no one replied.

16

17 The Chair asked if there was a consensus of the Board to send the
18 applicants to the ZBA with a positive recommendation.

19

20 On motion by Mr. Keane, seconded by Ms. Gerbino, and
21 unanimously carried, the Board moved to refer the applicants to the
22 Zoning Board of Appeals with a recommendation that the necessary
23 variances be granted.

24

25 **REFERRAL FROM TOWN BOARD**

26

27 **AMENDMENTS TO WETLAND, TREE CUTTING ORDINANCE**
28 **AND AGRICULTURAL DISTRICT**

29

30 Chairman DeLucia noted that the Board received a Referral from the
31 Town Board by Resolution dated April 20, 2009 on the proposed
32 amendments to the Wetland and Tree Cutting Ordinance/Agricultural
33 District as recommended by Town Engineer Guy Gagné P.E. in his
34 March 17, 2009 memo to the Town Board.

35 The Board discussed the definition of silviculture and Mr. Keane
36 suggested that the Forestry Department of the Department of
37 Environmental Conservation (DEC) definition be researched.

38

1 The Chair asked if there was a consensus of the Board to send a
2 memo to the Town Board recommending adoption to the proposed
3 amendments.
4

5 On motion by Mr. Keane, seconded by Ms. Gerbino, and
6 unanimously carried, the Board moved to send a memo to the Town
7 Board that the Planning Board, after reviewing the proposed
8 amendments to the Wetland and Tree Cutting Ordinance/Agricultural
9 District, and with no objection from the Town Engineer, unanimously
10 voted to recommend that the Town Board adopt the proposed
11 amendments to the Wetland and Tree Cutting Ordinance/Agricultural
12 District, as amended.
13

14 There being no further business, on motion by Ms. Gerbino,
15 seconded by Ms. Gannon, and unanimously carried, the meeting
16 adjourned at 11:30 P. M.
17

18 Chairman DeLucia noted that the next meeting of the Planning Board
19 will be held on Wednesday, May 27, 2009 at 7:30 P.M. at the Somers
20 Town House.
21
22
23

24 Respectfully submitted,

25
26 Marilyn Murphy
27 Planning Board Secretary
28
29