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PLANNING DEPARTMENT

TOWN HOUSE  
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*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  
JUNE 11, 2014**

4

5

6

7

8 **ROLL:**

9

10 **PLANNING BOARD**

11 **MEMBERS PRESENT:**

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

12

13

14 **ALSO PRESENT:**

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

15

16

17

18

19 **ABSENT:**

Mrs. DeLucia

20

21

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

25

26 Chairman Currie asked for a moment of silence to remember Sylvia Kalil, a  
27 previous Supervisor of Somers Parks and Recreation. He mentioned that  
28 she was a great friend of the Town and had a lot of foresight and the Town  
29 is reaping the benefits of all her good work over the years.

30

31

32 **APPROVAL OF DRAFT MINUTES FOR MEETINGS HELD ON**

1 **APRIL 9, 2014 AND APRIL 22, 2014**

2  
3 Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
4 prepared and submitted for the Board's consideration approval of the  
5 draft minutes of Planning Board meetings held on April 9, 2014 and  
6 April 22, 2014.

7  
8 Chair Currie asked if there were any comments or corrections from the  
9 Board on the April 9, 2014 Planning Board draft minutes and no one  
10 replied.

11  
12 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and unanimously  
13 carried, the Board moved to approve the draft minutes of April 9, 2014.

14  
15 Chairman Currie said that Planning Board Secretary Marilyn Murphy  
16 prepared and submitted for the Board's consideration approval of the draft  
17 minutes of the Planning Board meeting held on April 22, 2014.

18  
19 Chair Currie asked if there were any comments or corrections from the  
20 Board on the draft April 22, 2014 Planning Board minutes and no one  
21 replied.

22  
23 On motion by Ms. Gannon, seconded by Ms. Gerbino, and unanimously  
24 carried, the Board moved to approve the draft minutes of April 22, 2014.

25  
26 The DVD of the April 9, 2014 and April 22, 2014 Planning Board meetings  
27 are made a part of the approved minutes and are available for public  
28 viewing at the Somers Public Library. The text of the approved minutes is  
29 also on the Town's website [www.somersny.com](http://www.somersny.com) and is available for public  
30 review at the Planning & Engineering office.

31  
32 **TIME EXTENSION**

33  
34 **MERRITT PARK ESTATES**  
35 **FINAL SUBDIVISION APPROVAL**  
36 **[TM: 5.20-1-1]**

37  
38 Chairman Currie noted that this is a request for a 90-day time-extension for  
39 Final Subdivision Approval from June 30, 2014 up to and including

1 September 29, 2014 in accordance with §150-13.M of the Code of the  
2 Town of Somers. He said that this is the 16th request for an extension of  
3 Final Subdivision Approval.

4  
5 Chair Currie acknowledged receipt of a letter from the applicant's Attorney  
6 Geraldine Tortorella, Esq. dated May 23, 2014 requesting a 90-day time-  
7 extension. Chair Currie noted that Director of Planning Dym in her memo  
8 dated May 28, 2014 had no objection to the Planning Board granting the  
9 90-day time-extension.

10  
11 Chair Currie asked the Board if they had comments or questions regarding  
12 the requested time-extension and no one responded.

13  
14 On motion by Ms. Gannon, seconded by Mr. Foley, and unanimously  
15 carried, the Board moved to grant a 16<sup>th</sup> request for a 90-day time-  
16 extension to Mancini Building Corp. for Merritt Park Estates Subdivision for  
17 Final Subdivision Plat Approval from June 30, 2014 up to and including  
18 September 29, 2014 in accordance with §150-13.M of the Code of the  
19 Town of Somers.

20

21 **TIME EXTENSION**

22

23 **WRIGHT'S COURT SITE PLAN SITE "A"**

24

25 Chairman Currie noted that this is a request for a one-year time-extension  
26 for Stormwater Management and Erosion and Sediment Control Permit  
27 from July 18, 2014 up to and including July 18, 2015 in accordance with  
28 §170-114K. and §93-20 of the Code of the Town of Somers.

29

30 Chair Currie acknowledged receipt of a letter from the applicant's Attorney  
31 Adam Wekstein, Esq. dated June 2, 2014 requesting the one year time-  
32 extension. Chair Currie noted that Director of Planning Dym in her memo  
33 dated May 28, 2014 had no issues with the Planning Board granting a  
34 second one year time-extension.

35

36 Chair Currie asked the applicant's representative to update the Board on  
37 the request for the Stormwater Management and Erosion and Sediment  
38 Control Permit.

39

1 Adam Wekstein, the applicant’s attorney, explained that construction has  
2 not yet begun due to economic conditions. However, within the last several  
3 weeks an application was submitted for building permits to commence work  
4 on the development of Site “A”. Attorney Wekstein said that absent any  
5 unexpected issues before the July 18, 2014 deadline the Building Permits  
6 will be issued before the expiration of Site Plan Approval. He requested  
7 that pursuant to Section 93-20 of the Code of the Town of Somers that the  
8 Stormwater Management and Erosion and Sediment Control Permit be  
9 extended for one year, up to and including July 18, 2015.

10  
11 Chair Currie asked the Board if they had comments or questions regarding  
12 the requested time-extension.

13  
14 Ms. Gerbino commented that the development of Site “B” looks just as it  
15 was planned by the Planning Board. She mentioned that it was difficult to  
16 determine what would happen on Site “A” and Site “B” as it is located in the  
17 Business Historic Preservation District.

18  
19 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
20 carried, the Board moved to grant a second request for a one year time-  
21 extension to Wright’s Court Site “A” Stormwater Management and Erosion  
22 and Sediment Control Permit from July 18, 2014 up to and including  
23 July 18, 2015 in accordance with §170-114K. and §93-20 of the Code of  
24 the Town of Somers.

25  
26 **PROJECT REVIEW**

27  
28 **HIDDEN MEADOW AT SOMERS [TM: 15.07-1-6]**

29  
30 Chairman Currie said that the Board will be reviewing the Site Plan,  
31 Preliminary Subdivision Approval, Wetland, Steep Slopes, Tree  
32 Preservation and Stormwater Management and Erosion and Sediment  
33 Control permits for Hidden Meadow at Somers relative to the application of  
34 Multifamily Residence Baldwin Place District (MFR-BP) under  
35 consideration by the Town Board for a 16.7 acre parcel located along the  
36 south side of US Route 6 for the proposed development of 53 units of  
37 housing, sixteen of which would be affordable, within 45 townhouse  
38 buildings on 45 fee simple lots plus one for lands to be owned in common  
39 by a Home Owners Association.

40

1 Chair Currie asked the applicant’s representative to explain the revised  
2 layout.

3  
4 Richard Williams, the applicant’s engineer, noted that the revised layout  
5 expands the green space, provides a bio-retention filter which can be  
6 blended into the landscaping and the central green area with a gazebo and  
7 walking trails, as requested by the Planning Board. He mentioned that as a  
8 result of expanding the center green space and passive recreation, the bio-  
9 retention filter, gazebo, walking trail through the wooded area on the site,  
10 the amount of recreation has increased. Engineer Williams explained that  
11 one way that the center green space was opened up was with change in  
12 architecture. He mentioned that at the last meeting he showed the Board  
13 completed projects that resulted in narrowing the units and placing the  
14 garages under the units on the uphill side and the reduction in the amount  
15 of earth work. Engineer Williams said that the revised plans will show the  
16 earth work very close to balance. He indicated that another plan  
17 modification is the updating of the site disturbance which now is 9.4 acres  
18 due to the improvements on Route 6 but will change with the design of the  
19 water extension that goes up Windsor Road. Engineer Williams said that  
20 there will be a three foot widening on the north side of Route 6 and a nine  
21 foot widening on the South side of Route 6 which will allow the wetland  
22 impacts to be less.

23  
24 Engineer Williams mentioned that a concern of Westchester County is the  
25 clustering of the affordable units in the same portion of the site. He showed  
26 the Board what that means in terms of the last layout that was selected by  
27 the Board. Engineer Williams showed the Board the reconfiguring of three  
28 clusters of units so there is market rate, three affordable units, market rate,  
29 market rate, three affordable units, market rate, market rate, two affordable  
30 units and market rate. He noted that by spreading the units out 40 linear  
31 feet of space within the green will be lost. Engineer Williams stated that if  
32 this is something the Board is not willing to lose the applicant is willing to  
33 take the risk of talking to Westchester County to keep the layout as is.

34  
35 Director of Planning Dym asked if a different mix that would allow the push  
36 back of the 40 linear feet of space within the green has been reviewed.  
37 She suggested adding one or two more units to the cluster of four.

38  
39 Engineer Williams opined that the layout that was chosen at the last  
40 meeting is the most efficient mix. He said that Director of Planning Dym’s

1 suggestion will not work because of the grading. He stated that if you  
2 expand the cluster the ability to slope the ramp to the access drive is lost.

3  
4 Ms. Gerbino said she would not like to see the loss of the 40 linear feet of  
5 space. She asked if eliminating one unit would help to keep the 40 linear  
6 feet of space.

7  
8 Engineer Williams asked the Board if they want to see the affordable units  
9 mixed in with the market rate units.

10  
11 Ms. Gerbino said she agrees with the recommendation of Westchester  
12 County to have the units mixed so the affordable units are not clustered  
13 together.

14  
15 Director of Planning Dym explained that the letter from Westchester County  
16 was received yesterday. She indicated that she spoke to Rose Noonan to  
17 ask about the obligations of the Housing Action Council in regard to the  
18 funds that are to be received for the affordable housing. She said that the  
19 letter states the overall policy of the County in reference to affordable  
20 housing that calls for the integration of such units throughout the  
21 development.

22  
23 Rose Noonan, Executive Director of the Housing Action Council, noted that  
24 she met with Westchester County to discuss the changes in the plan and  
25 the reason the affordable units were located in one cluster. She mentioned  
26 that she spoke to the housing people in the planning department and they  
27 explained that the memo is advisory and whatever the decision it will not  
28 effect funding.

29  
30 Ken Kearney, applicant, said he will address the comment in the letter from  
31 the County in reference to the garages. He noted that once there are more  
32 defined renderings with the architecture then more of the comments in the  
33 County letter will be addressed.

34  
35 Engineer Williams said that a benefit of having the affordable units along  
36 the back access drive is the convenient access to parking and less of a  
37 walk to get to your unit.

38

1 Mr. Keane mentioned that the Board and the applicant have to decide if the  
2 new proposal from the County is better than the layout the Board discussed  
3 at the last meeting.

4  
5 Engineer Williams commented that a review of the new proposal from the  
6 County shows that there will be a longer walk to get to your unit and will  
7 impact the green space which is an important design. He indicated that if  
8 the Board decides that the affordable units should be mixed throughout the  
9 development he can study the effects of that plan.

10  
11 Mr. Kearney said that when he received the letter from the County he  
12 looked to see if he could reach a compromise but he does not believe that the  
13 eight affordable units are segregated. He feels that it is a nice design with  
14 a road behind the units which allows the green space to be opened up. He  
15 explained that he did not agree with the comment from the County about  
16 the blocking of the view of the front door of each dwelling. He asked his  
17 architect if putting two doors in front would help and he feels that does not  
18 work.

19  
20 Mr. Keane opined that the County is getting the affordable housing but their  
21 potential claim now is that the housing is segregated within the proposed  
22 development and that is ludicrous.

23  
24 Mr. Foley said if the topography permitted it would be most desirable to  
25 spread out the affordable units throughout the development. He said that  
26 the concept is good but the question is what has to be given up to make it  
27 happen.

28  
29 Engineer Williams explained that the affordable townhomes have a rental  
30 unit below and access has to be provided and grading is very important.

31  
32 Ms. Gannon noted that the topography drove the affordable units into a  
33 certain area. She opined that if in order to achieve spreading the units out  
34 throughout the site and to achieve that we reduce the quality of the entire  
35 site then the quality of the entire site is lowered and no one is a winner  
36 when that happens.

37  
38 Ms. Gannon said that she has an issue with the garbage. She noted that  
39 the porch for the affordable units looks like it is only big enough to hold the

1 garbage cans and is located outside the living room window. Ms. Gannon  
2 said she would like to take the garbage cans away from the unit.

3  
4 Ms. Gerbino said that she feels that the garbage is not being addressed.

5  
6 Engineer Williams stated that he will look at a better way to address the  
7 garbage situation. He asked if the Board prefers curb side pickup of  
8 garbage or does the Board prefer dumpster enclosures for the townhomes.

9  
10 Mr. Keane said his preference is to have pads all around the site and  
11 people bring the garbage to a container until the garbage is picked up.

12  
13 Engineer Williams noted that he will review the garbage situation and will  
14 provide dumpster locations throughout the site.

15  
16 Consultant Town Engineer Barbagallo mentioned that the applicant needs  
17 guidance in reference to Westchester County's policy and living ability in  
18 regard to the location of the affordable units.

19  
20 Engineer Williams asked if the clustering of the affordable units is the  
21 preference of the Board.

22  
23 Chair Currie stated that the consensus of the Board is the clustering of the  
24 affordable units.

25  
26 Director of Planning Dym advised that when the Board does the  
27 Determination of Significance they should identify the specific reasons for  
28 selecting the clustering instead of the integration of the units throughout the  
29 development.

30  
31 Ms. Gannon said that the reasons the Board decided on the clustering of  
32 the affordable units is that the parking is more convenient, the integration of  
33 the units throughout the development will lead to the loss of 40 linear feet  
34 of space for the recreation area. She said that the Town of Somers has not  
35 adopted the "Model Ordinance Provisions" for affordable housing.

36  
37 Mr. Keane said that the Board has to understand HUD's demands to the  
38 County.

39

1 Planning Board Town Attorney Eriole said that he will prepare the  
2 background on the reasons the Board prefers the clustering of the  
3 affordable units. He noted that the issue of clustering the affordable units is  
4 an important issue and he is comfortable providing the Board's reasons for  
5 the record.

6  
7 Mr. Kearney said that when he first came up with the concept of placing the  
8 units, the uphill units were never going to be affordable because of the  
9 topography. He noted that the townhomes with the rental units below need  
10 access at the back of the unit.

11  
12 Chair Currie asked Director of Planning Dym to review her memo for the  
13 benefit of the Board and the public.

14  
15 Director of Planning Dym said she will address the major points in her  
16 memo dated June 3, 2014. She mentioned that the locations of the  
17 recreation facilities have been identified but the details of the playground  
18 have not been provided. She noted that there are 19 sets of paired  
19 driveways or 38 out of 53 units now have paired driveways compared with  
20 none in the earlier plan. She indicated that this allows for more continuous  
21 green areas in front of the townhomes. Director of Planning Dym said that  
22 the required buffer setback which are required at 30 feet and were five feet  
23 in the old plan, already require a modification as permitted by the Planning  
24 Board are now reduced to zero feet in this plan but still require a  
25 modification by the Board.

26  
27 Engineer Williams said in the last application there was grading up to the  
28 property line with 5 feet off of it with a cut slope. He explained that the new  
29 grading maintains a wider shelf along the property line which allows  
30 plantings on it and by putting plantings on top it is now disturbance so the  
31 number was moved to zero even though there will be a wider buffer.

32  
33 Director of Planning Dym noted that the one area where it appears that  
34 sidewalks have not been provided and should be is on the southern edge  
35 of the roadway extension leading to the Town park property. She said that  
36 the County was asking for a sidewalk within the entire interior loop.  
37 Director of Planning Dym noted that the Board has to decide how they want  
38 to answer that comment.

39

1 Director of Planning Dym said it is her understanding that the Parks and  
2 Recreation Department is no longer considering the parcel adjacent to the  
3 development as its next favored area for park development. She  
4 commented that the Town Board tomorrow will review a proposal to fund a  
5 concept plan for a parcel adjacent to Reis Park for fields.

6  
7 Consultant Town Engineer Barbagallo stated that he met with the Parks  
8 and Recreation Supervisor to review the 11 acre parcel behind the tennis  
9 court and Plumbrook Road. He said that there is confidence that the parcel  
10 will be signed over to the Town but that does not mean that the parcel  
11 adjacent to this development will never be developed as a park.  
12 Consultant Town Engineer Barbagallo said that the Board may want to just  
13 have an easement to access the land and the grading and not build the  
14 road so the Town has that opportunity in the future. He mentioned that he  
15 would like the grading done because the road may be built in the future.  
16 He mentioned that the Open Space Committee would like passive  
17 recreation on that site.

18  
19 Engineer Williams said that he can provide easements to make sure that  
20 the grading will happen but he does not want to cut the road because it will  
21 create a channel on the premise that something may happen.

22  
23 Director of Planning Dym indicated that financial resources must be  
24 provided for the construction of the road.

25  
26 Consultant Town Engineer Barbagallo said that there will be a cost to do  
27 the new park expansion and this is a discussion for a later time.

28  
29 Mr. Kearney advised that the construction of the road was an offer and not  
30 in lieu of recreation fees. He said that he is concerned about providing  
31 funds in escrow for the future because with another of his developments  
32 the funds are still being held and nothing has been done.

33  
34 Consultant Town Engineer Barbagallo indicated that he will report back to  
35 the Board on the Parks and Recreation Board's preference on having the  
36 access constructed now or later. He said a driveway and not a road for  
37 future passive recreation may be an option.

38  
39 Engineer Williams said that it is appropriate that the stormwater design  
40 continues to account for the road as suggested by Consultant Town

1 Engineer Barbagallo. He noted that he does not want to provide the  
2 grading because if something doesn't happen for years there will be a  
3 channel going up the hill and people will wonder what it is for.

4  
5 Director of Planning Dym returned to her memo saying that rear elevations  
6 on some of the units have to be provided and with the cluster of the  
7 affordable units when you look at the configuration that the owner  
8 affordable units will only have access from the front of their units and that  
9 they will have no accessible common yard area. Director of Planning Dym  
10 asked that the amendment to the traffic report to include traffic from the  
11 Town owner parcel adjacent to the Hidden Meadow site does not appear to  
12 be appropriate as a part of the proposed development and this reference  
13 should be deleted as this is not going to happen now. She mentioned that  
14 the school bus impact has to be addressed.

15  
16 Director of Planning Dym mentioned that she did not understand the  
17 comment about the opening in the existing stone wall.

18  
19 Engineer Williams explained that water now flows through an opening in  
20 the wall and flows onto the applicant's property and he wants to make sure  
21 that the water does not flow onto the rear of the units. He noted that a  
22 bridge at the base of the wall which is almost a culvert opening and then  
23 you build the wall back up so the water flows into a swale and away from  
24 the rear of the units.

25  
26 Director of Planning Dym reminded the Board that she provided a copy of  
27 the letter she sent to the Department of Environmental Protection (DEP)  
28 with input from Consultant Town Engineer Barbagallo and Engineer  
29 Williams. She said that she will follow up with Cynthia Garcia of the DEP  
30 and if there are still concerns there may have to be a meeting with the  
31 applicant, his engineer, the Consultant Town Engineer and the DEP to  
32 discuss their outstanding issues to make sure there are no significant  
33 environmental impacts.

34  
35 Director of Planning Dym stated that the Board has to make sure that every  
36 item of concern whether it is the visual that has now been addressed, the  
37 traffic, stormwater and any issue that could be a concern in terms of  
38 environmental impacts and that the Board has asked all its questions. She  
39 indicated that there are still questions that have to be answered such as the

1 Biodiversity Report but there should be no outstanding questions that have  
2 not been asked of the applicant.

3  
4 Chair Currie asked Consultant Town Engineer Barbagallo to review his  
5 memo for the benefit of the Board and the public.

6  
7 Consultant Town Engineer Barbagallo said that the applicant has provided  
8 an updated drawing set with preliminary supplemental reports based upon  
9 the desired alternative layout that was discussed and selected by the  
10 Planning Board at its meeting on April 22, 2014. He mentioned that  
11 included with the current submission was an updated Pollutant Loading  
12 Analysis and Stormwater Pollution Prevention Plan (SWPPP) based upon  
13 the updated site layout. Consultant Town Engineer Barbagallo said that  
14 additional report updates and advanced design details for the proposed  
15 water service, wastewater system and Route 6 shoulder improvements  
16 have not been included at this time, but are intended to be prepared  
17 following confirmation of the current site layout by the Planning Board.

18  
19 Consultant Town Engineer Barbagallo mentioned that a meeting was held  
20 between the applicant's engineer and his office on June 4, 2014. He noted  
21 that during that time Engineer Williams presented the current plan revisions  
22 and provided a detailed explanation on their intended approach with regard  
23 to further design development. Consultant Town Engineer Barbagallo said  
24 that there are comments that still have to be addressed and some of those  
25 are that the NYCDEP has issued review comments for the project based  
26 upon preliminary project sketch plans that were provided to the DEP prior  
27 to receipt of the current submittal. He said that the DEP comments shall be  
28 considered in coordination with engineering comments. He noted that he  
29 will continue to assist the Planning Board and the office of the Watershed  
30 Inspector General (WIG) to make sure that all applicable comments are  
31 addressed as project design development progresses. Consultant Town  
32 Engineer Barbagallo said that the applicant prepared a Preliminary SWPPP  
33 and plans to describe proposed project stormwater infrastructure under the  
34 revised site layout. He noted that the provided stormwater management  
35 practices are essentially similar to those provided with the prior plan  
36 alternative. He explained that the revised plan proposes more limited  
37 construction of porous pavement due to the unacceptable site soil  
38 conditions for the practice of a portion of the site. Consultant Town  
39 Engineer Barbagallo said that the current layout now incorporates a series  
40 of rain gardens and two bio-retention filter areas that provide

1 supplementary stormwater quality treatment and runoff reduction volume  
2 (RRv).

3  
4 Consultant Town Engineer Barbagallo said that the applicant does not wish  
5 to dedicate constructed roadways to the Town, therefore, the applicant  
6 shall prepare draft easement agreement documents for review by the  
7 Consulting Town Engineer and the Town Attorney. He noted that the  
8 SWPPP and Environmental Assessment acknowledge that a phased  
9 construction approach is necessary to ensure that no greater than 5 acres  
10 of land are disturbed at one time. He stated that the applicant has provided  
11 preliminary documents to describe the anticipated earthwork and grading  
12 for the proposed site development and the earthwork has significantly been  
13 reduced. Consultant Town Engineer Barbagallo asked the applicant to  
14 prepare an updated site Erosion and Sediment Control Plan following the  
15 completion of the Earthwork Management Plan. He said that based on his  
16 review of the Photometric Plan he feels comfortable that the depicted site  
17 illumination does not appear to be above what would be appropriate for  
18 such a development. Consultant Town Engineer Barbagallo said that a  
19 Biodiversity Survey Protocol was prepared and reviewed by the Open  
20 Space Committee and field investigation activities are still being undertaken  
21 at this time. He advised that the report should be submitted next month.  
22 He mentioned that a review of the Wetlands Impact Analysis and  
23 necessary mitigation will be coordinated with the findings of the site  
24 biodiversity study protocol currently in progress. Consultant Town  
25 Engineer Barbagallo said that preliminary design calculations and details  
26 for the proposed water service and sanitary sewer connection have not yet  
27 been updated to reflect to current design layout development. He noted  
28 that the applicant must provide structural design calculations based upon  
29 the proposed wall construction, signed and sealed by a licensed  
30 professional engineer.

31  
32 Consultant Town Engineer Barbagallo asked the applicant and the Board to  
33 consider some type of pull-off for the school bus.

34  
35 Engineer Williams said he will work with Consultant Town Engineer  
36 Barbagallo to come up with something that makes it easier when parents  
37 are dropping off children at the bus stop.

38  
39 Ms. Gerbino asked what Ms. Garcia of the DEP meant by "Spillway" in her  
40 letter.

1 Engineer Williams explained that the DEP has a SEQRA Group and  
 2 Stormwater Review Group. He said that the SEQRA group typically will  
 3 send comments to the Board but the Stormwater Review Group reviews  
 4 the SWPPP and grants approvals. He said that Ms. Garcia was  
 5 referring to a “spillway” for a basin on the DEP property which he can  
 6 move.

7  
 8 Chair Currie noted that by a consensus the Board agreed to proceed with  
 9 the Alternative A-3 Concept Plan and keep the affordable units clustered in  
 10 the same portion of the site.

11  
 12 Director of Planning Dym reminded the Board that the Town Board is  
 13 holding a Public Hearing tomorrow on the revisions to the Comprehensive  
 14 Master Plan and the revisions to the MFR-BP District. She said that the  
 15 Public Hearing will be held jointly but are two separate Public Hearings.  
 16 She explained that the amendment is to the 1994 Comprehensive Master  
 17 Plan of the Town of Somers to permit multi-family housing in areas west of  
 18 the Muscoot River that were not identified for multi-family housing in that  
 19 plan. She said the Zoning Amendment is separate and has to build on the  
 20 Master Plan for the MFR-BP District to permit certain uses. She said that it  
 21 will apply to R-40 and R-80 zones and adjacency to Baldwin Place to  
 22 receive consideration for the MFR-BP District and have frontage on Route  
 23 6 and be 2,000 linear feet measured along Route 6 from the centerline of  
 24 the intersection from the centerline of Route 6 and Mahopac Avenue as  
 25 measured to the property line closest to that intersection.

26  
 27 Mr. Keane asked if there is anything in the documentation that deals with  
 28 spot zoning.

29  
 30 Director of Planning Dym stated that you do not have to address spot  
 31 zoning as a word but the concept as described in the rationale in the  
 32 Comprehensive Plan was written in a way that addresses the potentiality of  
 33 the spot zoning concern. She said that the narrative that is in the  
 34 Comprehensive Plan revision addresses that concern.

35  
 36 Mr. Keane said if you compare The Green development to Hidden Meadow  
 37 the Town Board seems to think Hidden Meadow is better for the Town even  
 38 though The Green is in the Baldwin Place area and Hidden Meadow is  
 39 2,000 feet away and is called “adjacent”.

40

1 Director of Planning Dym interjected that the Town has already made the  
2 case as described in the Master Plan that permits multi-family housing and  
3 was implemented by taking the General Business Zone and creating the  
4 Neighborhood Shopping Zone adding the permitted use of multifamily  
5 housing. She said this was limited to a second floor over retail uses.  
6

7 Mr. Keane opined that what it comes down to is does Hidden Meadow  
8 serve a better purpose than The Green proposal.  
9

10 Planning Board Town Attorney Eriole said that you can't adopt a zoning  
11 provision that is contrary to your Master Plan so the Town Board modified  
12 the Master Plan as a planning document and the intent will be the blessing  
13 for the change in the Code. He noted that this is the manner in which the  
14 Town Board addressed the concerns and whether they have done this  
15 successfully is what the Public Hearing is about. He said that the Master  
16 Plan is not law but a planning document.  
17

18 Engineer Williams reminded the Board that Town Attorney Baroni  
19 explained the ambiguity in the Code and the Master Plan and the idea was  
20 to clarify those ambiguities because if it is determined that the Code and  
21 Master Plan are ambiguous that favors the applicant.  
22

23 Planning Board Town Attorney Eriole said what actually is being done with  
24 the Master Plan is bringing it into conformance with the intent.  
25

26 After discussion Chair Currie directed that a special meeting for Hidden  
27 Meadow be held on Tuesday, July 22, 2014.  
28

29 There being no further business, on motion by Chair Currie, seconded by  
30 Mr. Keane, and unanimously carried, the meeting adjourned at 9:30 P.M.  
31 The Chair noted that the next Planning Board meeting will be held on  
32 Wednesday, July 9, 2014 at 7:30 P. M. at the Somers Town House.  
33  
34

35 Respectfully submitted,  
36

37 Marilyn E. Murphy  
38 Planning Board Secretary  
39  
40