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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 AUGUST 10, 2016

4

5

6

### ROLL:

8

### **PLANNING BOARD**

#### **MEMBERS PRESENT:**

Chairman Currie, Mrs. DeLucia, Ms. Gerbino,  
Mr. Goldenberg, Ms. Gannon, Mr. McNamara  
Ms. Corning

13

#### **ALSO PRESENT:**

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

19

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

23

### **APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING BOARD MEETINGS HELD ON JUNE 8, 2016 AND JUNE 22, 2016.**

26

Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
prepared and submitted for the Board's approval the draft minutes and  
DVD of the Planning Board meeting held on June 8, 2016.

30

The Chair asked if there were any comments or corrections from the Board  
on the draft minutes and DVD.

32

1 Mr. Goldenberg said the word “town” should be changed to “tower” on  
2 Page 18, lines 32 and 33.

3  
4 Mr. McNamara said that the word “decimal” should be changed to “decibel”  
5 on page 19, line 37.

6  
7 On motion by Chair Currie, seconded by Mr. McNamara, and unanimously  
8 carried, the draft minutes and DVD of the June 8, 2016 Planning Board  
9 meeting were approved, as amended.

10  
11 Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
12 prepared and submitted for the Board’s approval the draft minutes and  
13 DVD of the Planning Board meeting held on June 22, 2016.

14  
15 The Chair asked if there were any comments or corrections from the Board  
16 on the draft minutes and DVD and no one replied.

17  
18 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously  
19 carried, the draft minutes and DVD of the June 22, 2016 Planning Board  
20 meeting were approved.

21  
22 Chairman Currie stated that the text of the approved minutes is available  
23 on the Town’s website [www.somersny.com](http://www.somersny.com) and is also available for public  
24 review at the Planning & Engineering office at the Town House. The  
25 approved DVD is available for public viewing at the Somers Public Library.

26  
27 **CONTINUATION OF PUBLIC HEARING**

28  
29 **CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**

30  
31 Chairman Currie noted that this is an application for Site Plan approval,  
32 Wetland, Stormwater Management and Erosion and Sediment Control  
33 Permits for property located on Route 6. He mentioned that the proposal is  
34 for a mixed use development consisting of a two-story 24,000 s.f. building  
35 with 12,000 S.F. of retail and 12,000 S.F. of professional office and 64  
36 residential units.

37  
38 Chair Currie asked the applicant’s representative to update the Board and  
39 the public on the application.

40

1 Kenneth Kearney, applicant, explained that there was a Public Hearing with  
 2 the Town Board on the sewer extension and the petition to include 12  
 3 neighboring properties into Somers Sewer District 1. He said that the  
 4 petition was accepted by the Town Board and they adopted the text change  
 5 that will allow this project to move forward. Mr. Kearney said the language  
 6 on the timing of the commercial building has to be discussed. He explained  
 7 that he plans on doing the three residential buildings first. Mr. Kearney said  
 8 that he wants to insure that the residential and commercial buildings are  
 9 built concurrently. He noted that six neighboring property owners attended  
 10 the Public Hearing and most spoke in favor as the sewer district is critical to  
 11 them. Mr. Kearney mentioned that the Town Board Public Hearing is still  
 12 open.

13  
 14 Richard Williams, the applicant's engineer, said that this is an 11 acre  
 15 parcel in Baldwin Place and is in the Neighborhood Shopping Zone (NS).  
 16 He explained that the project is located on the existing driving range.  
 17 Engineer Williams explained that the development program consists of 4  
 18 buildings. He mentioned that the commercial building will be located along  
 19 the frontage of Route 6 and will have 12,000 s.f. of retail and professional  
 20 services and 12,000 s.f. of professional office. He noted that 2 of the  
 21 buildings will be senior housing, the 3 residential buildings will be located in  
 22 the back of the property. Engineer Williams explained that Building 2  
 23 consists of 24 units and Building 3 has 28 units and the third building will be  
 24 a non-age restricted building with 12 units.

25  
 26 Engineer Williams said that the Town Board amended the zoning text  
 27 amendment to allow the separate commercial and residential buildings. He  
 28 noted that the Town Board approved the sewer expansion and is in the  
 29 process of petitioning Westchester County to expand the sewer district.  
 30 Engineer Williams explained that there is an overlap between the Town and  
 31 the County Sewer District that needs to happen because Somers  
 32 discharges into the Peekskill Sanitary Sewer District.

33  
 34 Engineer Williams said that the Stormwater Pollution Prevention Plan  
 35 (SWPPP) hasn't changed much since the last time the project was before  
 36 the Board. He mentioned that there will be a vegetated swale along the  
 37 front portion of the property and a water quality swale behind Building 4  
 38 and a sand filter that flows into a pocket wetland. He mentioned that the  
 39 pocket wetland will be at the rear of the property closest to the existing  
 40 wetland to create a physical barrier where currently none exists.

1 Mr. Goldenberg asked how it is determined who receives the affordable  
2 housing.

3  
4 Mr. Kearney said he works with the Housing Action Council and everyone's  
5 name that is interested is put in a hat and there is a lottery and everyone is  
6 processed according to their lottery number.

7  
8 Joseph Barbagallo, Consultant Town Engineer said that the plan is well  
9 advanced and there are only a few minor comments that have to be  
10 addressed.

11  
12 Chair Currie asked if anyone from the public would like to speak and no  
13 one wished to be heard.

14  
15 Chair Currie asked if the Board had any comments or questions.

16  
17 Mr. McNamara asked what activity is going on at the site now.

18  
19 Mr. Kearney explained that in the 90's there was an auto repair shop  
20 that had a couple of gas tanks. He said that the gas tanks were removed in  
21 the 90's but some of the soil was left behind. Mr. Kearney said that the  
22 owner worked with the Department of Environmental Conservation (DEC)  
23 and received a work plan to remove the soil that was left after the tanks  
24 were removed. He said that the DEC will sign off on the work plan shortly.

25  
26 Chair Currie asked how the Board feels about closing the Public Hearing.

27  
28 Consultant Town Engineer Barbagallo suggested that the Public Hearing  
29 remain open until the stormwater issues are resolved based on guidance  
30 from Town Council.

31  
32 Engineer Williams said that there is one basin in the back of the property  
33 that has to be raised in elevation and will be a minor change to the grade.  
34 He mentioned that there is one drainage structure that is close to the  
35 groundwater elevation and bouncy calculation has to be provided. Engineer  
36 Williams said that the on-site pipe will be replaced. He mentioned that  
37 during the 100-year storm that may be overtopping on Route 6 that will be  
38 directed to the vegetated swale and then down to the rear of the property  
39 into the sand filter.

40

1 Consultant Town Engineer Barbagallo said that he wants to make sure that  
2 the velocity dissipation can accommodate the 100-year storm discharge  
3 into the 42 inch pipe.

4  
5 Engineer Williams opined that these are minor issues and before the  
6 agreement with the WIG the Public Hearing would have been closed.

7  
8 Consultant Town Engineer Barbagallo said that he has to be 100%  
9 comfortable that the SWPPP is ready for acceptance before the Public  
10 Hearing can be closed.

11  
12 Engineer Williams requested that a draft Resolution be prepared for the  
13 next meeting.

14  
15 Consultant Town Planner Sarah Brown of F. P. Clark Associates said that  
16 based on Consultant Town Engineer Barbagallo's comments that issues  
17 can be addressed by the next meeting she feels it is appropriate to draft a  
18 Resolution for the next meeting.

19  
20 Ms. Gerbino asked about the placement of the refuse containers.

21  
22 Engineer Williams said that there will be two refuse containers to service  
23 the buildings.

24  
25 Mr. Kearney said that the refuse containers will be similar to what is at The  
26 Mews II.

27  
28 Engineer Williams noted that the details of the refuse containers are on the  
29 plans.

30  
31 Consulting Town Engineer Barbagallo said that the Board should discuss  
32 the refuse containers before the Resolution is drafted.

33  
34 Mr. Kearney asked the Board if they are happy with the enclosures at The  
35 Mews II. He said that there will be concrete block with metal gates in the  
36 front with one gate opening up to the recycling can and the other gate  
37 opens up to the dumpster.

38 Mr. Goldenberg said that Heritage Hills has dumpsters and garbage bins.  
39 He mentioned that the Activity Center has dumpsters and everything works  
40 great.

1  
2 Director of Planning Dym commented that Site Plan review is specifically  
3 for the purpose of identifying placement and location regardless of who the  
4 builder is.

5  
6 Engineer Williams showed the Board the location of the dumpster  
7 enclosures.

8  
9 Ms. Corning indicated that the Board should discuss the timing of the  
10 buildings.

11  
12 Mr. Kearney said that the three (3) residential buildings will be built first and  
13 then the commercial building will be constructed. He explained that before  
14 he gets the Certificate of Occupancy (CO) for the last residential building  
15 he has to hit a certain threshold with the commercial building. Mr. Kearney  
16 asked what is that threshold, is it the foundation in place.

17  
18 Ms. Corning asked what the construction timeline is from the construction  
19 of the first building and asked if it is done sequentially.

20  
21 Mr. Kearney said that the three buildings will take about 15-18 months and  
22 the commercial building will not take that long.

23  
24 Ms. Corning said she would be comfortable with having the foundation in  
25 place for the commercial building before the issuance of the CO.

26  
27 Consultant Town Engineer Barbagallo questioned in order to protect the  
28 Town would Mr. Kearney be willing to post a bond.

29  
30 Mr. Kearney said that instead of posting a bond he would be willing to put  
31 in the footings, foundation, slab and start framing.

32  
33 Ms. Gerbino said that she is not comfortable and she feels that the Town  
34 has to be protected.

35  
36 Mr. Goldenberg agrees with Mr. Kearney's suggestion to put in the  
37 footings, foundation, slab and to start framing.

38 Mr. Kearney asked if he frames the commercial building will that make the  
39 Board comfortable.

40

1 Planning Board Town Attorney Eriole suggested an alternative that the  
 2 applicant post a Surety Bond if there is a problem with the timing of the  
 3 framing of the commercial building.

4  
 5 Chairman Currie directed that the Public Hearing be continued at the  
 6 September 14, 2016 Planning Board meeting and that a Draft Resolution  
 7 be prepared.

8  
 9 *At this time Mr. Goldenberg recused himself and did not participate in the*  
 10 *next agenda item.*

11

12

13 **SOMERS CROSSING [TM: 17.15-1-15.1]**

14

15 Chairman Currie noted that this is an application for Site Plan, Preliminary  
 16 Subdivision Approval and Steep Slopes Permits for the development of 66  
 17 residential condo units accessed from Route 100, recreation building and a  
 18 19,000 s.f. grocery store. He mentioned that the property is located at NYS  
 19 Route 100 and US Route 202.

20

21 Chair Currie asked the applicant’s representative to explain the project for  
 22 the benefit of the Board and the public.

23

24 Gus Boniello, the applicant, said that what is proposed for the residential  
 25 side of the development is to save the good specimen trees and add a  
 26 combination of deciduous and evergreen trees. He mentioned that he is  
 27 proposing a two (2) foot stone wall with a two foot picket fence over the top  
 28 of the wall. Mr. Boniello explained that the entrance will have stone  
 29 abutments. He noted that the commercial side (Route 202) will be almost  
 30 the same with the evergreen and deciduous trees with the interior having  
 31 pear and maple trees. He showed the Board a picture of the proposed  
 32 condos.

33

34 Mr. Boniello asked for a Special Meeting on August 24, 2016 as he hopes  
 35 to have the consultant’s comments by that time.

36

37 Chair Currie said that unfortunately some Board members cannot make the  
 38 August 24, 2016 meeting.

39

1 Mr. Boniello suggested that the consultants have their comments by the  
2 September 14, 2016 meeting.

3  
4 Chair Currie asked if anyone from the public would like to be heard and no  
5 one responded.

6  
7 Ms. Gerbino said she is concerned because this project will change the  
8 internal traffic pattern at the Shopping Center. She opined that there should  
9 be a Site Plan review of the Shopping Center.

10  
11 Mr. Boniello said that the traffic pattern will be better as it will do away with  
12 the left hand turn onto Route 202. He said that there will be a loss of three  
13 parking spaces but he is asking for a waiver together with the owner of the  
14 Shopping Center.

15  
16 Director of Planning Dym said that after speaking with Town Attorney  
17 Baroni the waiver was suggested and she asked what the timing is for the  
18 submission of the waiver.

19  
20 Mr. Boniello said that he is hoping to request the waiver next week.

21  
22 Ms. Corning asked if the roads will be private.

23  
24 Mr. Boniello responded that the roads are all private and he will make  
25 suggestions on the names of the roads to the Town Board.

26  
27 Chair Currie directed that the Public Hearing be continued at the  
28 September 14, 2016 Planning Board meeting.

29  
30 Mr. Boniello asked the Board to schedule the Public Hearing on the Site  
31 Plan.

32  
33 *At this time Mr. Goldenberg returned to the meeting.*

34  
35

36 **NYSMSA LLC, D/B/A VERIZON WIRELESS [TM: 17.05-20-2]**  
37 **APPLICATION FOR AMENDED SPECIAL USE PERMIT**

38 Chairman Currie said that this is an application for an Amended Special  
39 Use Permit for a co-location of a public utility wireless telecommunication  
40 facility and extension to an existing monopole for property located at 250

1 West Hills Drive South, Heritage Hills in the DRD Zoning District. He noted  
2 that the Board will be reviewing the Draft Resolution.

3  
4 Chair Currie acknowledged that comments were received after the close of  
5 the Public Hearing as the comment period was left open for 10 days during  
6 which time written comments and a petition were received.

7 .  
8 Michael Sheridan, the applicant's attorney, said that Verizon is looking to  
9 co-locate on the facility for property at West Hills Drive South for an  
10 extension of the existing monopole. He noted that the facility will enable  
11 Verizon Wireless to enhance communication services. Attorney Sheridan  
12 said that the co-location should be approved in accordance with the Middle  
13 Class Tax Relief and Job Creation Act of 2012, Section 6409. He  
14 explained that the Federal Government has indicated that a local  
15 municipality must approve a co-location application that qualifies as an  
16 eligible facility request which rules were adopted under 47 C.F.R. Section  
17 1.40001 which indicated criteria that it be approved within 60 days of a  
18 complete application.

19  
20 Consultant Town Engineer Barbagallo indicated that most of his comments  
21 have been addressed and only a few minor comments remain that can be  
22 incorporated into the Resolution of Approval. He mentioned that he wants  
23 to make sure that the Planning Board considered the equipment to  
24 incorporate a shared facility generator to provide backup power for all  
25 future and current permitted co-locator needs.

26  
27 Ms. Gerbino reminded the Board that this tower was approved in 1993 and  
28 predates the law.

29  
30 Chair Currie interjected that the tower was built before a generator was  
31 required.

32  
33 Mr. Goldenberg mentioned that the owner of the property has never  
34 attended any meetings. He noted that Verizon is just a renter. Mr.  
35 Goldenberg said he is concerned that the Resolution ignores the neighbors'  
36 concerns.

37 Director of Planning Dym said that the interpretation of the tower being pre-  
38 existing non-conforming has been made with the Town Attorney and  
39 therefore requests for information required for such permit renewal are not

1 necessary. She explained that as long as the tower extension stays within  
2 20 feet it does not trigger Town regulations.

3  
4 Planning Board Town Attorney Eriole said that the applicant is the  
5 proponent of the action and that can be the tenant. He explained that the  
6 owner has to consent to the applicant making an application on property  
7 that he owns. Attorney Eriole said that the Board cannot force an owner to  
8 appear at the meeting but you can trigger things by the applicant that will  
9 involve the owner.

10  
11 Planning Board Town Attorney Eriole stated that this application has been  
12 subjected to more review than the law requires. He advised that the Board  
13 should consider the Resolution of Approval.

14  
15 Mrs. DeLucia explained that originally the Board reduced the height of the  
16 tower.

17  
18 Attorney Sheridan said that Federal Law allows towers to be increased by  
19 20 feet and in this case the tower is being increased by 15 feet.

20  
21 Director of Planning Dym said that the previous Resolution has been  
22 updated since the last meeting. She noted that reference to July 13, 2015  
23 has been changed to August 10, 2016.

24  
25 Consultant Town Engineer Barbagallo changed No. 1 "Conditions  
26 Associated with Special Use Permit" to read:

- 27  
28 1. Prior to issuance of a building permit, the Applicant shall provide a  
29 description of the proposed construction sequence that includes, but  
30 is not limited to, details of establishment of initial erosion and  
31 sediment control practices, intended construction route, approximate  
32 duration of construction activity and final stabilization to the  
33 Consulting Town Engineer, as well as other outstanding comments  
34 contained in the June 3, 2016 memorandum of the Consulting Town  
35 Engineer.

36  
37 On motion by Chair Currie, seconded by Mr. McNamara, (Mr. Goldenberg  
38 voting nay) and carried, the Board moved to determine that the action is a  
39 Type II Action that is exempt pursuant to SEQRA Section 617.5 (c) (7) 2.

40

1 On motion by Chair Currie, seconded by Ms. Gannon, (Mr. Goldenberg  
 2 voting nay), and carried, the Board moved to approve Granting of  
 3 Conditional Amended Special Use Permit Approval to New York SMSA  
 4 Limited Partnership (d/b/a Verizon Wireless) for co-location of a Verizon  
 5 Wireless facility on a tower extension with existing approved Wireless  
 6 Telecommunications Facility and Tower at West Hills Drive South (Heritage  
 7 Hills).

8  
 9 *At this time Mrs. DeLucia left the meeting.*

10  
 11 **TIME EXTENSION**

12  
 13 **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. [TM: 16.12-1-41, 42]**

14  
 15 Chairman Currie explained that this is a request for a 90-day time  
 16 extension for Amended Final Subdivision Plat Approval for Section II from  
 17 August 3, 2016 up to and including November 1, 2016 under Town Law  
 18 Section 276 (7) ( c). He mentioned that this is the seventh request for a  
 19 time extension.

20  
 21 Chair Currie acknowledged receipt of a memo from the Director of Planning  
 22 dated August 4, 2016.

23  
 24 Mr. Goldenberg said that the request for a time extension comes after the  
 25 last time extension has expired. He stated that this is not a timely filing.

26  
 27 Chair Currie noted that the request was made on July 22, 2016 before the  
 28 time extension expired.

29  
 30 Mr. McNamara said that Chair Currie is correct that as long as the request  
 31 is made before the time extension expires the request is valid.

32  
 33 Mr. McNamara said that the Board received photos of the property that  
 34 clearly showed access roads from Lovell Street.

35  
 36 Planning Board Town Attorney Eriole said that sometimes the timing of the  
 37 meetings doesn't work but if the time extension is requested before it  
 38 expires it is legally accepted.

39

1 Mr. Goldenberg said that he has questions for the applicant and if he is not  
2 present those questions cannot be answered. He mentioned that there is a  
3 catch basin on the property and it is up to the owner to make sure it works  
4 properly and is maintained. He said that he cannot get that answer when  
5 the applicant does not come to the meeting.

6  
7 Planning Board Town Attorney Eriole said that the question is whether it is  
8 appropriate to grant an extension if a Board member has a concern. He  
9 said that it is a risk for applicants to request time extensions and not be  
10 present at the meeting.

11  
12 Chairman Currie interjected that the applicant asked if a representative had  
13 to be at the meeting and he said that they did not have to send someone.

14  
15 On motion by Chair Currie, seconded by Ms. Corning, (Mr. Goldenberg  
16 voting nay) and carried, the Board moved to grant a 90-day time extension  
17 for Amended Final Subdivision Plat Approval for Section II from August 3,  
18 2016 up to and including November 1, 2016 to Susan Haft and Ridgeview  
19 Designer Builders, Inc. under Town Law Section 276 (7) (c).

20  
21 Ms. Gannon said if there is a significant concern that Mr. Goldenberg voted  
22 "no" then the Board should be told if there is an issue.

23  
24 Consultant Town Engineer Barbagallo said he understands that a dog  
25 drank out of a pond and got a skin irritation and there is concern that there  
26 was pesticide or other contaminants from this project.

27  
28 Mr. Goldenberg said that there are big boulders on the property and  
29 someone is operating a business out of that property.

30  
31 Ms. Gannon said that there was discussion about the boulders on the  
32 property with the applicant and he explained that the boulders were a  
33 consequent of the action and he sometimes sold these items.

34  
35 Chair Currie said that the rocks are probably the result of excavation.

36  
37 Mr. Goldenberg interjected that last week there were boulders on the  
38 property and this week there are no boulders on the property.

39

1 Consultant Town Engineer Barbagallo said that he will meet with Mr. Moss  
2 and get a status update.

3  
4 Ms. Gannon said that she has no reason to go on Mr. Moss's property and  
5 asked Mr. Goldenberg to what circumstance and what level he is on the  
6 property.

7  
8 Mr. Goldenberg said that there is a house for sale on the property and he  
9 may be interested.

10

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

12

13 Chairman Currie noted that this is the application for Final Subdivision  
14 Approval, Site Plan Approval, Steep Slopes, Wetland and Stormwater  
15 Management and Erosion and Sediment Control Permits relative to the  
16 application of Multifamily Residential Baldwin Place District (MFR-BP)  
17 under consideration by the Town Board for a 16.7 acre parcel located along  
18 the south side of US Route 6 for the proposed development of 53 units of  
19 housing, sixteen of which would be affordable, within 45 townhouse  
20 buildings on 45 fee simple lots plus one lot for lands to be owned in  
21 common by a Homeowners Association.

22

23 Chair Currie acknowledged a memo from the Director of Planning dated  
24 August 3, 2016 and a memo from the Consultant Town Engineer dated  
25 August 5, 2016.

26

27 Chair Currie asked the applicant's representative to update the Board on  
28 the application.

29

30 Richard Williams, the applicant's engineer, said that the Department of  
31 Health has completed their technical review. He mentioned that he met with  
32 the Department of Protection to address their comments and will make a  
33 resubmission to them next week. Engineer Williams explained that this  
34 application is for a Subdivision and Site Plan. He noted that he is moving  
35 toward Final Subdivision and Site Plan Approval and he asked the Board to  
36 waive the Final Subdivision Public Hearing.

37 Director of Planning Dym said that if the applicant has met all the  
38 substantive comments they are in a position to be granted final approval  
39 She explained that the Ordinance states that if the Preliminary Plat was  
40 approved and is more than six months since its approval it becomes

1 discretionary on the Boards part. Director of Planning Dym noted that the  
 2 notice for the Public Hearing was for Preliminary Subdivision Approval  
 3 Steep Slopes, Wetland, Tree Removal and Stormwater Management and  
 4 Erosion and Sediment Control Permits. She explained that the Public  
 5 Hearing was not for Site Plan Approval; however, there is a waiver  
 6 provision in Section 170-114 C. (8) (e) that states that the Planning Board  
 7 may waive requirements for Public Hearing on the application for Site Plan  
 8 Approval if it determines that the scale of the improvement or the record of  
 9 prior reviews and Public Hearings on the development and use of the site  
 10 does not warrant a Public Hearing.

11  
 12 Engineer Williams said that the provision for waiving the Final Subdivision  
 13 Public Hearing is if the application is made within six months of the  
 14 previous Public Hearing. He said that the intent was for all the permits to be  
 15 referenced at the Public Hearing but the notice did not mention Site Plan  
 16 Approval. He opined that it is not necessary to have another Public  
 17 Hearing for the Site Plan as the Town Code clearly provides the reason for  
 18 not having an additional Public Hearing. Engineer Williams noted that the  
 19 applicant did not prepare the notices to be sent out for the Public Hearing.

20  
 21 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously  
 22 carried, the Board determined that the Final Subdivision plat is in  
 23 substantial agreement with the Preliminary Plat with modifications as  
 24 required by the Preliminary Approval Resolution and therefore waive the  
 25 Public Hearing for Final Subdivision Plat Approval.

26  
 27 On motion by Chair Currie, seconded by Mr. Goldenberg and unanimously  
 28 carried, the Board moved to waive the requirement for a Public Hearing for  
 29 Site Plan Approval in accordance with Section 170-114 C. (8) (e ) because  
 30 the record of prior reviews and Public Hearings on the development and  
 31 the use of the site does not warrant a Public Hearing.

32  
 33 Engineer Williams asked if a draft Resolution can be prepared for the next  
 34 meeting.

35  
 36 Director of Planning Dym said that an easement to the adjacent Town  
 37 owned park has to be discussed with the applicant and Town Attorney.  
 38 She noted that it has to be decided how to guarantee in the Homeowner's  
 39 Association (HOA) Bylaws, that there is a future obligation to allow public  
 40 access over the property entry road to connect to a future road that would

1 provide access to the park. She mentioned that there has to be a  
 2 discussion between the Town and the HOA regarding whether the access  
 3 road should be open to the public in the future.

4  
 5 Ms. Gerbino noted that there are flood lights that will be a nuisance to the  
 6 new homeowners. She said that she believes that the flood lights come  
 7 from the meter station next to the property. Ms. Gerbino said that she is  
 8 concerned that the future parkland is also a nuisance.

9

10

11 **DEUTSCH WETLAND, STEEP SLOPES, TREE REMOVAL AND**  
 12 **STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**  
 13 **CONTROL PERMITS [TM: 48.09-1-24]**

14

15 Chairman Curie said that this is the application for Insite Engineering,  
 16 applicant, and Joseph Deutsch, owner, for property located on the south  
 17 side of Hageman Court for a proposed single family residence with onsite  
 18 wastewater treatment system, well and driveway.

19

20 Chair Currie asked the applicant’s representative to update the Board on  
 21 the application.

22

23 Richard Williams, the applicant’s engineer, said that he responded to the  
 24 comments from the Consultant Town Engineer and he asked the Board to  
 25 schedule the Public Hearing on this application.

26

27 Consultant Town Engineer Barbagallo said that the proposal is very close  
 28 to the wetland and he wants to make sure that the footing drain is not on  
 29 top of the ground. He said that the footing drain should be put into the  
 30 mitigation area or a gravel pit. He mentioned that the rock will be removed  
 31 by means of hammering during the hours of 8:00 A.M. to 6:00 P.M. Monday  
 32 through Saturday. Consultant Town Engineer Barbagallo said that the  
 33 Board may want to consider the rock removal Monday through Friday.

34

35 On motion by Chair Currie, seconded by Mr. Goldenberg, the Board moved  
 36 to declare its intent to be Lead Agency under State and Local SEQRA  
 37 regulations and circulate the EAF and the Notice of Intent to Involved and  
 38 Interested agencies.

39

1 Engineer Williams said that the Action is a Type 2 Action and therefore the  
 2 Board does not have to declare its intent to be Lead Agency.

3  
 4 On motion by Chair Currie, seconded by Mr. Goldenberg and unanimously  
 5 carried, the Board rescinded their Intent to be Lead Agency.

6  
 7 Chair Currie directed the Consultant Town Engineer to determine if the  
 8 action is a Type 2 Action.

9  
 10 On motion by Chair Currie, seconded by Ms. Corning and unanimously  
 11 carried, the Board scheduled a Public Hearing on the Deutsch Wetland  
 12 Permit for Wednesday, September 14, 2016 at the Somers Town House at  
 13 7:30 P.M.

14  
 15 **GREENBRIAR SOMERS CORP. [TM: 6.11-1-77, 78]**

16  
 17 Chairman Currie noted that this is an application for Preliminary  
 18 Subdivision Approval, Wetland, Steep Slopes, Tree Removal and  
 19 Stormwater Management and Erosion and Sediment Control Permits for  
 20 property located on the left side of Greenbriar Drive for the re-subdivision of  
 21 Section 6, lots 77 and 78.

22  
 23 Chair Currie asked the applicant’s representative to update the Board on  
 24 the application.

25  
 26 Joseph Buschynski, the applicant’s engineer, noted that there was a site  
 27 walk with the Board and the proposal is to construct one residential town  
 28 house unit in the area of lots 35 and 36 in Section 6. He explained that  
 29 these two lots were not developed in the mid 90’s with the rest of Section 6  
 30 because of changes in regulations. He noted that the watercourse  
 31 regulations came into effect in 1997 that prohibited the installation of  
 32 residences within 100 feet of watercourses. Engineer Buschynski  
 33 mentioned that the Department of Environmental Conservation (DEC)  
 34 amended wetland mapping and declared a regulated wetland in association  
 35 with Greenbriar Brook. He said that he had to address the sensitive area  
 36 behind the lots and the decision was to eliminate a lot and combine lots 35  
 37 and 36 into one lot. Engineer Buschynski explained that this is the reason  
 38 for the subdivision.

39

1 Chair Currie acknowledged receipts of memos from Woodard & Curran  
 2 dated August 5, 2016, the Director of Planning dated August 4, 2016 and  
 3 the Open Space Committee dated July 27, 2016.

4  
 5 Consultant Town Engineer Barbagallo said that he is concerned that water  
 6 may run to the neighbor’s property.

7  
 8 Engineer Buschynski said that he intends to drain out to the catch basin in  
 9 the street and he will be specific with the grading as he does not want the  
 10 water to run on to the neighbor’s property. He mentioned that the forebay  
 11 or outlet structure once the stormwater changes are made and sized to the  
 12 flow that is going there will be cleaned.

13  
 14 Director of Planning Dym said that even though this is a small subdivision it  
 15 is required to have subdivision review. She commented that the Board has  
 16 to declare its Intent to be Lead Agency.

17  
 18 Ms. Gerbino said that she is puzzled because there are two lots and one is  
 19 owned by Greenbriar Somers Corporation and the other lot is owned by  
 20 Green LLC. She said that there are two separate corporations.

21  
 22 Engineer Buschynski said that Mr. Shapiro passed away and there has  
 23 been a transfer of ownership. He noted that he will provide an explanation  
 24 of the ownership of the lots.

25  
 26 On motion by Chair Currie, seconded by Ms. Corning, and unanimously  
 27 carried, the Board moved to declare its intent to be Lead Agency under  
 28 State and local SEQRA regulations and circulate the EAF and Notice of  
 29 Intent to Involved and Interested agencies.

30  
 31

32 **TAMARACK AND VINE SUBDIVISION [TM: 16.07-1-1]**

33

34 Chairman Currie noted that this is an application for Preliminary  
 35 Subdivision Approval, Steep Slopes, Wetland and Tree Removal Permits  
 36 for property located at the end of Tamarack and Vine Road. He mentioned  
 37 that the proposal is for a four (4) lot Conservation Subdivision. He said that  
 38 three lots will be accessed off a common driveway from Vine Road and one  
 39 lot would be accessed off a driveway from Hickory Road. He said that

1 each lot will have individual wells and septic systems and two conservation  
 2 lots are proposed.

3  
 4 Chair Currie asked the applicant’s representative to update the Board on  
 5 the application.

6  
 7 Richard Zapp, the applicant’s engineer, explained that he needs the Boards  
 8 input on the requirements for the Tree Plan. He said that the project was  
 9 originally approved for a five (5) lot Conventional Subdivision and received  
 10 three Preliminary Subdivision extensions. Engineer Zapp noted that in  
 11 2005 the Town Engineer suggested that the project be reconfigured as a  
 12 Conservation Subdivision. He mentioned that during discussion on  
 13 stormwater design with the Department of Environmental Protection (DEP)  
 14 one of the lots was eliminated. He explained that with the Conservation  
 15 Subdivision cul-de-sacs were eliminated and in their place common  
 16 driveways.

17  
 18 Engineer Zapp said that originally a Tree Plan was not required and he  
 19 requested a waiver from doing a full tree plan but identifying the trees that  
 20 can be saved.

21  
 22 Consultant Town Engineer Barbagallo noted that during the site walk there  
 23 was discussion on the tree survey and it was decided that the specimen  
 24 trees within the proposed access easement and 25 feet on either side of  
 25 the access easement be identified and that a note be added to the plan that  
 26 says prior to the issuance of building permits that the applicant coordinate  
 27 with the Engineering Department on the site specific layout that best  
 28 accommodates the site trees and overall site landscaping. He explained  
 29 that when the individual houses are being built the Engineering Department  
 30 will review the trees on a lot-to-lot basis.

31  
 32

**BEST PLUMBING SPECIAL EXCEPTION USE PERMIT**

**[TM: 28.15-1-2, 4]**

35 Chairman Currie said that the applicant is requesting a modification on  
 36 days and hours of operation to their special use permit for property located  
 37 at 49 Route 138. This application was referred to the Planning Board from  
 38 the Town Board at their August 4, 2016 meeting.

39

1 Director of Planning Dym explained that the Town Board received an  
2 application for an amendment to their Special Use Permit from Best  
3 Plumbing. She mentioned that the Town Board accepted an application to  
4 modify their Special Exception Use Permit on June 10, 2004, and modified  
5 by Resolution of the Town Board on September 3, 2010. She said that  
6 these modifications gave Best Plumbing additional rights on Saturdays.  
7 Director of Planning Dym noted that the latest request is for further benefits  
8 to their Special Exception Use Permit. She mentioned that Best Plumbing  
9 has made significant site improvements.

10  
11 Director of Planning Dym said that Best Plumbing is asking that the  
12 Showroom be opened on Sundays from 11:00 A.M. to 5:00 PM. She noted  
13 that the referral is for the supply sales and pickup, that you access in the  
14 front of the building, operate on Saturdays from 8:00 A.M. to 5:00 P.M.  
15 Director of Planning Dym mentioned that trucking activity restrictions were  
16 originally from 7:40 A.M. to 8:15 A.M on Mondays to Fridays and that  
17 relates to the adjacent driveway to John F. Kennedy High School. She said  
18 that she received a phone call and e-mail from Fr. Mark Vaillancourt,  
19 President/Principal of Kennedy Catholic High School.

20  
21 Jonas Weiner, owner of Best Plumbing Supply, said that this property was  
22 originally Gerlain which operated every day, 24 hours per day, and was an  
23 industrial property. He noted that after Gerlain left, the YMCA had plans to  
24 have a 24 hour operation and with all the restrictions that would not work  
25 for Best Plumbing. Mr. Weiner said a representative of the Town spoke to  
26 him about making Best Plumbing work with the restrictions. He said that  
27 the site is in great condition and has 60 employees. He mentioned that  
28 Best Plumbing is in the service business and his customers want service.  
29 Mr. Weiner is asking for the right to be open on Saturday for customers to  
30 purchase parts. He said that deliveries will not be made on Saturdays. Mr.  
31 Weiner said that Sunday hours will be similar to the Saturday hours. He  
32 said that the restrictions on trucking activities from 7:40 A.M to 8:15 A.M.  
33 on Mondays to Fridays when his trucks leave after 8:15 A.M. is not terrible  
34 but the impact for his trucks leaving during that time will not impact traffic.  
35 Mr. McNamara asked Mr. Weiner to define the activity.

36  
37 Mr. Weiner said he is asking that Best Plumbing trucks leave the property  
38 from 7:40 A.M. to 8:15 A.M. He noted that it probably will only be three  
39 trucks leaving during that time. He said that the trucks are 24-foot boxed  
40 blue trucks.

1  
 2 Ms. Gerbino said that Route 138 is a State Road and is built for business  
 3 and commerce. She said that the dangerous entrance to John F. Kennedy  
 4 High School has been improved. Ms. Gerbino explained that the State  
 5 improved Route 138 and Route 100 and made that a safer intersection.  
 6 She said that she does not view the use of Best Plumbing's trucks as a  
 7 major or dangerous impact. She interjected that the Town should ask the  
 8 City to re-open or rebuild the Plum Brook Bridge so there is a safety valve  
 9 for Masses on Sunday.

10  
 11 Chair Currie said another improvement is when you exit the site the line of  
 12 sight on the left side makes that exit much safer.

13  
 14 Chair Currie asked the Board for their recommendation on the requests  
 15 from Best Plumbing:

- 16
- 17 • Chair Currie said that he has no problem with Best Plumbing's
- 18 request.
- 19
- 20 • Ms. Gerbino said that she has no problem with Best Plumbing's
- 21 request in part because of the site improvements and she
- 22 asked that the Town Board request that the Plum Brook Bridge
- 23 be re-opened or rebuilt.
- 24
- 25 • Ms. Corning said that she has no issue with the applicant's
- 26 request.
- 27
- 28 • Mr. McNamara said that he supports the applicant's request.
- 29
- 30 • Ms Gannon supports the applicant's request.
- 31
- 32 • Mr. Goldenberg said that he is concerned about traffic on Route
- 33 138 especially after the IBM property has a new tenant.
- 34

35 Director of Planning Dym said she will send a memo to the Town Board  
 36 stating that the Board agrees with the first two conditions and agrees to the  
 37 third requests with an explanation that there is a limit on the trucks that will  
 38 be leaving the site during the hours of 7:40 A.M. to 8:15 A.M. and because  
 39 of the site improvements.

40

1 There being no further business, on motion by Chairman Currie, seconded  
2 by Ms. Gerbino, and unanimously carried, the meeting adjourned at 10:50  
3 P.M. The Chair announced that the next Planning Board meeting will be  
4 held on Wednesday, September 14, 2016 at 7:30 P.M. at the Somers Town  
5 House.

6

7

8

9

10

Respectfully submitted,

11

12

Marilyn Murphy

13

Planning Board Secretary

14

15