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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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
JULY 8, 2015**

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6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

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13

14 **ALSO PRESENT:**

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

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17

18 **ABSENT:**

Consultant Town Engineer Barbagallo
Mrs. DeLucia

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 FOR MEETINGS HELD ON**
26 **MAY 13, 2015 AND MAY 27, 2015**

27

28 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
29 prepared and submitted for the Board's consideration approval of the
30 draft minutes of Planning Board meetings held on May 13, 2015 and
31 May 27, 2015.

1 Chair Currie asked if there were any comments or corrections from the
2 Board on the May 13, 2015 Planning Board draft minutes.

3
4 Ms. Gannon asked that the meaning of the abbreviation (CGLL) Clearing
5 and Grading Limit Line be spelled out on page 6 of the minutes.

6
7 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously
8 carried, the Board moved to approve the draft minutes of May 13, 2015, as
9 amended.

10
11 Chairman Currie said that Planning Board Secretary Marilyn Murphy
12 prepared and submitted for the Board's consideration approval of the draft
13 minutes of the Planning Board meeting held on May 27, 2015.

14
15 Chair Currie asked if there were any comments or corrections from the
16 Board on the May 27, 2015 Planning Board draft minutes and no one
17 replied.

18
19 On motion by Chair Currie, seconded by Ms. Gerbino (Mr. McNamara
20 abstained) and carried, the Board moved to approve the draft minutes of
21 May 27, 2015.

22
23 The DVD of the May 13, 2015 and May 27, 2015 Planning Board meetings
24 are made a part of the approved minutes and are available for public
25 viewing at the Somers Public Library. The text of the approved minutes is
26 also on the Town's website www.somersny.com and is available for public
27 review at the Planning & Engineering office.

28
29 **TIME EXTENSION**

30
31 **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**

32
33 Chairman Currie explained that this is a request for a 90-day time
34 extension for Amended Final Approval for Section II from August 8, 2015,
35 up to and including November 6, 2015 under Town Law Section 276 (7) (c).
36 He mentioned that this is the third request for a time extension for Section
37 II.

38
39 Chair Currie asked the applicant's representative to update the Board and
40 the public on the request.

1 Timothy Allen, the applicant's engineer, explained that there was a
2 discussion on a field change that would eliminate the grass pavers and
3 install full width pavement. He said that approximately 3 years ago the
4 approved plans were designed and approved with 16 feet of asphalt
5 pavement and 4 feet of pervious. Engineer Allen noted that the
6 combination of asphalt pavement and grass pavers was installed in the
7 Somers Estates Subdivision on a common driveway and he is concerned
8 about maintenance for future homeowners. He opined that in reality this
9 treatment does not work.

10
11 Engineer Allen mentioned that he is working with Consultant Town
12 Engineer Barbagallo to change the Code. He said that he is asking the
13 Board to authorize a field change for this project.

14
15 Chair Currie acknowledged Principal Engineering Technician Steven
16 Woelfle's memo to Consultant Town Engineer Barbagallo dated June 25,
17 2015 in reference to the field change.

18
19 Chair Currie said that he spoke to Consultant Town Engineer Barbagallo
20 who supports the field change.

21
22 Mr. Goldenberg stressed that the agenda is only asking for a time
23 extension and now we are entertaining a field change. He noted that he
24 did not have a chance to review the request for a field change.

25
26 Chair Currie said that the Board received Steven Woelfle's memo on the
27 request for a field change on June 25, 2015 and this is a change that the
28 Engineering Department agrees with.

29
30 Ms. Gerbino stated that because it is the Chairman's agenda he has a right
31 to put what he wants on the agenda.

32
33 Engineer Allen explained that originally the field change was to be handled
34 internally but after discussion it was decided to bring it to the Planning
35 Board as a courtesy.

36
37 Planning Board Town Attorney Eriole explained that the Chair as well as a
38 member of the Board can add to the agenda. He said that the Board has to
39 decide if enough consideration has been given to the request before the
40 Board can take a vote on the issue.

1 On motion by Chairman Currie, seconded by Mr. McNamara, and
2 unanimously carried, the Board moved to grant a third request for a 90-day
3 time extension for Amended Final Subdivision Plat Approval for Section II
4 from August 8, 2015 up to and including November 6, 2015 under Town
5 Law Section 276 (7)(c) of the Code of the Town of Somers.

6
7 On motion by Chair Currie, seconded by Ms. Gannon, (Mr. Goldenberg
8 voting nay), and carried, the Board moved to grant a field change to permit
9 elimination of grass pavers and install a full width pavement on the
10 common driveway.

11
12 **CONTINUATION OF PUBLIC HEARING**

13
14 **GRANITE POINTE FINAL SUBDIVISION**

15
16 Chairman Currie explained that the continuation of the Public Hearing for
17 the Granite Pointe Subdivision has been postponed due to the need to post
18 a sign identifying the date of the continuation of the Public Hearing 10 days
19 prior to such hearing. He said that the Board has to decide if the Public
20 Hearing will be continued at the July 22, 2015 or the August 12, 2015
21 Planning Board meeting.

22
23 Mr. Goldenberg said that the sign identifying the Public Hearing for this
24 meeting is still posted. He noted that there are two violations on the
25 property.

26
27 Chair Currie said that the Board is here to decide on the date of the
28 continuation of the Public Hearing and not to discuss the project.

29
30 Chair Currie asked the Secretary to poll the Board on the date for the
31 continuation of the Public Hearing on the Granite Pointe Subdivision for
32 the July 22, 2015 or August 12, 2015 Planning Board meeting.

33
34
35 Jan Corning July 22, 2015

36
37 Gene Goldenberg August 12, 2015

- 1 Nancy Gerbino July 22, 2015
- 2
- 3 Dennis McNamara July 22, 2015
- 4
- 5 Vicky Gannon July 22, 2015
- 6
- 7 Chair Currie July 22, 2015
- 8

9 Chair Currie indicated that the consensus of the Board is to continue the
10 Public Hearing on the Granite Pointe Subdivision at the July 22, 2015
11 Planning Board meeting.

12
13 **PROJECT REVIEW**

14
15 **AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, P/O 12]**

16
17 Chairman Currie said that this is an application for Site Plan Approval,
18 Steep Slopes, Tree Removal and Stormwater Management and Erosion
19 and Sediment Control Permits for AvalonBay Communities, Inc. for the
20 construction of 152 residential units within 17 buildings with 23 affordable
21 units on 45.1 acres. He mentioned that a community recreation building,
22 pool and 324 parking spaces are also proposed.

23
24 Chair Currie explained that the Board will be discussing recreation fees and
25 the review of the Negative Declaration (Neg Dec).

26
27 Peter Wise, the applicant's attorney, noted that the Board shall confirm the
28 amount of the recreation fees for AvalonBay.

29
30 Chair Currie acknowledged the memo from Supervisor Morrissey dated
31 June 12, 2015 in reference to the AvalonBay recreation fees noting that he
32 was surprised that the Planning Board was involved in recreation fees.

33
34 Planning Board Town Attorney Eriole advised that the Planning Board can
35 make a recommendation to the Town Board to modify the recreation fee.

36
37 Attorney Wise opined that the Town Board makes the recommendation to
38 the Planning Board. He said that the Town Board and the Parks and
39 Recreation Board have made a recommendation to reduce the recreation
40 fee.

1 Mr. McNamara said that the Town Board sets the amount for the recreation
 2 fee but the Planning Board has the right to adjust those fees based on
 3 various considerations such as donation of land.

4
 5 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously
 6 carried, the Board moved to reduce the recreation fee for AvalonBay at
 7 Somers by \$200,000 from \$1,076,450 to \$876,450 due to the addition of
 8 fire walls in the attic spaces and Avalon's agreement to take over
 9 ownership and maintenance of the Planned Hamlet Village Green with
 10 access to all Somers' residents, pursuant to Section 170-114D.(1) as
 11 determined as part of the SEQRA process for the Planned Hamlet
 12 development.

13
 14 Chair Currie asked Director of Planning Dym to review the Neg Dec with
 15 the Board and the applicant.

16
 17 Director of Planning Dym said that the Neg Dec is based on the Short
 18 Environmental Assessment Form (EAF) Part 2 where the Lead Agency
 19 decides if there is no impact, or small impact, or a moderate to large
 20 impact.

21
 22 Mr. McNamara mentioned that the name of the project should be on the
 23 EAF.

24
 25 Director of Planning Dym said that the Neg Dec is closely aligned with the
 26 Neg Dec from Somers Realty Subdivision 3 because the two properties are
 27 closely coordinated. She explained that the review will consists of the
 28 items that are potentially moderate to large impacts.

29
 30 Director of Planning Dym said that the first item is *will the proposed action*
 31 *result in a change in the use or intensity of use of land.*

32
 33 Ms. Gannon suggested changing the language on Page 3, line 24 to read
 34 *full EIS process completed for the Somers Realty Planned Hamlet Master*
 35 *Plan and the Findings Statement adopted on February 10, 2009.*

36
 37 Director of Planning Dym said that the next moderate impact is *Will the*
 38 *proposed action result in an adverse change in the existing level of traffic or*
 39 *affect existing infrastructure for mass transit, biking or walkway.* She
 40 mentioned that additional traffic will be affected by the removal and

1 transport of the stockpile. Director of Planning Dym asked the applicant's
2 representative to update the Board on the status of the stockpile.

3
4 Linda Whitehead, attorney for Somers Realty, explained that Consultant
5 Town Engineer Barbagallo asked for an Amendment of the Phase 2
6 Stormwater Pollution Prevention Plan (SWPPP) to provide for erosion
7 controls and procedures for the removal of the stockpile. Attorney
8 Whitehead said that the SWPPP has to be approved by the Department of
9 Environmental Protection (DEP) and she had to convince them that an
10 amendment to the SWPPP was the best way to handle the issue. She
11 explained that the contractor works for Westchester County and they did
12 not properly stabilize the stockpile and that is frustrating because DEP will
13 not review the SWPPP until they are satisfied with the condition of the
14 stockpile. Attorney Whitehead mentioned that as of last week the stockpile
15 is stabilized and she is hopeful that the applicant will have the DEP
16 approval shortly and the stockpile will be removed within the next few
17 weeks.

18
19 Ms. Gerbino mentioned that residents of Mahopac Avenue have requested
20 that heavy truck loads not use Mahopac Avenue but use the state roads.

21
22 Attorney Whitehead said that she can request that trucks use state roads
23 but that will depend on where the delivery is going.

24
25 Director of Planning Dym said that another potential impact is *Will the*
26 *proposed action impact existing public water supplies*. She noted that
27 Somers Realty and the Town will achieve a looped water system. She
28 mentioned that this is a positive impact on the Town's public water supply
29 system.

30
31 Director of Planning Dym said that a potential impact is *Will the proposed*
32 *action result in an adverse change to natural resources, wetlands,*
33 *waterbodies, groundwater, air quality, flora and fauna*. She said that it has
34 been determined that the proposed Wetland Mitigation Plan is adequate to
35 offset the additional disturbance to Wetland A and that there is no
36 significant additional impact beyond that previously discussed and
37 mitigated.

38
39 Director of Planning Dym listed some other elements of the proposed
40 action that may result in a significant adverse impact.

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1. Shortening of proposed Town Road B.
2. Reduced demands flowrates for water and wastewater systems for residential development.
3. Change in fiscal impacts and school children generation due to change from owner occupied residential development to a renter occupied residential development.
4. Change in design guideline setbacks from paved road surfaces.
5. Change in Village Green Design.
6. Change in Provision of Completed Town Road D.
7. Modification in location of sidewalks.
8. Change in Provision and Location of required residential parking spaces. She said that parking spaces to be provided around the Village Green as part of to be owned Town Roads A, B, C and D will not be utilized for parking during any snow events, as agreed to by AvalonBay and the Somers Highway Superintendent.

Director of Planning Dym said that the conclusion is that the Planning Board determined there is no significant additional impact beyond that previously identified, discussed and mitigated.

Peter Wise, the applicant's attorney, said that the Nec Dec is acceptable to AvalonBay and he asked the Board to approve the document.

On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously carried, the Board moved to issue a Negative Declaration under 6 NYCRR Part 617 State Quality Review Act of the Environmental Conservation Law such that the Planning Board determines that approvals for the Proposed Action, AvalonBay at Somers Site Plan, Tree Removal Permit, Stormwater Management and Erosion and Sediment Control Permit and Steep Slopes Protection Permit Approval, to construct 152 residential rental units, a community recreation building and outdoor pool for sole use of apartment renters and a publicly accessible village green, such project to consist of lots 3a, 3b, 3c and 3d to be subdivided as part of the Somers Realty Phase 3 Subdivision, has mitigated environmental impacts to the maximum extent practicable and will not result in a significant adverse environmental impact beyond that previously identified and mitigated, as amended.

1 **DISCUSSION AND REFERRAL**

2
3 **ROUTE 139 INTERSECTION IMPROVEMENT PROJECT**
4 **AT SOMERS HIGH SCHOOL**
5

6 Chairman Currie said the Board will consider and discuss the two
7 alternative treatments for the Route 139/Somers High School driveway
8 intersection that is being proposed by the NYS Department of
9 Transportation (DOT).

10
11 Director of Planning Dym showed the Board the two alternatives that were
12 provided by the DOT. She said that Concept 1, the roundabout reduces
13 the average drivers delay by 21 seconds and reduces the number and
14 severity of crashes and has a traffic calming effect. Director of Planning
15 Dym mentioned that speed is reduced at all times and approximately
16 13,000 square feet will have to be acquired from four properties. She said
17 that this will be the first roundabout in the area and will have significant
18 capacity to handle future traffic growth. Director of Planning Dym also
19 mentioned that there will be opportunities for landscaping.

20
21 Director of Planning Dym showed the Board the second alternative
22 Concept II, Left turn lane. She explained that it will reduce the average
23 drivers delay by 15 seconds and will reduce the right angle and turn
24 crashes, but rear end crashes tend to increase. She noted that it will have
25 little effect on speed reduction but drivers are familiar with signalized
26 intersections. Director of Planning Dym said that approximately 11,000
27 square feet will have to be acquired from five properties and there will be
28 some opportunities for landscaping.

29
30 Director of Planning Dym asked a representative from DOT how the signal
31 would operate and was told that it is activated by the number of cars on the
32 road. She said that delay times are for peak hours, morning and afternoon
33 rush hours when there are more vehicles on the road. Director of Planning
34 Dym noted that some people find the roundabouts confusing and will result
35 in more accidents by drivers unaccustomed to using them.

36
37 Director of Planning Dym said when speaking to Mrs. DeLucia she
38 suggested that the Town get the expert opinion of a traffic engineer
39 regarding the best alternative at this location. She noted that Michael

1 Galante of F.P. Clark, Associates is an approved consultant and could
2 quickly look into this issue and make a recommendation to the Town.

3
4 Director of Planning Dym commented that the Fire Department is not in
5 favor of the roundabout and is in favor of the left turning lane.

6
7 Ms. Gerbino said that there should be input from Fire Districts that use the
8 roundabout. She mentioned that the Somers Fire Department was
9 concerned that the roundabout would significantly increase Fire
10 Department response time.

11
12 Chair Currie said that the roundabout will eliminate police presence.

13
14 Ms. Corning asked what was the qualifying event that DOT determined that
15 one of the alternatives has to be done. She said that traffic will be reduced
16 at the High School due to the declining enrollment.

17
18 Ms. Gerbino stated that the determining factor is the traffic and the amount
19 of accidents. She said that there is much information regarding
20 roundabouts on the DOT website, and that their current configuration
21 differed in scope and purpose from in-place traffic circles. She mentioned
22 that there is the traffic flow in Somers from 2013 which is on the DOT
23 website. Ms. Gerbino said that the history of the modern roundabout
24 started in 1960 in Great Britain and was very successful dealing with traffic
25 flow and reduction in accidents. She said that the roundabout is adopted in
26 every state in the United States.

27
28 Ms. Gannon asked whose property will have to be taken in each of the
29 alternatives. She also said that traffic counts and data showing that the
30 roundabout or the left turn lane is the best alternative should be provided.

31
32 Mr. Goldenberg said that the DOT states that Route 139 carried an
33 average of 9,700 vehicles per day past Somers High School and there
34 were 16 accidents in the last three years. He opined that inexperienced
35 drivers who are not used to the roundabout would be more vulnerable than
36 the use of the left turning lane.

37
38 Planning Board Town Attorney Eriole said that the roundabout is a traffic
39 calming device but the Board should review the alternatives before making
40 a decision.

1 Ms. Gerbino asked how soon the DOT needs a decision regarding the
2 preference from the Town.

3
4 Mr. McNamara said that aesthetics and safety are important and his
5 experience with the roundabouts in Florida is that they work extremely well
6 by controlling traffic.

7
8 Chair Currie noted that it would be helpful if the bus company weighed in
9 on their preference.

10
11 Ms. Goldenberg said that there are a lot of accidents in roundabouts in
12 Florida and he would like to have the accident rate in Florida versus the
13 accident rate in New York.

14
15 Chair Currie said that it is the consensus of the Board that they recommend
16 that the Town Board hire a traffic engineer to advise the Town on the
17 alternative they should recommend to the DOT.

18
19 There being no further business, on motion by Ms. Gannon, seconded by
20 Mr. Goldenberg and unanimously carried, the meeting adjourned at 9:00
21 P.M. The Chair announced that the next Planning Board meeting will be
22 held on Wednesday, July 22, 2015 at 7:30 P.M. at the Somers Town
23 House.

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Respectfully submitted,

Marilyn Murphy
Planning Board Secretary