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PLANNING DEPARTMENT

TOWN HOUSE
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Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, *Chairman*
Jan Corning
Fedora DeLucia
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

3

**SOMERS PLANNING BOARD MINUTES
JUNE 8, 2016**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

11

12

13

14 **ABSENT:**

Mrs. DeLucia and Ms. Gannon

15

16 **ALSO PRESENT:**

Director of Planning Dym
Assistant Consultant Town Engineer Wasp
Planning Board Town Attorney Eriole
Planning Board Secretary Murphy

17

18

19

20

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

24

25 **APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING
26 BOARD MEETING HELD ON APRIL 13, 2016**

27

28 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
29 prepared and submitted for the Board's approval the draft minutes and
30 DVD of the Planning Board meeting held on April 13, 2016.

31

1 The Chair asked if there were any comments or corrections from the Board
2 on the draft minutes and DVD and no one replied.

3
4 On motion by Ms. Gerbino, seconded by Mr. McNamara, and unanimously
5 carried, the draft minutes and DVD of the April 13, 2016 Planning Board
6 meeting were approved.

7
8 Chairman Currie stated that the text of the approved minutes is available
9 on the Town's website www.somersny.com and is also available for public
10 review at the Planning & Engineering office at the Town House. The
11 approved DVD is available for public viewing at the Somers Public Library.

12
13 *At this point Mr. Goldenberg recused himself and did not participate in the*
14 *next agenda item.*

15
16 **PUBLIC HEARING**

17
18 **SOMERS CROSSING [TM: 17.15-1-15.1]**

19
20 Chairman Currie said that this is the Public Hearing on the application for
21 Site Plan, Preliminary Subdivision Approval and Steep Slopes Permits for
22 the development of 66 residential condo units, accessed from Route 100,
23 recreation building and a 19,000 s.f. grocery store. He noted that the
24 property is located at NYS Route 100 and US Route 202.

25
26 The Chair asked the applicant's representative to describe the application
27 for the benefit of the Board and the public.

28
29 Richard O'Rourke, the applicant's attorney, mentioned that the application
30 was filed in 2013 which prompted compliance with the New York State
31 Environmental Quality Review Act (SEQRA) which resulted in scoping
32 sessions that set the format for the Draft Environmental Impact Statement
33 (DEIS). Attorney O'Rourke explained that the DEIS was reviewed by the
34 Town Board, Planning Board and the Town and applicant's consultants and
35 was accepted as complete for purposes of circulation. He noted that the
36 DEIS was circulated to involved agencies where comments were received
37 that lead to the Final Environmental Impact Statement (FEIS) that answers
38 all the questions that were posted as part of the Public Hearing process.
39 Attorney O'Rourke stated that the FEIS was accepted and tomorrow the

1 Town Board will adopt a Findings Statement that concludes the SEQRA
2 process.

3
4 Timothy Allen, the applicant's engineer, said that there will be 66 condo
5 units consisting of 2, 3 and 4 attached units off Route 100 with a grocery
6 store off Route 202. He mentioned that the grocery store is an important
7 part of this project and is a community benefit for the residents to shop
8 locally in the hamlet. Engineer Allen explained that the required parking for
9 the grocery store and the condo units have been met for the residents and
10 grocery store patrons. He said that sewer and water is planned for both
11 entities and will be connected to Heritage Hills. Engineer Allen noted that
12 stormwater is being infiltrated throughout the property. He mentioned that
13 in the Final Environmental Impact Statement (FEIS) all the calculations for
14 the stormwater were provided. Engineer Allen said that geothermal wells
15 will be an asset and will be provided on the property. He opined that this
16 project will be a benefit to the community as it fits into the hamlet very
17 nicely.

18
19 Chairman Currie asked the Planning Board Secretary if the legal notice
20 was published and the adjoining property owners notified and was a sign
21 posted on the property stating the date, time and location of the Public
22 Hearing.

23
24 Planning Board Secretary Murphy said that the legal notice was published
25 in the Somers Record on May 26, 2016 and the adjoining property owners
26 were notified by mail on May 27, 2016. She mentioned that the sign was
27 posted on the property in two locations, one on Route 100 and one on
28 Route 202.

29
30 Chair Currie opened the Public Hearing and asked if anyone from the
31 public would like to be heard.

32
33 Bruce Prince, resident of Heritage Hills, member of Heritage Hills Society
34 and President of Condo 25, said that a statement was made that a
35 communication was made with Heritage Hills and he asked who was
36 spoken to about this development.

37
38 Attorney O'Rourke said that there have been dozens of meetings regarding
39 the DEIS and FEIS that spoke about connecting to the Heritage Hills
40 Treatment Plant.

1 Applicant Gus Boniello clarified that he met personally with past President
 2 of Heritage Hills Society Richard Benedict about three years ago to discuss
 3 the connection to the Heritage Hills Treatment Plant.

4
 5 Mr. Prince said that the main traffic flow will be at the realignment of the
 6 entrance and he asked if people coming to the grocery store will have to
 7 cross the main road access to get to the grocery store. He opined that this
 8 is an unusual planning procedure as he is speaking from having a Masters
 9 in Planning.

10
 11 Rudy Pepino, resident of Somerset Drive, noted that he lives north of
 12 Route 202 and opposite the two schools and is concerned about the traffic.
 13 He said that the supermarket will be a great convenience for the residents
 14 of Heritage Hills; however, it will attract more than local people. He
 15 mentioned that people from Granite Springs, Baldwin Place, Shenorock,
 16 western parts of Yorktown, Croton Falls and Purdys will come to shop at
 17 the grocery store located at Somers Crossing. Mr. Pepino commented that
 18 if it wasn't for the crossing guard on Route 202 he would never leave his
 19 development from 7:30 to 9:00 a.m. and from 2:30 p.m. until 4:00 p.m. He
 20 stated that his concern is mainly all the traffic coming from the western part
 21 of Somers. Mr. Pepino mentioned that the traffic on Route 202 is bad
 22 enough without people coming to the grocery store. He noted that the
 23 traffic will impact everyone from Lincolndale to Somers. Mr. Pepino said
 24 that residents on the Warren Street corridor will scream for a light. He
 25 noted that now there are five lights within four miles from Lincolndale to
 26 Somers.

27
 28 Katie Greczylo, resident of Cyprus Lane in Shenorock, said that she is in
 29 favor of the condos. She mentioned that she is a pre-school teacher at
 30 Little Peoples in Somers for 17 years and young families complain that
 31 there is nothing that brings things together like in Katonah, Yorktown and
 32 Chappaqua. She feels that Somers Crossing has that potential. Ms.
 33 Greczylo said that you have to be mindful about the traffic but she believes
 34 this project has a community feeling. She mentioned that when she is an
 35 empty nester she does not want to leave Somers and this project appeals
 36 to her. Ms. Greczylo said she is here to speak for the families that she has
 37 known for 17 years and herself as an almost empty nester and for her son
 38 who also wants to stay in Somers.

39

1 Lisa Pissalato, resident of North Salem, said that she would like to have a
2 master bedroom on the first floor and this community appeals to her. She
3 mentioned that this will be her third time building a new home and any time
4 a new community is built there is always resistance and people think about
5 the negatives. Ms. Pissalato said that the older she gets she realizes that
6 things can be fixed and there are solutions on ways to work together. She
7 said that after waiting for three years she has gone another way but she felt
8 that it was important to speak at this meeting. She said that her mother
9 lived in Heritage Hills and residents there want a supermarket desperately
10 and that Somers Crossing fits well into the feel and look of the Town. Ms.
11 Pissalato said that the Boniello family has built in Somers for years and are
12 incredible people who listen to people's concerns and will work with the
13 Town to do the best job they can. She also felt that this development will
14 give people the opportunity to stay in Somers after they raise their families.
15

16 Mike Meyers, resident of Twin Knolls in Somers, mentioned that the
17 Boniello family built his home in Somers and he loves the community. He
18 said that now that he is an empty nester he looked in Danbury, Richfield
19 and even thought about moving to Florida but he does not want to leave
20 the community. Mr. Meyers said that to have the Boniello's build the next
21 phase of his life would be wonderful and he is supportive of having Somers
22 Crossing in the area.
23

24 William Penny, a lifelong Somers residents, noted that a lot of towns have
25 embraced new projects but he has not seen that in Somers. He said that
26 this project will help the Town and keep the community feel and is a
27 positive for the Town.
28

29 Lyn Crispinelli, resident of 1 Honey Hollow Court, said that she is also an
30 empty nester and would love to live in a place like Somers Crossing. She
31 mentioned that she is in the real estate business and there is a lot of
32 demand for something like Somers Crossing. Ms. Crispinelli said that her
33 only disappointment is that it will not be ready sooner. She noted that this
34 project fits a need for a lot of people. She mentioned that she is going into
35 a rental and if this comes to fruition she will be the first one to put her name
36 on the list for a condo. Ms. Crispinelli opined that it would be a real
37 disservice to the community if this project does not happen.
38
39

1 Wayne Biddle, owner of the Somers Towne Centre, and noted that he met
 2 with Mr. Boniello and he is very much in favor of this project and feels that it
 3 is great for the Town. He said that he heard talk about traffic but the
 4 connection to the Heritage Hills entrance will be positive and will offset the
 5 negative part of the increase in traffic Mr. Biddle opined that this is a great
 6 project and is something Somers needs and he is excited to see more
 7 development and interest in Somers. He said that he is working with Mr.
 8 Boniello on the easements for transgression across his property.

9

10 Ms. Gerbino said that she has concerns about the traffic and the grocery
 11 store. She said that those who spoke about traffic concerns have every
 12 right to be concerned. Ms. Gerbino explained that the Board does not have
 13 a right to say “no” because of traffic but should address it openly and
 14 address the issue. She noted that the grocery store will be located at the
 15 main entrance to the Shopping Center. Ms. Gerbino said that she shops at
 16 the ACME store in Yorktown and that is a similar situation and a very busy
 17 spot. She asked if there will be ramps going down and questioned what will
 18 be done.

19

20 Gus Boniello said that the Town’s traffic engineer and his traffic engineer
 21 have worked it out. He noted that he would have preferred the parking be
 22 closer to the grocery store so no roads would have to be crossed. He said
 23 that a speed table which is a raised material with a slight ramp will be used.
 24 He said that it has a speed bump type of effect.

25

26 Philip Greeley, the applicant’s traffic engineer, said that the store in
 27 Yorktown has much longer straight runs but is similar in regard to parking
 28 at the store. Engineer Greeley said that Yorktown has more speed traffic.
 29 He said that in terms of the curves alone, as you come across from
 30 Heritage Hills, that will control the speed.

31

32 Engineer Greeley said that in terms of traffic calming he tried to create
 33 more of a hamlet atmosphere so traffic does not speed through the area.
 34 He noted that the speed table incorporates a crossing for pedestrians going
 35 from the parking area to the grocery store. Engineer Greeley said that it is
 36 a standard design used in hamlet areas to calm the traffic. He said that
 37 because of the roadway and the curb there will be relatively low speeds
 38 compared to Yorktown. Engineer Greeley said in terms of the external
 39 traffic in the time period during the morning rush hour there is not too much

1 traffic for a grocery store. Throughout the day there will be traffic and when
2 school is out that will generate traffic.

3
4 Mr. Greeley said that in the SEQRA documents New York State
5 Department of Transportation (DOT) is involved as they have to issue
6 permits for their roadways. He mentioned that part of the improvements,
7 signals and the pedestrian modifications are all part of the work permit. He
8 commented that the signal upgrades are to the DOT specifications. Mr.
9 Greeley stated that there will be traffic but the benefit of the cross
10 connection where traffic would normally have to go out to the highway
11 system to get back and forth to the store is more internal which is a positive
12 by creating a hamlet setting so that people from the residential can get to
13 the existing commercial and the supermarket. He mentioned that the
14 residential tenants can also walk to the supermarket which will help keep
15 traffic off the roadway. Engineer Greeley said that there will be increased
16 traffic but most of it is traffic that is already here as people are already
17 shopping at supermarkets. He said as the project goes through the permit
18 process there will be more tweaks but basically that is what has been
19 worked into the plan already.

20
21 Chairman Currie said it would be useful if the Board could look at a site that
22 has the traffic table.

23
24 Engineer Greeley said that he will provide locations where the traffic table
25 has been installed.

26
27 Mr. McNamara asked if the traffic table will be striped so the shopper
28 knows where the safe place is to cross the road and the drivers with
29 signage will yield to the pedestrian.

30
31 Engineer Greeley said that there will be signs and part of the design in
32 terms of striping is a striping pattern that has to be used. He said that the
33 DOT has endorsed a standard detail.

34
35 Ms. Corning said that she wants to discuss a problem that she feels is
36 solvable and that is the buffer coming in on the Route 100 corridor. She
37 opined that it is an important element to the Town. Ms. Corning noted that
38 you don't want to see a series of roof lines.

39

1 Chair Currie said that this project is at the main entry into the hamlet and
2 he wants to keep the rural look. He mentioned that he does not want to
3 see all the deciduous trees taken down.

4
5 On motion by Chair Currie, seconded by Ms. Corning and carried, the
6 Public Hearing will be continued at the July 13, 2016 Planning Board
7 meeting.

8
9 Attorney O'Rourke said that he anticipates the adoption of the SEQRA
10 Findings Statement at the Town Board meeting tomorrow. He requested
11 that the Planning Board make a referral to the Town Board regarding the
12 application of MFR-DH District to Somers Crossing pursuant to application
13 procedure under Section 170-13C of the Somers Town Code.

14
15 Director of Planning Dym said she will get the advice of the Town Attorney
16 on what actions can be taken in regard to zoning once it is referred to the
17 State.

18
19 Attorney O'Rourke clarified that the law has to be filed with the Secretary of
20 State and it becomes effective upon that filing.

21
22 Planning Board Town Attorney Eriole explained that the Town Board
23 if it chooses will change the text adding MFR-DH Multifamily Residences
24 Downtown Hamlet District to Section 170-13 of the Somers Town Code.
25 He said that the Planning Board has to determine if this project should have
26 that text amendment.

27
28 On motion by Ms. Corning, seconded by Chair Currie, and carried
29 the Board moved to recommend to send a memo to the Town Board
30 making a positive recommendation on the application of the proposed zone
31 to this site, the Somers Crossing application, and that the effectiveness of
32 this recommendation is contingent on the Town Board adopting the zone
33 text amendment and making that referral to the Planning Board.

34
35 **PROJECT REVIEW**

36
37 *At this point Mr. Goldenberg recused himself and did not participate in the*
38 *next agenda item.*

39
40 **SOMERS POINTE COUNTRY CLUB [TM: 6.17-20-1.21]**

1 Chairman Currie said that this is an application for Site Plan Approval for
2 property located on the southeast side of the Somers Pointe Clubhouse at
3 100 West Hill Drive for the construction of a swimming pool, cabana
4 building and two tennis courts with associated parking to provide additional
5 recreation activities.

6
7 The Chair asked the applicant's representative to bring the Board and the
8 public up to date on the changes to the Site Plan.

9
10 John Petroccione, the applicant's engineer, said that since the last meeting
11 he met with the Board for a site walk on the project. He mentioned that he
12 revised the plans. He said that previously he proposed a truck loading area
13 in front of the existing restaurant but based on discussion on the site walk
14 that has been relocated to the east side of West Hill Road. He mentioned
15 that the pull-off will provide ample room for deliveries by trucks of all sizes
16 and will remove them from local roads. Engineer Petroccione explained
17 that this will allow the trucks to park instead of parking on the road. He
18 noted that he has done more work on the lowest parking lot near Condo 15.
19 He explained that the parking lot is proposed to be a landbanked parking
20 area. Engineer Petroccione said that he further developed the stormwater
21 reports and plans and identified the conditions assuming landbanked
22 parking is constructed. He mentioned that he addressed what the physical
23 and stormwater conditions will be. Engineer Petroccione said that the
24 drainage area going down to the adjacent condos will be significantly
25 reduced. He indicated that 50% of the land area will be intercepted that
26 currently goes to the Condo from the developed area. He said that under
27 the landbanked conditions there will be a sediment pond as part of the
28 initial construction as an erosion control measure. He noted that the pond
29 will collect stormwater and sediment from any runoff. Engineer Petroccione
30 stated that the sediment basin will be left until the permanent parking lot is
31 constructed but if the parking lot is not constructed the pond will be
32 maintained as a permanent feature.

33
34 Chair Currie said that he wants to set the record straight as there were
35 negative comments made about the Golf Course Superintendent, Steve
36 Turchik, who is a personal friend of his that he has known for over thirty
37 years. He noted that the comments that were made were very misleading
38 as there was a group of people walking on the site without permission that
39 had no right to be on the site, as it is posted and is private property. Chair
40 Currie explained that an employee called Mr. Turchik who called security to

1 have them removed. He said that this has been going on for years. He
 2 mentioned that the golf course is a private Golf Course and you are not
 3 allowed to walk on it if you are not playing golf. He stressed that is not a
 4 place to walk your dog or jog. He said that the people were trespassing.
 5 Chair Currie said the reason he is bringing this up is because he does not
 6 like to have someone's name tarnished when it is wrong.

7
 8 The Chair acknowledged receipt of a memo from Director of Planning Dym
 9 and Consultant Town Engineer Barbagallo both dated June 3, 2016.

10
 11 Assistant Consultant Town Engineer Wasp said that under the first section
 12 of comments listed as Comments from May 11, 2016 Public Hearing are
 13 issues that were incorporated into the memo for consideration.

14
 15 1. *The project will require travel by construction vehicles through*
 16 *private roadways owned by Heritage Hills Development. The*
 17 *Applicant will be required to post a restoration bond prior to the*
 18 *start of construction, in the event such roadways become*
 19 *damaged by construction traffic.*

20
 21 a) *The Applicant must coordinate with the Heritage Hills Condo*
 22 *Development on the planned route of construction access to*
 23 *the site.*

24
 25 b) *The restoration bond amount will be based upon the cost to mill*
 26 *and replace the top course of asphalt pavement with additional*
 27 *allowances for curb and drainage structure castings within the*
 28 *identified construction access route. The Applicant must*
 29 *prepare a cost estimate for the proposed work.*

30
 31 Engineer Petroccione said that the applicant has no problem with the
 32 bonding but the only issue is the timing. He noted that without approval it
 33 is difficult to get construction pricing.

34
 35 2. *The Applicant will be required to establish a performance bond*
 36 *based upon the cost to restore and stabilize all construction*
 37 *land disturbance.*

38
 39 Assistant Consultant Engineer Wasp said this is a bond that probably
 40 would not be called upon. Only if the project stalled and became dormant,

1 this bond would stabilize the disturbed areas. He said that this will be
 2 addressed prior to the signing of the site plan.

3
 4 3. The Applicant shall provide an updated plan that details
 5 establishment of vegetation and screening of the proposed
 6 parking areas, tennis courts, pool equipment storage area,
 7 facility rubbish containers and the maintenance of equipment
 8 storage area for review by the Planning Board.

9
 10 Engineer Wasp said that there is a concern about the screening of the
 11 facilities and this will be worked out with the applicant, Heritage Hills
 12 Society and the Board as the process continues.

13
 14 4. *The previously submitted drawings included a photometric*
 15 *analysis of the proposed parking lot lighting based upon the*
 16 *new area of development. The Planning Board should consider*
 17 *whether requirement for additional analysis of site lighting is*
 18 *desired by the Applicant.*

19
 20 Engineer Wasp said that he did not find any issue with the photometric plan
 21 as it is consistent with others in the area.

22
 23 Ms. Gerbino said that she was concerned because it was so dark when she
 24 left the restaurant. She noted that she was told that the lights were on a
 25 timer and some lighting structures were laying on the ground. She said
 26 that her concern is health, safety and welfare and she wants to know there
 27 is enough lighting but does not want the lighting to impact residents in the
 28 area.

29
 30 Engineer Petroccione said he is aware that there are some non-functioning
 31 lights that the owner intends to fix and he has no problem with making that
 32 a requirement of the approval.

33
 34 Engineer Wasp said that the applicant's engineer made changes to the
 35 Stormwater Plan where an additional drainage area that did not previously
 36 capture stormwater is now located in the lower parking lot. He said that he
 37 is requesting that this be designed as a more permanent feature.

38
 39 Engineer Wasp stressed that his office will coordinate with the Heritage
 40 Hills Society before recommending approval.

1 Director of Planning Dym said that there were comments about blasting but
 2 based on comments from the applicant no rock removal is anticipated. She
 3 clarified that if blasting is required the applicant will have to apply for a
 4 blasting permit from the Fire Inspector.

5
 6 Director of Planning Dym noted that the Board needs to see elevation
 7 views through the parking lot and cabana, i.e., sections, to show visual
 8 impact, show from lower three units. She said that the drawings indicate a
 9 one-story plus attic building of 21'4" in height. She said that while it is
 10 possible that this building will be visible from some surrounding homes, the
 11 Planning Board should determine if it deems that this requires elevation
 12 section drawings and whether a building of such height and mass of 70 feet
 13 by 46 feet constitutes a significant impact.

14
 15 Director of Planning Dym said that under existing conditions there were
 16 concerns about the parking area that is broken up and unsafe and in poor
 17 condition. She said that the applicant said they will fix the problem but she
 18 wants to know exactly what that means. Director of Planning Dym
 19 mentioned the uprooted light pole and unkempt garden and grass.

20
 21 Chair Currie interjected that the building that is used for maintenance
 22 storage is really for golf cart storage. He mentioned that another site called
 23 Fred's Way has a large lot that belongs to the Golf Course. He said that a
 24 few years ago a previous owner was going to build a maintenance facility
 25 there. He opined that it would be the easiest way to clean up the yard and
 26 move everything there.

27
 28 Engineer Petroccione said that he can discuss it with the owners. He noted
 29 that the owner has committed to removing all the junk and install a fence at
 30 the rear of the disturbed area to provide screening to the down slope area.

31
 32 Chair Currie said that the original Site Plan did not approve the building for
 33 golf cart storage.

34
 35 Planning Board Town Attorney Eriole advised that the approved plan and
 36 even in the areas that are not proposed for new development are not in
 37 compliance with the approved plan it is something the Board can require.

38
 39 Mr. McNamara said he was not impressed with the appearance of the
 40 maintenance yard or the existing walkways and parking. He opined that

1 the walkways and parking have to be repaved. He said that he does not
2 believe that the maintenance area belongs in the area near the restaurant.
3 He commented that there are old ball washers, lighting fixtures and broken
4 parts of machinery just lying on the ground. He stressed if it is junk get rid
5 of it.

6
7 Mr. McNamara said it has to be determined if the maintenance yard is for
8 maintenance of the golf carts or maintenance of the tractors and
9 equipment.

10
11 Ms. Corning said that it has to be impressed on the owner that the area has
12 to be cleaned up and maintained.

13
14 Mr. McNamara said that we have to find out what exactly the facility is used
15 for.

16
17 Attorney Eriole said that the approved plan says the building is for golf cart
18 storage.

19
20 Engineer Petroccione said that currently the golf carts are stored in the
21 building and repair work on the carts is done there. He mentioned that a
22 work shop is set up and tractors, lawn mowers, etc. are also repaired there.
23 He reiterated that the owner will clean up everything that is lying around.

24
25 Ms. Corning asked if five years from now the landbanked parking is needed
26 what happens to the water that currently is stored there.

27
28 Engineer Petroccione said that the landbanked parking will be used if
29 needed. He explained that there is a substantial stormwater infrastructure
30 in the parking lot which will be constructed as part of the parking lot.

31
32 Director of Planning Dym asked for clarification on the hours of operation.
33 She mentioned that the Environmental Assessment Form (EAF) states the
34 hours of operation are 10 A.M. to 8:00 P.M., all seven days of the week.
35 She sad that they should identify the season for the pool, cabana and
36 tennis courts.

37
38 Director of Planning Dym said there was a comment about future
39 development that there be no future attempt to redevelop the golf course
40 with additional condominiums. She said that the Resolution approving the

1 Golf Course Resolution 90-30, dated October 31, 1990 states clearly that
2 the owner has said that the golf course property will be used for golf course
3 purposes only and if the golf course should be discontinued the property
4 will revert to open space.

5
6 On motion by Chair Currie, seconded by Ms. Gerbino and carried, the
7 Board moved with the agreement of the applicant to extend Site Plan
8 review and approval to September 8, 2016, beyond the 62 days after the
9 closing of the Public Hearing pursuant to Section 170-114 C. (12).

10
11 *AT THIS POINT MR. GOLDENBERG RETURNED TO THE MEETING*

12
13 **ANTHONY BONIELLO SUBDIVISION [TM: 47.16-1-31]**

14
15 Chairman Currie said that this is an application for Preliminary Subdivision
16 Approval for property located at Moseman Avenue to subdivide one three
17 acre lot out of an existing 23.5 acre lot.

18
19 The Chair acknowledged receipt of a memo from the Director of Planning
20 dated June 2, 2016 and a memo from Woodard & Curran dated June 3,
21 2016.

22
23 Gus Boniello, representing the applicant, mentioned receipt of a form from
24 Westchester County Department of Health that they had no interest in
25 being Lead Agency so the Planning Board can act as Lead Agency.

26
27 Director of Planning Dym mentioned that the Board has to make a
28 Determination of Significance. She explained that she provided the short
29 form Environmental Assessment Form (EAF). She said that the Board has
30 to review the EAF and determine if there is a small or minimum impact or
31 moderate to large impact where the Board will decide if the proposed action
32 will not result in any significant adverse environmental impact on the
33 environment. She stated if the Board decides that there is no negative
34 effect they will make the determination of significance and issue a Neg
35 Dec.

36
37 Director of Planning Dym and the Planning Board reviewed the EAF and
38 found that there was no significant adverse environmental impacts.

39

1 On motion by Mr. McNamara, seconded by Ms. Corning, and unanimously
 2 carried, the Board accepted Lead Agency status and moved to approve the
 3 Negative Declaration in that the proposed action will not result in any
 4 significant adverse environmental impacts.

5
 6 Director of Planning Dym explained she will refer the Negative Declaration
 7 to the Zoning Board of Appeals to allow the ZBA to take the following action
 8 at their June 21, 2016 meeting:

- 9
- 10 • Rescind the Type II action vote taken at the meeting of April 19,
 - 11 2016.
 - 12 • Rescind the variance vote taken at the meeting of April 19, 2016.
 - 13 • Accept the Negative Declaration from the Planning Board.
 - 14 • Re-vote to grant the variance and refer to Planning Board.

15
 16 On motion by Mr. McNamara, seconded by Ms. Gerbino unanimously
 17 carried, the Board moved to schedule a Public Hearing for the Anthony
 18 Boniello Subdivision for July 13, 2016 at the Somers Town House at 7:30
 19 P.M.

20
 21 **CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**

22
 23 Chairman Curie noted that this is an application for Site Plan Approval for
 24 property located on Route 6. He said that the proposal is for a mixed use
 25 development consisting of a two-story 24,000 s.f. building with 12,000 s.f.
 26 of retail and 12,000 s.f. of professional office and 64 residential units.

27
 28 The Chair acknowledged receipt of a letter from Denis Persico dated May
 29 18, 2016 and a letter from Charles Martabano, Esq. dated May 31, 2016.

30
 31 The Chair asked the applicant’s representative to explain the application for
 32 the benefit of the Board and the public.

33
 34 Richard Williams, the applicant’s engineer, noted that he was before the
 35 Board last month and the Board directed staff to prepare a draft Negative
 36 Declaration Neg Dec. He noted that the Board asked him for more
 37 information mainly to respond to the Frederick P. Clark memo and to
 38 provide a wetland impact analysis. Engineer Williams mentioned that he
 39 provided all that information as well as a revised existing conditions plan, a
 40 layout landscape plan, grading plan and updated the report titled “The

1 Proposed Action Comparison to the Previous Neg Dec”, which is a
2 summary of how this project compares with the Neg Dec that was
3 previously issued and the Town of Somers Wetland Buffer and the New
4 York State Department of Environmental Conservation (DEC) adjacent
5 area Enhancement Report. Engineer Williams mentioned that the changes
6 to these documents consists of the following: update of the grading to
7 reduce the amount of import, which is now at a 30,000 yard import, where
8 the previous Neg Dec was at 24,289. He noted that the traffic numbers
9 were updated associated with the import from a five-week import to a
10 seven week import. He stated that this will give the Board a comparison
11 that was recently experienced with Somers Realty Phase 2 where the
12 Board approved an export of 45,000 yards which occurred between August
13 and November with a peak of eight (8) weeks for the export. Engineer
14 Williams noted that he also provided the Wetland Buffer Report. He said
15 that on site now there is 2.8 acres of wetland buffer of that 2.2 acres
16 currently exists as either fertilized maintained lawn or impervious surface.
17 Engineer Williams noted that there is 1.9 acres of lawn and .3 acres of
18 impervious surface. He explained that of that 2.2 acres that are currently
19 disturbed there will be 1.9 acres that will be disturbed to provide 1.3 acres
20 of mitigation. Engineer Williams said that 6 tenths of an acre will be
21 provided for wetland mitigation areas and 3 tenths of an acre for a
22 constructed wetland and 4 tenths of a swale and sand filter which will
23 provide stormwater treatment in part to some of the existing development
24 currently not treated. Engineer Williams said that in total there is a
25 reduction in maintained and fertilized lawn in the buffer of 63% and an 83%
26 reduction in impervious surfaces in the buffer area. He mentioned that he
27 provided the NYS Department of Environmental Conservation (DEC)
28 Compatibility Analysis, which is one of the analysis DEC uses to issue their
29 Freshwater Wetland Permit to determine if the proposed actions within the
30 buffer are consistent with their permitting guidelines. He stated that the
31 Compatibility Analysis indicated that it was consistent. Engineer Williams
32 mentioned that he also provided a summary of the Town of Somers
33 Wetland Mitigation Policy and the applicant’s compliance.

34

35 Engineer Williams said that the Town has not prepared the Neg Dec but he
36 is here to answer any questions the Board may have.

37

38 Assistant Town Consulting Engineer Wasp said that based upon the time
39 necessary to complete the review it was determined that the review would

1 not be available in time for delivery to the Planning Board. He explained
 2 that following discussion with the Chairman it was decided that the review
 3 would be postponed until the next meeting. Engineer Wasp mentioned that
 4 his office reviewed the documents that were submitted and the Wetland
 5 Buffer Report shows no adverse impact proposed by the project impacts
 6 over what was previously considered by the previous project. He noted
 7 that details on mitigation will be reviewed under the Site Plan process.
 8 Engineer Wasp explained that he wants to work with the applicant on the
 9 language regarding the involvement of the Watershed Inspector General
 10 (WIG) in the Neg Dec.

11
 12 Chairman Currie suggested an additional meeting in June to review the
 13 Neg Dec. He directed that the Board hold a meeting on Wednesday, June
 14 22, 2016 at 7:30 P.M. at the Somers Town House.

15
 16 **NYSMSA LLC D/B/A VERIZON WIRELESS [TM: 17.05-20-2]**
 17 **APPLICATION FOR SITE PLAN AND SPECIAL USE PERMIT**

18
 19 Chairman Currie said that this is an application for a co-location of public
 20 utility wireless telecommunication facility and extension to an existing
 21 monopole for property located at 250 West Hill Drive, Heritage Hills in the
 22 DRD Zoning District.

23
 24 The Chair asked the applicant’s representative to explain the application for
 25 the benefit of the Board and the public.

26
 27 Michael Sheridan, the applicant’s attorney, said that Verizon wants to co-
 28 locate on the existing tower facility to put a 15 foot extension on the existing
 29 monopole together with the related equipment within the fenced compound
 30 Attorney Sheridan stated that this will improve enhanced personal wireless
 31 communication services to the area. He respectfully submitted that the
 32 facility should be approved in accordance with Federal Law, The Middle
 33 Class Tax and Relief Act of 2012 that acknowledges the importance of
 34 wireless communication facilities and provides that a local municipality
 35 cannot deny an application where a co-location of transmission equipment
 36 does not substantially change the existing tower. He acknowledged that
 37 there are several requirements and this tower meets those requirements
 38 and should be approved forthwith.

39 Attorney Sheridan requested that the Board waive the Public Hearing for a
 40 Special Permit and waive Site Plan Approval for this minor modification.

1 Mr. Goldenberg commented that the area is a recreational area with a
 2 swimming pool and tennis courts. He said that the tower is near the water
 3 tower and is in a confined place. Mr. Goldenberg asked when the work will
 4 start and how it will be done.

5
 6 Attorney Sheridan said that Verizon will abide by the building regulations
 7 and the Building Inspector. He said that as nothing has been approved
 8 there is no construction schedule.

9
 10 Robert Wasp, the Assistant Consultant Town Engineer, suggested that a
 11 step by step construction sequence that outlines the construction schedule
 12 be submitted

13
 14 Director of Planning Dym explained that the office of Snyder & Snyder
 15 communicated with the Town Attorney and it was decided that a renewal
 16 permit is not required to be provided by the tower owner, who is different
 17 than Verizon Wireless, because the tower was approved in 1993 by Site
 18 Plan approval prior to any Town requirement for a Special Permit or
 19 renewal thereof. She noted that her request for information required for the
 20 permit renewal is not necessary. Director of Planning Dym said that
 21 notwithstanding this lack of a requirement for the renewal of the Special
 22 Permit the applicant provided an engineering report prepared for Crown
 23 Castle, the owner of the pole. She said that the report indicated that the
 24 existing pole was structurally adequate to accept the pole extension and
 25 there was sufficient capacity on the existing pole to accept the proposed
 26 modification. Director of Planning Dym said that additionally a “Special
 27 Inspection Condition Assessment” was undertaken by ETS on May 25,
 28 2016 and there was a personal on-site inspection conducted to determine if
 29 the tower had any structural deficiencies and it was determined that the
 30 town has no significant maintenance issues that would affect the structural
 31 capacity of the tower. She mentioned that they also performed light
 32 maintenance to repair minor deficiencies that they found.

33
 34 Director of Planning Dym said that the applicant is asking the Board to
 35 waive Site Plan procedures. She noted that under Section 170-129.9 B.
 36 and C. the Planning Board is permitted to waive Site Plan review and
 37 approval for a Site Plan modification if it finds the modification is minor
 38 according to Section 170-114F. She mentioned that the relevant portion of
 39 this section 170-114 F. (d) states the following: “Amendment of an
 40 approved special exception use permit that does not affect the

1 characteristics of the site in terms of traffic access, parking, loading,
2 circulation, hours of operation, drainage, utilities, lighting, security or other
3 Town services”.

4
5 Director of Planning Dym asked Engineer Wasp if this application meets
6 this criteria.

7
8 Engineer Wasp said that the new structure that will be added to the site is
9 consistent with what is already there and there is no change of use and he
10 supports that this application meets the intent of the Code.

11
12 Director of Planning Dym indicated that the Planning Board has to
13 determine if the criteria to waive Site Plan approval has been met.

14
15 Planning Board Town Attorney Eriole said that Section 170-129.9B. says
16 that the Board can waive Site Plan procedures if they determine that there
17 is no revision to the approved plan requiring site work of a scope
18 significantly greater that is shown on the already approved plan.

19
20 Ms. Gerbino said that during Hurricane Sandy means of communication
21 was lost and this application will improve cellphone usage.

22
23 Attorney Sheridan noted that Verizon will have a generator that will allow
24 the tower to operate even if power is lost. He indicated that there will not
25 be an increase in traffic once this is built.

26
27 Ms. Corning asked what the fuel source is for the generator and is it in a
28 sound enclosure.

29
30 Attorney Sheridan said that it is a diesel generator with the tank located
31 within the housing of the generator and the generator will have vibration
32 isolators that will decrease sound.

33
34 Mr. McNamara said that the decibel level is important because of the
35 proximity of the generator to the neighbors.

36
37 Attorney Sheridan stated that there was a noise letter submitted that
38 indicates that the anticipated noise level from the generator is well below
39 the existing background noise levels at the site.

40

1 Mr. McNamara suggested that Robert Burns, applicant’s engineer, provide
2 a scope of activity stating what will happen and the time frame when they
3 will happen.

4
5 Director of Planning Dym explained that there is a requirement for a Public
6 Hearing under the Special Use Permit unless the Board waives the
7 requirement.

8
9 Attorney Sheridan said that he hopes the Board will stay on topic if there is
10 a Public Hearing.

11
12 Director of Planning Dym suggested that a draft Resolution for the Special
13 Use Permit be prepared if the Public Hearing is closed and it can be for the
14 Chairman’s signature.

15
16 On motion by Mr. McNamara, seconded by Mr. Goldenberg, and
17 unanimously carried, the Board moved to waive Site Plan procedures and
18 schedule a Public Hearing on the Special Use Permit for July 13, 2016 at
19 the Somers Town House at 7:30 P.M. and to have a Draft Resolution
20 prepared.

21
22
23 **DEUTSCH WETLAND, STEEP SLOPES, TREE REMOVAL AND**
24 **STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**
25 **CONTROL PERMITS [TM: 48.09-1-24]**
26

27 Chairman Currie said that this is the applicant from Insite Engineering and
28 owner Joseph Deutsch for property located on the South side of Hageman
29 Court for a proposed single family residence with onsite wastewater
30 treatment system, well and driveway.

31
32 The Chair asked the applicant’s representative to explain the application for
33 the benefit of the Board and the public.

34
35 Joseph Deutsch said that he has been the owner of the property since
36 1992 when he developed Hageman Court. He noted that he now owns
37 three lots in the subdivision and he wants to put a single family home on
38 Lot 24.

39

1 Richard Williams, the applicant’s engineer, explained that Lot 24 is part of
 2 Hageman Hills Subdivision and is one of three remaining lots. He said that
 3 it is located at the intersection of Hageman Court and Wood Street on the
 4 southwest corner of the intersection. Engineer Williams noted that the
 5 majority of the property contains a NYS Department of Environmental
 6 Conservation (DEC) wetland (F21). He mentioned that the property is 2.7
 7 acres and is located in the R-80 Zoning District. Engineer Williams
 8 commented that if you take out the DEC Wetland and the associated 100
 9 foot buffer there is a small portion on the eastern part of the property that
 10 remains and is where the proposed house, septic and well will be
 11 constructed. He said that because of the ledgerrock part of the driveway
 12 will have to be constructed in the wetland buffer. Engineer Williams said
 13 that a DEC Freshwater Wetland Permit as well as a Town of Somers
 14 Wetland Permit will be needed. He mentioned that the house will have five
 15 bedrooms that is consistent with homes in the neighborhood. Engineer
 16 Williams said that there is a little over a tenth of an acre of wetland
 17 disturbance of which approximately 50% is wetland mitigation. Engineer
 18 Williams stated that there is a wetland mitigation area on the downhill side
 19 of the driveway. He mentioned that there is 2,000 s.f. of steep slope
 20 disturbance.

21
 22 Mr. McNamara asked if five bedrooms will have an adequate septic area.
 23 He also noted that retaining walls and driveways in the buffer area may be
 24 an issue with DEC and Department of Environmental Protection (DEP).

25
 26 Engineer Williams explained that preliminary testing shows that a five
 27 bedroom home will meet the criteria. He noted that application will be made
 28 to the DEC and DEP shortly.

29
 30 Chairman Currie directed that a site walk be scheduled for Saturday, June
 31 18, 2016 at 9:00 A.M.

32
 33 **DISCUSSION**

34
 35
 36 **REFERRAL FROM TOWN BOARD**

37
 38 Chairman Currie said that the Town Board requested that the Planning
 39 Board make a decision on the Bureau of Fire Prevention suggestion that

1 any road servicing three or more houses be assigned a road name by the
2 Town for easily identifiable vehicle access.

3
4 Chair Currie said that the representative from the Bureau of Fire Prevention
5 is not available this evening. The Chair directed that the referral from the
6 Town Board be placed on the June 22, 2016 Planning Board meeting.

7
8 **DISCUSSION WITH PLANNING BOARD ON PROCEDURES**

9
10 Chairman Currie said that the Board will be discussing project information,
11 procedures and timelines desired by the Planning Board.

12
13 Director of Planning Dym said that concerns were generated by the
14 confusion with the Anthony Boniello Subdivision. She said one of the
15 issues is the items that the Board has discretion about waiving, as well as
16 procedures that the Board does not have discretion about waiving. The
17 Director of Planning explained that when the Board does not have
18 discretion it is up to her as the Board's professional to determine what has
19 to happen. She noted that she often confers with the Town Attorney to
20 make sure the procedures are correct. Director of Planning Dym explained
21 that some of the confusion with the Boniello application happened because
22 her memo to the Zoning Board of Appeals (ZBA) incorrectly said to the
23 Somers Planning Board instead of to the Zoning Board. She explained that
24 the e-mail specified that the ZBA should receive the memo but the ZBA did
25 not receive the memo, so the procedures that she established for them
26 were not followed and the ZBA granted the variance. She said the
27 variance should not have been granted.

28
29 Director of Planning Dym reminded the Board that she originally prepared a
30 Lead Agency notice but an engineer made a presentation to the Board and
31 they went with his interpretation. She said that there were a series of
32 unfortunate miss-actions that happened Director of Planning Dym
33 stressed that her role is to make sure that actions are defensible and
34 procedural actions that are required are taken.

35
36 Ms. Corning said that the confusion was the Board declared its intent to be
37 Lead Agency and then rescinded the action. She asked if the Board can
38 save a step so the applicant can continue to move forward while the Board
39 is catching up with the paper work.

40

1 Director of Planning Dym said that the Board has some things they have
2 discretion on and some they don't. She explained that 30 days is required
3 under SEQRA regulations and the reason the Board could grant its intent to
4 be Lead Agency before the 30 days was because there was only two
5 Involved Agencies, the ZBA and the Health Department. Director of
6 Planning Dym told Mr. Boniello that if action was to be taken tonight he had
7 to secure a memo from both agencies stating they had no objection to the
8 Planning Board acting as Lead Agency on the project. She stated that
9 memos were received from the two Involved Agencies so the Board could
10 declare its intent to be Lead Agency before the 30 days.

11
12 Planning Board Town Attorney Eriole explained that the ZBA could not act
13 until SEQRA is concluded. He explained that when there are Involved
14 Agencies Lead Agency has to be established first before SEQRA can be
15 completed.

16
17 Ms. Corning said that a flow chart giving the SEQRA guidelines made
18 simple should be provided to the Board and the applicant.

19
20 Ms. Gerbino said that the Town of North Salem has a check list as part of
21 their Code that is similar to the SEQRA checklist. She said that it is a good
22 idea to put a checklist together. She quoted from SEQRA, "no agency
23 involved in an action may undertake, fund or approve the action until it has
24 complied with the provisions of SEQRA".

25
26 Director of Planning Dym said that if we provide SEQRA guidelines in the
27 future it still will not make everything come in a nice neat package.

28
29 There being no further business, on motion by Mr. Goldenberg, seconded
30 by Ms. Gannon, and unanimously carried, the meeting adjourned at 10:40
31 P.M. The Chair announced that the next Planning Board meeting will be
32 held on Wednesday, July 13, 2016 at 7:30 P.M. at the Somers Town
33 House.

34
35
36
37
38
39
40

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary

1