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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
JUNE 12, 2013**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

Chair Currie, Mrs. DeLucia,
Mr. Keane, Ms. Gerbino, Mr. Foley
and Ms. Gannon

11

12

13

14 **ALSO PRESENT:**

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

15

16

17

18

19 **ABSENT:**

Mr. Goldenberg

20

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

24

25 **APPROVAL OF MINUTES OF FEBRUARY 13, 2013, MARCH 13, 2013,
26 APRIL 10, 2013 AND MAY 1, 2013.**

27

28 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
29 prepared and submitted for the Board's consideration the approval of four
30 sets of minutes of the Planning Board meetings held on February 13, 2013,
31 March 13, 2013, April 10, 2013 and May 1, 2013.

1 Chair Currie explained that Joanne Meder, representing Frederick P. Clark
2 Associates, made some corrections to the minutes.

3
4 The Chair asked if there were any comments or corrections from the Board.

5
6 Ms. Gerbino said that due to the lateness of the corrections to the minutes
7 from Consultant Planner Meder she suggested that the minutes be carried
8 over to the July 10, 2013 Planning Board meeting.

9
10 Ms. Gannon mentioned that she read the corrections to the minutes from
11 Consultant Planner Meder but if the Board wants time to review the
12 corrections she also thinks they can be carried over to the July 10, 2013
13 meeting.

14
15 Chair Currie noted that it was the consensus of the Board to carry over the
16 February 13, 2013, March 13, 2013 and the April 10, 2013 draft Planning
17 Board minutes to the July 10, 2013 Planning Board minutes.

18
19 Planning Board Secretary Murphy asked the Board to review the draft
20 May 1, 2013 Planning Board minutes as there was no corrections from
21 Consultant Planner Meder.

22
23 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously
24 carried, the draft minutes of May 1, 2013, as amended, were approved.

25
26 At the request of Mrs. DeLucia the secretary added that the DVD of the
27 May 1, 2013 Planning Board meeting is made a part of the approved
28 minutes and is available for public viewing at the Somers Public Library and
29 that the text of the approved minutes are also on the Town's website and is
30 available for public review at the Planning & Engineering office at the Town
31 House.

32
33 **TIME-EXTENSION**

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

38
39 Chairman Currie explained that this is a request for a 90-day time-
40 extension for Merritt Park Estates for Final Subdivision Approval from

1 July 3, 2013 to and including October 1, 2013 in accordance with §150-
2 13.M. of the Code of the Town of Somers. He noted that this is the twelfth
3 request for an extension of Final Subdivision Approval.

4
5 Chair Currie acknowledged receipt of a letter dated May 31, 2013 from
6 Geraldine Tortorella, Esq. requesting the time-extension and a memo from
7 Town Planner Dym dated June 3, 2013 indicating that she had no objection
8 to the requested time-extension.

9
10 On motion by Mrs. DeLucia, seconded by Ms. Gannon, and unanimously
11 carried, the Board moved to grant a twelfth 90-day time-extension to Merritt
12 Park Subdivision for Final Subdivision Approval from July 3, 2013 to and
13 including October 1, 2013 in accordance with Somers Town Code §150-
14 13.M.

15
16 **PROJECT REVIEW**

17
18 **BBS SUBDIVISION [FORMERLY STEVENS SUBDIVISION]**
19 **APPLICATION FOR PRELIMINARY SUBDIVISION APPROVAL,**
20 **STEEP SLOPES, WETLAND, TREE REMOVAL AND STORMWATER**
21 **MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS**
22 **[TM: 15.12-2-1]**

23
24 Chairman Currie explained that this is the project review of the BBS
25 Subdivision, formerly the Stevens Subdivision. He noted that the
26 application is for Preliminary Subdivision Approval, Steep Slopes, Wetland,
27 Tree Removal and Stormwater Management and Erosion and Sediment
28 Control Permits.

29
30 Mrs. DeLucia commented that this is a new application and not a
31 continuation of the Roy Stevens Subdivision. She opined that this
32 application needs more review. Mrs. DeLucia questioned the Notice of
33 Re-Designation of Lead Agency. She said that this is very confusing. Mrs.
34 DeLucia suggested that a sketch plan be provided so the Board can review
35 the layout of the Conventional Plan and move on to the Preliminary
36 Subdivision.

37
38 Consultant Engineer Barbagallo mentioned that the package that was
39 submitted was more in line with a sketch plan submittal. He noted that
40 certain elements were not provided that are required as part of the

1 preliminary subdivision application. Consultant Engineer Barbagallo said
2 that the Stormwater Pollution Prevention Plan (SWPPP) was not provided
3 and is a required element of the preliminary subdivision application.
4 He noted that it is the Board's decision on how to proceed. He indicated
5 that the applicant can resubmit a sketch plan or provide the documentation
6 required for the preliminary subdivision application. Consultant Engineer
7 Barbagallo mentioned that if the applicant does not want to provide the
8 SWPPP it should designate the application as a sketch plan.

9
10 Town Planner Dym agreed with Mrs. DeLucia on the confusion with the
11 application. She explained that the applicant submitted the application as a
12 continuation of the Stevens Subdivision. She said that this is a new
13 applicant and the Lead Agency notice should not have been designated as
14 a re-designation. Town Planner Dym stated that there are significant
15 issues with this project that will have to be addressed.

16
17 Mrs. DeLucia suggested that the applicant respond to Consultant Engineer
18 Barbagallo and Town Planner Dym's memos.

19
20 Mr. Keane said that it is difficult to consider this application without the
21 SWPPP because that is an important part to determine if this is a
22 Conventional Subdivision.

23
24 Ms. Gannon agreed with Mrs. DeLucia on the lack of clarity on the
25 application and she also believes that the SWPPP should be submitted.

26
27 Anthony Molé, the applicant's attorney, said that he has some questions on
28 how the applicant should move forward. He explained that the applicant
29 submitted an Open Development Plan but the Board is requiring a
30 Conventional Plan be reviewed before the Board looks at the Open
31 Development Plan. Attorney Molé said that the applicant has a problem
32 providing the SWPPP with respect to a Conventional Plan. He opined that
33 the SWPPP is not necessary until the Board reviews the Open
34 Development Plan. Attorney Molé stated that providing the SWPPP will
35 make the applicant do it twice once for the Conventional Plan and once for
36 the Open Development Plan which will be a burden on the applicant.

37
38 Attorney Molé said he would like to address the basis for the requirement of
39 the Conventional Plan. His review of the Town Code shows sections that
40 refer to the Conventional Plan. He indicated that §170-12, Design

1 Residential Development which is not applicable and §170-13, Multi-family
2 Residential District which is also not applicable and §170-58.4 which is in
3 the environmentally sensitive land section which because this project
4 encompasses environmentally sensitive lands this will be applicable.
5 Attorney Molé opined that this application does not encompass a Design
6 Residential Development or a Conservation Subdivision. He stated that the
7 Code does not require the submittal of a Conventional Plan. Attorney Molé
8 indicated that the applicant is willing to provide what is needed in order for
9 the Planning Board to make a determination but the requirement to submit
10 a Conventional Plan is the Planning Board legislating by changing the
11 Code. He asked the Planning Board to provide a scope for the review of
12 the Conventional Plan. Attorney Molé explained that the Conventional Plan
13 shows the applicant that they comply with Zoning in terms of lot count. He
14 noted that he will show whether it is a Conventional Plan or an Open
15 Development Plan that the three lots conform to all area requirements
16 under the Zoning Ordinance.

17
18 Town Attorney Baroni said if the applicant is expecting the Planning Board
19 to refer the Open Development Plan to the Town Board for approval, the
20 applicant will need the Planning Board's recommendation. He explained
21 that it is logical that the applicant show the Board the Conventional Plan
22 and all the details and the environmental benefits of the Open Development
23 Plan.

24
25 Attorney Molé indicated that the Open Development Plan is the plan the
26 Board will make the recommendation on not the SWPPP with respect to
27 the Conventional Plan. He asked the Board what the scope is in terms of
28 the Conventional Plan before they entertain the Open Development Plan.

29
30 Consultant Engineer Barbagallo said that the Conventional Plan has to be
31 done to the extent to convince the Board of the lot count.

32
33 Attorney Molé asked if he can submit calculations and tables instead of the
34 full SWPPP.

35
36 Consultant Engineer Barbagallo explained that the Board needs to run
37 through the analysis to sufficiently understand that there is sufficient area to
38 accommodate the stormwater treatment in accordance with the Stormwater
39 Manual. He stated that it has to be shown that there is area and depth to
40 accommodate the volume of the stormwater. Consultant Engineer

1 Barbagallo noted that there is a significant challenge in regard to the
2 wetlands which requires an Army Corps of Engineers Permit. He said the
3 Board needs to know if the Army Corps of Engineers Permit will be
4 approved. Consultant Engineer Barbagallo indicated that there are
5 threatened endangered species on this project (Bog turtle). He noted that
6 another issue with the Department of Transportation is the crossing of the
7 trail.

8
9 Consultant Engineer Barbagallo said that the submittal of the sketch plan
10 does not require dealing with stormwater and can be taken in steps.

11
12 Mrs. DeLucia said that a diversity assessment form may have to be filled
13 out.

14
15 Town Planner Dym said that not only the bog turtle but Indiana Bats might
16 have a habitat on the property and the impacts have to be shown.

17
18 Mrs. DeLucia referred to Chapter 150 Subdivision of Lands, Article 2,
19 Application Procedure. She said that the applicant should review Sketch
20 Plan submission under 150-11.

21
22 Town Planner Dym said that if the applicant resubmits, revisions to the EAF
23 should be made identifying the new permits and the natural resources,
24 habitat and species.

25
26 Ms. Gerbino suggested that a summary of what the Board wants the
27 applicant to do be provided to them as well as the Board.

28
29 Consultant Engineer Barbagallo said that the list is in the Code.

30
31 Chair Currie indicated that the consensus of the Board is that the applicant
32 submit a sketch plan.

33
34

35 **INFORMAL DISCUSSION**

36
37

38 **SOMERS REALTY PLANNED HAMLET MASTER PLAN**
39 **APPLICATION FOR INFORMAL APPEARANCE**
40 **[TM: 4.20-1-15]**

1 Chairman Currie explained that this is an informal appearance to discuss
 2 amendment to the Master Plan to allow the Wegman Assisted Living
 3 Facility to be located within the property identified for housing in the Master
 4 Plan.

5
 6 Chair Currie asked the applicant's representative to explain the request to
 7 the Board.

8
 9 Linda Whitehead, the applicant's attorney, noted that the assisted living
 10 facility will require an amendment to the Master Plan. She said that when
 11 the approvals for The Mews 2 were done the assisted living facility was a
 12 use that was moved but subsequently could be approved at a different
 13 location within the property. Attorney Whitehead mentioned that the
 14 Wegman Company is a developer of assisted living facilities. She
 15 explained that the Wegman Company looked at several different locations
 16 on the property but several did not work. Attorney Whitehead mentioned
 17 that the Wegman Company liked the area in the corner near Mahopac
 18 Avenue. She noted that the Master Plan shows residential development in
 19 this area but will require a long road to be built. Attorney Whitehead
 20 commented that with the change in the market all residential developers
 21 have looked at reducing unit sizes and condensing the development
 22 without extending the road out towards Mahopac Avenue. She said that
 23 she suggested to the applicant that prior to proceeding with a formal
 24 application requiring detailed engineering; she would like the opportunity to
 25 discuss the proposal with the Board. Attorney Whitehead explained that
 26 the location the Wegman Company is looking at was Lot 5 on the
 27 Subdivision layout that was included in the Master Plan. She noted that Lot
 28 5 was anticipated as a separate lot.

29
 30 Attorney Whitehead said that the proposed assisted living facility is two
 31 stories and is approximately 70,000 square feet and will have 110 beds in
 32 96 units. She explained that the Master Plan approval was for 80,000
 33 square feet and 80 units with 140-150 beds. Attorney Whitehead noted
 34 that this proposal is for 96 units but will have fewer beds. She said that the
 35 proposal is for approximately 60 parking spaces, as few residents have
 36 cars. She mentioned that the traffic is primarily staff and visitors. Attorney
 37 Whitehead said that staff changes occur earlier than the roadway peaks in
 38 both the morning and afternoon, mitigating any traffic impacts. She noted
 39 that the improvements are set back further from Mahopac Avenue than the
 40 housing that was originally proposed.

1 Attorney Whitehead indicated that the applicant is requesting a modification
2 to allow a driveway access off of Mahopac Avenue just for the assisted
3 living facility, rather than a full roadway connection to the rest of the
4 property, with a pedestrian connection. She said that a traffic study will be
5 provided.

6
7 Attorney Whitehead noted that there will be a slight intrusion into the
8 wetland buffer of Wetland "B". She mentioned that this is not considered a
9 highly functioning wetland but an analysis will be provided of this buffer
10 incursion as part of site plan review.

11
12 Attorney Whitehead said that the firehouse parcel will not be touched.
13 She stated that the wetland buffer and the access off Mahopac Avenue are
14 the two biggest issues that she would like the Board to provide input on.

15
16 Attorney Whitehead showed the Board a drawing of the proposed assisted
17 living facility with the architectural elements.

18
19 Jerry Watkins, representing Wegman Companies, said that his company
20 has been developing assisted living facilities for 40 years. He noted that
21 residents in the facility are generally in their 80's and are in need of help.
22 Mr. Watkins explained that residents have their own room with a full
23 bathroom, sitting area and kitchen cabinetry with a microwave and
24 refrigerator. He mentioned that the dining room gives the resident a choice
25 of family or restaurant style meals with three meals served per day.
26 Mr. Watkins said that there will be a dementia wing with a separate dining
27 room. He indicated that there is a minibus for the residents to go to doctor
28 appointments and shopping. Mr. Watkins noted that because of the low
29 traffic counts that the Board will entertain the use of the access off of
30 Mahopac Avenue.

31
32 Mr. Watkins said that he spoke to Steve Marino, his wetland consultant,
33 and he feels that the drainage can work and will not affect the wetlands.
34 He mentioned that there is a need for assisted living facilities in this area.

35
36 Ms. Gerbino asked if this is a business.
37 Attorney Whitehead stated that the assisted living facility is a commercial
38 use.

39

1 Ms. Gerbino commented that she looked up Wegman Companies and
2 there was a mention of Ameridus assisted living and she asked what that
3 relates to.

4
5 Mr. Watkins explained that Ameridus assisted living is a senior living
6 management company that manages Wegman facilities.

7
8 Mr. Foley said that he has a concern about the linkage to Mahopac Avenue
9 and not to Route 6.

10
11 Attorney Whitehead said that the Department of Transportation (DOT) will
12 not permit access to Route 6 because of their concern about too many curb
13 cuts together.

14
15 Mr. Keane asked about the change in elevation and Mr. Watkins indicated
16 that the elevation change is 30 feet. Mr. Keane said that his concern is the
17 visual impact from Route 6 and that there will not be a lot of room for
18 stormwater practices.

19
20 Mr. Watkins said that stormwater practices may be able to be put in the
21 parking areas and also in other areas.

22
23 Consultant Engineer Barbagallo suggested that a visual analysis be
24 provided.

25
26 Attorney Whitehead stressed that the Board can only look at the impacts
27 that have changed since the approval of the Master Plan.

28
29 Town Planner Dym said that this plan is turning its back on the residential.
30 She suggested that the building be turned around.

31
32 Attorney Whitehead opined that the assisted living facility is less of an
33 impact than what was originally approved. She said that she can look at
34 screening and elevations and making portions of the roadway and parking
35 areas pervious pavement.

36
37 Mr. Foley noted that if the assisted living facility is approved it will not be
38 part of the Planned Hamlet but adjacent to it and will be isolated. He
39 opined that this is contrary to the intention of the Planned Hamlet legislation
40 as it will be a separate lot with its own separate facility.

1 Consultant Engineer Barbagallo asked if the same plan is used for all
2 Wegman assisted living facilities.

3
4 Mr. Watkins replied that the basic model is basically the same.

5
6 Consultant Engineer Barbagallo said if the building was turned around the
7 back of the building will be buried into the hill and will reduce the visual
8 impact.

9
10 Ms. Gannon said that her concern is how will the rest of the Planned
11 Hamlet be developed if everything is done piecemeal.

12
13 Mr. Keane said that he has concern about the trajectory of the entire
14 Planned Hamlet. He said he is worried if there isn't enough attention paid to
15 the Master Plan and the concept of the Village Green.

16
17 Attorney Whitehead stressed that when a residential developer comes to
18 the Planned Hamlet they will be building the Village Green. She said this
19 element of the Master Plan will not be changed.

20
21 Town Planner Dym asked if other locations have been considered on the
22 site. She suggested the site on the far south cluster south of the gas line.

23
24 Mr. Watkins indicated that site has been looked at and is too small.

25
26 Consulting Engineer Barbagallo said the concept of turning the building is
27 the concept the applicant should look at. He said that during the Master
28 Plan there was a lot of discussion on anything accessing Mahopac Avenue.

29
30
31 **RENEWAL OF SPECIAL USE PERMIT**

32
33 **CROWN CASTLE USA, INC.**
34 **RENEWAL OF SPECIAL USE PERMIT**
35 **[TM: 16.15-1-1.1]**

36
37 Chairman Currie mentioned that this is the application of Crown Castle
38 USA, Inc. for the renewal of a Special Use Permit for an existing approved
39 Wireless Facility located at 115 Route 202, at the Lincoln Hall property.

40

1 Chair Currie asked the applicant's representative to update the Board on
2 the application.

3
4 Neil Alexander, the applicant's attorney, explained that the Local Law for
5 jurisdiction for special permits was changed December 2010. He explained
6 that the Planning Board took over the review of special permits after the
7 change in the law. He mentioned that there was an upgrade to this facility
8 by AT&T which was approved by the Planning Board on March 13, 2013.
9 He said there was a letter from Town Planner Dym asking for the status on
10 the renewal of the overall facility. Attorney Alexander indicated that the
11 reason he is here is to pursue the renewal of the special permit on behalf of
12 the owner of the tower. He explained that MetroPCS was approved to use
13 and expand the facility from 95 feet to 115 feet. Attorney Alexander said
14 that MetroPCS was issued a building permit and is still finishing up on the
15 work pursuant to an open building permit that is valid until the end of the
16 summer.

17
18 Attorney Alexander passed out to the Board an analysis of the MetroPCS
19 expansion and then added the AT&T upgrade that was just approved to the
20 MetroPCS expansion. He said that his cover letter addresses the bond
21 issue as the applicant is willing to put a \$15,000 bond in place for the pole.
22 Attorney Alexander indicated that Sprint, AT&T, Verizon, T-Mobile and
23 MetroPCS are located on the pole.

24
25 Mr. Foley noted that the Board reviewed three modification applications
26 located on three separate towers who want to make improvements. He
27 said that all three applications were granted. Mr. Foley stated that shortly
28 after the Board realized that some of those towers did not have active
29 permits in place. He explained that special use permits are granted for a
30 five year period and renewal of such permits were not being adhered to.
31 Mr. Foley commented that the Board was asked to renew the special
32 permit for the Majestech tower which was approved. He explained that the
33 Board only issued the permit for 2½ years because 2½ years was already
34 used up. Mr. Foley noted that the Board became aware of a problem with
35 materials that were submitted in conjunction with the Majestech renewal
36 application. He stated that the structural engineering report pertained to
37 the swapping of equipment. Mr. Foley indicated that the report said that
38 the tower was structurally sound to remove and replace equipment. He
39 stressed that this is not the structural engineering report that is called for in
40 the Town Code in conjunction with a renewal application. Mr. Foley

1 explained that this is the reason Attorney Alexander just passed out the
2 Structural Analysis Report from Paul J. Ford and Company dated April 23,
3 2013 to determine the structural integrity of the tower. He said that this
4 report is more comprehensive as it does not just deal with the swapping out
5 of equipment. Mr. Foley opined that the more fundamental problem
6 persists as the Code in regard to a renewal envisions a structural engineer
7 making a personal visit to the site and accessing the condition of the
8 existing pole and new extension and provides an updated report on
9 structural integrity of the entire pole. Mr. Foley stressed that the April 23,
10 2013 Structural Analysis Report is not that report.

11
12 Attorney Alexander said that MetroPCS has put on an extension pursuant
13 to Planning Board approval. He noted that when MetroPCS receives their
14 Certificate of Occupancy everything will be done and that is the time for a
15 structural analysis report.

16
17 Attorney Alexander noted for the record that he is not waiving any rights as
18 to whether this application should be before the Board under 6409A.

19
20 Attorney Alexander noted that in the intervening five years has any bolts
21 corroded to the point where they have to be replaced or a concrete pad not
22 functioning. He indicated that the inspection is not looking to see if the GEO
23 tech has been upgraded but that everything is operating as originally
24 installed.

25
26 Consultant Engineer Barbagallo stated that there is nothing in the Town
27 Code that prevents an engineer from certifying the tower without a sight
28 visit but with the renewal a field inspection has to take place. He
29 suggested that the field inspection take place for the special permit renewal
30 at the time the Certificate of Occupancy (CO) is issued.

31 Consultant Engineer Barbagallo mentioned that the five years has expired
32 on the Special Permit for the Lincoln Hall tower. He said that he will be
33 making sure that the structural report is complete and certified by a firm
34 licensed to practice in New York.

35
36 Town Attorney Baroni suggested that Attorney Alexander return to the
37 Board within 45 days after the issuance of the CO.

38

1 Attorney Alexander requested that Consultant Engineer Barbagallo provide
 2 him with a scope of work that should be undertaken by a qualified engineer
 3 to fulfill the requirements of the Town Code for a personal inspection.

4
 5 **DISCUSSION ON TOWN BOARD’S INTENT TO BE LEAD AGENCY**
 6 **AND REFERRAL BY TOWN BOARD ON THE ZONING CHANGE**
 7 **PETITION**

8
 9 Chairman Currie said that the Board will be considering as an involved
 10 agency under SEQRA the Town Board’s intent to be lead agency for the
 11 Zoning Petition of Boniello Land & Realty Ltd/Somers Crossing for the
 12 adoption of a new multi-family residence downtown hamlet.

13
 14 Chair Currie asked the Board if they had any objection to the Town Board
 15 being Lead Agency on Somers Crossing.

16
 17 Mr. Keane noted that if the Town Board is Lead Agency they decide how
 18 everything will happen under SEQRA. He opined that this is an issue just
 19 like what happened when the Zoning Board of Appeals (ZBA) was Lead
 20 Agency on the cell tower applications.

21
 22 Mr. Foley said that the Town Board’s request to be Lead Agency is just on
 23 the Zoning Petition.

24
 25 Town Planner Dym said that Lead Agency on the Zoning Change is the
 26 main action but there is also approval on a concept plan. She indicated that
 27 the applicant will be before the Planning Board on a regular basis. Town
 28 Planner Dym explained that the Town Board will be looking for the Planning
 29 Board’s recommendation on the concept plan. She said the applicant’s
 30 proposal for the zoning change may come out of the process similar to
 31 what they are proposing or another alternative may be used.

32
 33 Town Attorney Baroni explained that Somers Crossing will be a
 34 coordinated review of the Zoning Petition, Site Plan and Subdivision.
 35 He indicated that the Town Board will issue findings and the Planning
 36 Board as an Involved Agency will issue findings before any action can take
 37 place. He stressed that the Lead Agency designation is for the entire
 38 project not just the zoning.

39

1 Mr. Foley asked what makes this project different that the Town Board will
2 be Lead Agency and not the Planning Board. He said that the Planning
3 Board not being Lead Agency is a departure from the Board's normal role
4 in conjunction with a development project.

5
6 Town Planner Dym advised that the difference is this project cannot
7 proceed without a zoning change.

8
9 Richard O'Rourke, the applicant's attorney, said the applicant is asking for
10 a legislative change and that can only be done by the Town Board.
11 He reiterated that the Planning Board has the authority to approve
12 Subdivisions and Site Plans and does not lose their authority. He stressed
13 that the application cannot move forward unless the legislation is adopted.
14 He noted that there will be a scoping session where the Planning Board will
15 have input.

16
17 Mr. Keane said when the Town Board presents its findings they decide the
18 content not the Planning Board.

19
20 Gus Boniello, applicant, opined that the application will take a dual path
21 with the Town Board working on the Zone Change and the Planning Board
22 dealing with the Site Plan.

23
24 Attorney O'Rourke explained that in 1976 the Legislature said that the
25 environmental impacts are important so they decided to adopt an overlay
26 stature which is the State Environmental Quality Review Act (SEQRA). He
27 noted that the power of the Planning Board was left in place as well as the
28 power of the Town Board but said that everyone has to consider the
29 environment. Attorney O'Rourke mentioned that the Lead Agency came
30 into play because a specific Board has to take the lead.

31
32 The Chair called for a poll of the Board on the Town Board's Intent to be
33 Lead Agency on the Zoning Petition and the Somers Crossing project.

34
35 Mrs. DeLucia - No objection to the Town Board being Lead Agency
36 Mr. Keane - No objection to the Town Board being Lead Agency
37 Chair Currie - No objection to the Town Board being Lead Agency
38 Ms. Gerbino - No objection to the Town Board being Lead Agency
39 Mr. Foley - Abstained
40 Ms. Gannon - No objection to the Town Board being Lead Agency

1 Mrs. DeLucia noted that the Chair should sign the referral to the Town
2 Board that the Planning Board has no objection to the Town Board being
3 Lead Agency on Somers Crossing.

4
5 Chair Currie asked the applicant to give a brief summary regarding the
6 application.

7
8 Gus Boniello showed the Board an overview of the project. He explained
9 that there are three separate entities for this project. He noted that a
10 grocery store will be located off Route 202, 60 senior targeted units will be
11 located off Route 100 and a memory care facility. Mr. Boniello said that he
12 will try to alleviate traffic problems coming out of Heritage Hills. He
13 mentioned that the turn will be controlled by a light and therefore will be a
14 more controlled access. Mr. Boniello said that he wants a village-type feel
15 with upscale units somewhere between a condo and single family homes.

16
17 Ms. Gannon asked what makes the units more desirable to seniors.

18
19 Attorney O'Rourke said that age targeted means that there will be a first
20 floor bedroom and will not be friendly for young families. He commented
21 that although the units will be senior targeted there will be no discrimination
22 based on age.

23
24 Consultant Engineer Barbagallo said that the fire trucks will need access
25 behind the memory care building and easement for water and sewer are
26 necessary. He noted that there has to be discussion on wetlands and the
27 water table on the property.

28
29 Mr. Keane stated that there is not much room on the site for stormwater
30 management practices and the stormwater management practices are in
31 the wetland buffer near the grocery store.

32
33 There being no further business, on motion by Ms. Gannon, seconded by
34 Ms. Gerbino, and unanimously carried, the meeting adjourned at 10 P.M.
35 and the Chair noted that the next Planning Board meeting will be on
36 Wednesday, July 10, 2013 and will be held at 7:30 P. M. at the Somers
37 Town House.

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Respectfully submitted,

Marilyn Murphy
Planning Board Secretary