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PLANNING DEPARTMENT

TOWN HOUSE  
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SOMERS, NY 10589

*Town of Somers*

WESTCHESTER COUNTY, N.Y.



John Currie, *Chairman*  
Fedora DeLucia  
Christopher Foley  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
John Keane

3

**SOMERS PLANNING BOARD MINUTES**  
**August 13, 2014**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:** Chairman Currie, Mr. Keane, Mr. Goldenberg  
11 Mr. Foley and Ms. Gannon

12

13 **ALSO PRESENT:** Assistant Consultant Town Engineer Robert Wasp  
14 Planning Board Town Attorney Eriole  
15 Planning Board Secretary Marilyn Murphy

16

17 **ABSENT:** Ms. Gerbino and Mrs. DeLucia

18

19

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

23

24 **CONSULTING SERVICES PROPOSAL**

25

26 **TIM MILLER ASSOCIATES, INC.**  
27 **PROPOSAL FOR CONSULING SERVICES FOR SOMERS CROSSING**

28

29 Mr. Goldenberg recused himself and did not take part in the discussion.

30

1 Chairman Currie said that the Board will be reviewing a proposal for  
2 consulting services for the review of certain sections of the Draft  
3 Environmental Impact Statement (DEIS) for Somers Crossing.

4  
5 The Chair asked the applicant of Somers Crossing if he had any objections  
6 to Tim Miller Associates expanding their existing contract.

7  
8 Gus Boniello, applicant, stated that he had no objection to Tim Miller  
9 Associates providing the review of the DEIS. He indicated that his only  
10 concern is that there is no duplication between the Town Planner and Tim  
11 Miller Associates. He suggested that one planner be in charge of the  
12 review.

13  
14 Frederick Wells, Planner representing Tim Miller Associates, Inc., noted  
15 that he does not intend to duplicate services. He mentioned that the Town  
16 Planner's role is to review what is provided by Tim Miller Associates and  
17 the other consultants. Mr. Wells said that the Town Planner will be  
18 monitoring for consistency.

19  
20 Chair Currie asked if there were any comments or concerns from the  
21 Board.

22  
23 Mr. Keane noted that his review of the July 21, 2014 letter from Tim Miller  
24 Associates and the listing of the elements that they will address seems to  
25 coincide with what was addressed in the Director of Planning's memo  
26 dated September 24, 2013. He said that it appears that Director of  
27 Planning Dym is transferring her responsibilities as set forth in the letter to  
28 Tim Miller Associates.

29  
30 Mr. Keane indicated that there will be a problem with who will coordinate  
31 all the consultants reports into the Finding Statement. He indicated that  
32 Findings Statements sometimes go off track because there are not enough  
33 facts to support the perceptions.

34  
35 Mr. Wells said he will be providing draft findings for the sections he is  
36 reviewing with the other consultants doing the same. He noted these  
37 sections will be sent to the Director of Planning for her to compile.

38  
39 Mr. Keane suggested that Tim Miller Associates take on all the  
40 responsibilities and not the Director of Planning.

1 Mr. Wells explained that Director of Planning Dym will need to review the  
2 DEIS and be cognizant of the issues and be aware of what happens at the  
3 Public Hearing and the whole process. He stated that this is a typical  
4 Planner task and is not out of the ordinary.

5

6 Mr. Keane opined that this direction is not typical and the findings in the  
7 Findings Statement are critical to the accuracy and fundamental viability of  
8 the Findings Statement.

9

10 Timothy Allen, applicant's engineer, said he envisions the Director of  
11 Planning's role to be administrator, and making sure everything is  
12 submitted in a timely fashion, but Tim Miller Associates will prepare the  
13 findings statement and be the planner on this project.

14

15 Mr. Keane asked who will write the Findings Statement.

16

17 Mr. Wells said that he is assisting in the preparation of the Findings  
18 Statement with input from other consultants on the project.

19

20 Mr. Keane commented that this is a problem with the Town Board, Planner  
21 and the Planning Board. He noted that this is being done in a bifurcated  
22 yet collective way.

23

24 Ann Cutignola, planner representing Tim Miller Associates, said that they  
25 will review the technical data as part of the analysis for completeness but  
26 those draft findings will have to be reviewed by the Board and the Director  
27 of Planning.

28

29 Mr. Keane suggested that Tim Miller Associates create the Findings  
30 Statement that involves all the various disciplines that have been lined out  
31 in the Scoping Document as to what needs to be addressed.

32

33 Ms. Cutignola commented that what Mr. Keane is suggesting is different  
34 from what Tim Miller Associates listed as activities in regard to the adopted  
35 scope in support of the Director of Planning. She said that this discussion  
36 can take place with input from the Director of Planning.

37

38 Mr. Wells interjected that he can write the full preparation of the Findings  
39 Statement and will provide a new escrow letter with the cost associated  
40 with the new responsibilities.

1 Mr. Keane said that the Director of Planning is transferring her  
2 responsibilities because she has other projects.

3  
4 Chair Currie said that the Town Board directed Director of Planning Dym to  
5 focus on the Master Plan.

6  
7 Tim Allen, the applicant's engineer, said that the Town Board is the Lead  
8 Agency on this project and the completeness review is the first step.

9  
10 Gus Boniello, applicant, said that he would like one planner on the project.  
11 He asked for a recommendation to the Town Board that Tim Miller  
12 Associates complete the project.

13  
14 Chair Currie asked the Board if they have any comments.

15  
16 Ms. Gannon said that originally she was concerned that there would be  
17 duplication of effort, cost and resources. She said that the applicant has to  
18 make sure that the activities associated with the cost of the review is  
19 outlined.

20  
21 Mr. Boniello suggested that Tim Miller Associates provide the updated  
22 escrow letter before the next Town Board meeting.

23  
24 Mr. Wells said he understands that Tim Miller Associates will be the lead  
25 planning consultant for the review of the EIS which includes the  
26 preparation of the Draft Findings Statement.

27  
28 Chair Currie said that it is the consensus of the Board that Tim Miller  
29 Associates be the lead planner for the review of the DEIS for Somers  
30 Crossing.

31  
32 *At this time Mr. Goldenberg returned to the meeting.*

33  
34 **PROPOSAL FOR CONSULTING SERVICES FOR HIDDEN MEADOW**

35  
36 **FREDERICK P. CLARK ASSOCIATES**

37  
38 Chair Currie said that the Board will review the proposal from Frederick P.  
39 Clark on the scope of services for Hidden Meadow at Somers.

40

1 Sarah Brown, representing Frederick P. Clark (FP Clark), explained that FP  
2 Clark was asked to prepare some of the documentation that is needed for  
3 the Hidden Meadow project. She noted that under SEQRA FP Clark will be  
4 preparing the Determination of Significance, Preliminary and Final Plat  
5 Approval and the Site Plan Approval Resolution.

6  
7 Mr. Goldenberg said that he is concerned that applicants have to spend so  
8 much money on consultants because the Town does not have its own staff.

9  
10 Chair Currie asked if the applicant had any concerns or comments on the  
11 proposal from FP Clark.

12  
13 Richard Williams, the applicant's engineer, noted that the applicant has no  
14 objection to the FP Clark proposal for consulting services.

15  
16 Ms. Gannon referred to an e-mail sent on July 21, 2014 by Director of  
17 Planning Dym which says that *due to the number of large active projects*  
18 *and applications before the Planning Board, the numerous approval*  
19 *documents that will need preparation before the Town Board and Planning*  
20 *Board for the Hidden Meadow project, and the Town Board's desire that*  
21 *she spend more time on creating a final document from prior versions of*  
22 *the Comprehensive Master Plan Update, she asked FP Clark Associates to*  
23 *submit a proposal for planning consulting services on the Hidden Meadow*  
24 *project, as seen in the list of identified services.*

25  
26 Ms. Gannon mentioned that the last meetings on the Master Plan were in  
27 2008 but the base line research and data gathering would have taken place  
28 about 10 years ago. She said she is concerned because the Master Plan  
29 Update will require more information and data gathering than what took  
30 place years ago. Ms. Gannon stated that as a Planning Board member this  
31 is a source of great concern to her if the basis for the Master Plan Update  
32 is based on old data as things have changed in that period of time.

33  
34 Mr. Keane agreed with Ms. Gannon and stated that he is opposed to one  
35 person writing the Master Plan. He said he believes that it is a legal  
36 requirement to have input from residents. Mr. Keane noted that you have  
37 to have a small group of people that have a historical background of the  
38 Town and the use of their input is very important.

39

1 Ms. Gannon said all she wants is a good Master Plan for the Town and that  
2 it is successful in the sheparding of the development of the plan.

3  
4 Mr. Goldenberg opined that the Update of the Master Plan should be  
5 looked at by new people.

6  
7 Chair Currie said that it was the consensus of the Board to approve the  
8 scope of services on Hidden Meadow at Somers from FP Clark.

9  
10 **INFORMAL APPEARANCE WITH SKETCH PLAN REVIEW**

11  
12 **HERITAGE 202 CENTER [TM: 17.11-10-20]**

13  
14 Chairman Currie said that this is an informal appearance with a sketch plan  
15 review for property located at the Heritage 202 Center for the removal of  
16 existing shrubbery and the installation of approximately 1500-2000 SF of  
17 permeable patio pavers for a pedestrian area.

18  
19 Chair Currie asked the applicant's representative to explain the application  
20 for the benefit of the Board and the public.

21  
22 Daniel Logue, Assistant Vice President of Urstadt Biddle Properties,  
23 explained that he is here on the application of Heritage 202 Center to  
24 remove overgrown shrubbery and install new permeable paving units. He  
25 indicated that there are four different planting areas where the shrubbery is  
26 waist high blocking pedestrian traffic. Mr. Logue explained that the four  
27 planting beds will be removed and replaced with nursery stock plantings or  
28 flowers. He mentioned that the patio pavers will be installed in the center.

29  
30 Mr. Goldenberg asked the reason for the patio blocks. He said that the  
31 existing shrubbery makes the center look country.

32  
33 Mr. Logue said that the patio pavers will allow easier access to the stores  
34 and parking spaces. He commented that the main reason for the  
35 application is to remove the overgrown shrubbery and for maintenance.

36  
37 Mr. Foley interjected that the shrubbery he is familiar with at the Heritage  
38 202 Center is unsightly. He indicated that there is a make shift pedestrian  
39 path right through the shrubbery that speaks to a lack of maintenance.

1 Mr. Goldenberg asked for a site visit so the Board can see what is  
2 proposed.

3  
4 Robert Wasp, Assistant Consultant Town Engineer, stated that the  
5 construction will not impact fire access to the stores.

6  
7 Chair Currie indicated that it was the consensus of the Board that a Site  
8 Plan is not necessary. However, the Board will go to the Heritage 202  
9 Center and review the proposal and discuss this application at the next  
10 meeting.

11

## 12 **PROJECT REVIEW**

13

### 14 **SUSAN HAFT AND RIDGEVIEW DESIGNER BUILDERS, INC.** 15 **[TM: 16.12-1-41, 42]**

16

17 Chairman Currie noted that this is the project review for Susan Haft and  
18 Ridgeview Designer Builders, Inc. for an application for Amended Final  
19 Subdivision Plat Approval. He said that the property is owned by  
20 Ridgeview Designer Builders and Susan Haft and is located on the east  
21 side of Lovell Street. Chair Currie explained that the applicant is requesting  
22 an amendment of Final Subdivision Approval to permit them to file the  
23 subdivision in two sections pursuant to Town Law §276(7)(b) and the Town  
24 of Somers Subdivision Regulations §150-13 (K).

25

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

28

29 Adam Wekstein, the applicant's attorney, said that he reviewed the draft  
30 resolution and the draft negative declaration relating to the request to  
31 approve the subdivision in sections. He mentioned that he has only one  
32 comment on Page 10 of the draft resolution. He would like the wording *no*  
33 *building permits will be issued on any lot shown on the subdivision plat until*  
34 *the required copies of the plat have been delivered to the Planning Board in*  
35 *accordance with Section 150-14.H of the Code of the Town of Somers*  
36 *eliminated.*

37

38 Town Attorney Eriole advised that he had no legal problem with the change  
39 requested by the applicant's attorney.

40

1 Mr. Goldenberg noted that the applicant requested a 90-day time extension  
2 if the resolution was not approved this evening. He suggested that the  
3 Board grant the 90-day extension because the Director of Planning is not  
4 present to answer questions.

5

6 Mr. Goldenberg referenced Page 8 fourth condition under Ongoing  
7 Conditions that *all work associated with this application shall be subject to*  
8 *the satisfaction of the Consulting Town Engineer.*

9

10 Planning Board Town Attorney advised that the condition should read *that*  
11 *all work associated with this application shall be completed in conformance*  
12 *with the approved plans to the satisfaction of the Consulting Town*  
13 *Engineer.*

14

15 Mr. Keane interjected that the Board was expecting a report on how much  
16 more rock chipping has to be done versus blasting, if appropriate.

17

18 Engineer Allen noted that the foundations of the homes is all that is left for  
19 the rock chipping. He said that the rock chipping is minimal so he is not  
20 proposing blasting.

21

22 Attorney Wekstein said that Number 8 under Ongoing Conditions  
23 addresses the Board's concerns and reads *if rock removal is required in*  
24 *connection with construction of the residences on the lots (or any remaining*  
25 *infrastructure), the Applicant, in consultation with the Town Engineer and*  
26 *the Planning and Engineering Departments, will first determine if the*  
27 *quantity or duration of rock removal warrants removal by blasting instead of*  
28 *ripping, drilling or hammering. If **the Consulting Town Engineer***  
29 *determines blasting is determined to be the preferred method of rock*  
30 *removal the applicant shall obtain a blasting permit and comply with all*  
31 *applicable prerequisite and requirements for blasting set forth in the Town*  
32 *Code.*

33

34 Assistant Consultant Town Engineer Wasp stated that discussion was held  
35 with Engineer Allen on the amount of rock removal and he agrees with  
36 condition number 8.

37

38 The Board and the applicant reviewed the Draft Amended Negative  
39 Declaration and had no changes.

40

1 On motion by Chair Currie, seconded by Ms. Gannon, (Mr. Goldenberg  
2 voting nay) and carried, the Board moved to approve the Amended  
3 Negative Declaration, pursuant to Article 8, Environmental Conservation  
4 Law, 6 NYCRR Part 617, and Chapter 92 of the Environmental Quality  
5 Review of the Code of the Town of Somers, New York.

6  
7 On motion by Chair Currie, seconded by Ms. Gannon, (Mr. Goldenberg,  
8 voting nay) and carried, the Board moved to adopt the Amended Final  
9 Conservation Subdivision Plat Approval, Steep Slopes, Tree Removal and  
10 Stormwater Management and Erosion and Sediment Control Permits to  
11 Susan Haft and Ridgeview Designer Builders, Inc. as per Amended  
12 Resolution No. 2014-01.

13  
14 **HIDDEN MEADOW AT SOMERS [TM: 15.07-1-6]**

15  
16 Chairman Currie noted that this is an application for Preliminary  
17 Subdivision Approval, Steep Slopes, Wetland and Stormwater  
18 Management and Erosion and Sediment Control Permits.

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, explained that the  
24 Biodiversity Study has been completed and the draft has been sent to the  
25 Consulting Town Engineer. He said he wants to talk about the refuse  
26 enclosures and additional parking for the drop off area for the school bus.  
27 Engineer Williams noted that he wants to make sure of the location and  
28 sizes of the garbage enclosures and the type of garbage cans that will be  
29 used.

30  
31 Engineer Williams stated that he came up with a solution to the school bus  
32 drop off area by creating five additional parking spaces. He mentioned that  
33 the refuse enclosure areas will have 14 locations located throughout the  
34 site. He noted that each enclosure is intended to serve four units with one  
35 enclosure reserved to serve the barbeque picnic area. Engineer Williams  
36 said that the plan is for a bi-weekly pickup for garbage with the four units  
37 sharing a recycling bin. He mentioned that he went to Heritage Hills and  
38 found the enclosures that the Board spoke about. Engineer Williams  
39 explained that each enclosure is intended to have two square roll-cut pails

1 for garbage and one recyclable pail. He said that the garbage cans are  
2 custom wood cans that match the sides of the buildings.

3  
4 Mr. Keane said that he is not in favor of the wood garbage cans and he  
5 finds the plastic cans less expensive.

6  
7 Mr. Goldenberg prefers the wood garbage cans.

8  
9 Engineer Williams stated that the Board wants one garbage can and one  
10 recyclable pail per unit. He noted that all the enclosures will be set on  
11 concrete pads with a ramp to grade for access.

12  
13 Engineer Williams mentioned that Director of Planning Dym asked that  
14 signage be placed indicating that the parking spaces are not to be utilized  
15 on weekdays during school morning and afternoon pick-up times. He said  
16 that he does not have a problem with this request.

17  
18 Ms. Gannon said that she would like the engineer's perspective because it  
19 may be a safety issue.

20  
21 Assistant Consultant Engineer Wasp noted that he would like to see a pull  
22 off sketch before he makes a decision.

23  
24 Engineer Williams mentioned that the school bus will not drive into the  
25 community but will stop on Route 6.

26  
27 Chair Curie directed that sketches for the parking for the bus pull off be  
28 provided.

29  
30 **FABRY WETLAND PERMIT [TM: 47.20-1-12]**

31  
32 Chairman Currie said that this is a project review for the Fabry wetland  
33 permit for property located at 135 Pinesbridge Road for the construction of  
34 a detached three car garage west of their single family residence.

35  
36 Chair Currie asked the applicant's representative to explain the project.

37  
38 Steve Marino, the applicant's representative, said that the applicant is  
39 requesting a wetland permit for the construction of a three car garage.

40

1 Mr. Marino passed out pictures to the Board of the wetland showing that it  
2 is mostly lawn and the drainage channel that runs from east to west. He  
3 said that on the east side of Pinesbridge Road is an existing dwelling with a  
4 long driveway. He explained that the applicant wants to construct a three  
5 car garage detached from the existing dwelling with a ten foot long  
6 breezeway connecting the detached garage to the house.

7  
8 Mr. Marino acknowledged comments from Woodard & Curran asking about  
9 details in reference to erosion controls and the construction of the proposed  
10 rain garden. He explained that the runoff from the 800 SF garage will be  
11 handled by the rain garden that will be adjacent to the wetland and then  
12 discharge overflow to the wetland.

13  
14 Mr. Marino explained that the proposed garage will be 15 feet from the  
15 edge of the wetland. He mentioned that the entire buffer is lawn and  
16 maintained as lawn. Mr. Marino indicated that the proposal is to have  
17 mitigation plantings on the north side of the existing driveway with “no  
18 mow” signs that will enhance the existing buffer rather than continue to  
19 maintain it as lawn. Mr. Marino indicated that he provided a Planting Plan  
20 for wetland mitigation and the location of the rain garden.

21  
22 Mr. Marino said that the electric is underground and was routed around the  
23 area of the proposed garage in anticipation of the garage being built in that  
24 location and he will show this on the plan. He noted that he is proposing to  
25 put signage on the site and restore portions of the lawn to a more  
26 naturalized buffer. Engineer Marino explained that to replace the function of  
27 the buffer will be accomplished with the rain garden.

28  
29 Assistant Consultant Town Engineer Wasp asked that the location of the  
30 septic system be provided. He asked that the applicant summarize how  
31 the project meets the requirement of Chapter 167 of the Town Code.

32  
33 **SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**

34  
35 Chairman Currie said the Board will review Somers Realty Phase 3. He  
36 asked the applicant’s representative to update the Board and the public on  
37 the project.

38  
39 Linda Whitehead, the applicant’s attorney, mentioned that she answered  
40 some of the items in the Director of Planning’s memo. She explained that

1 the Director of Planning in her memo mentioned modifications to the  
2 Master Plan. She said that at the last meeting there was discussion on the  
3 two uses, assisted living and the 30,000 SF of commercial space that was  
4 moved to where The Mews II is located. Attorney Whitehead noted that  
5 these two uses are reserved to be located in the future. She commented  
6 that there were comments saying that if these two uses are not shown now  
7 there needs to be another modification because they will not be located on  
8 the site. Attorney Whitehead stressed that this is not the case. She said  
9 that in her letter dated July 30, 2014 she provided the language that was in  
10 the Resolution. *Relocation of 80 unit/80,000 square feet assisted living*  
11 *facility and 30,000 square feet of mixed professional office/retail/restaurant*  
12 *use to the south side of Clayton Boulevard, the ultimate amount and mix of*  
13 *such uses along with those previously identified south of Clayton Boulevard*  
14 *will be determined as part of a future subdivision and site specific*  
15 *application with the PH Planned Hamlet District within the parameters of*  
16 *prior environmental determinations.* She stated that this will probably be the  
17 final subdivision application but future uses will have to be reviewed by the  
18 Planning Board.

19  
20 Attorney Whitehead said that clearly it was acknowledged that these uses  
21 may not be able to be located elsewhere on the site. She noted that  
22 particularly relevant to the discussion is the last phase, which states that  
23 the amount of the uses would be subject to the parameters of prior  
24 environmental determinations. She explained that she is working to  
25 determine how and where these uses could be located within the  
26 parameters, and also taking into consideration current Stormwater  
27 Regulations. Attorney Whitehead said that she does not believe that a  
28 modification of the Master Plan with respect to these uses is a part of the  
29 current application.

30  
31 Attorney Whitehead said that the line creating the reserve parcel is  
32 essentially the same as the subdivision line indicated on the subdivision  
33 map in the Master Plan.

34  
35 Attorney Whitehead mentioned that she came to the Board on an informal  
36 basis for an assisted living facility. She said that she understands what the  
37 Board wants the assisted living to look like and she is working within those  
38 perimeters.

39

1 Attorney Whitehead indicated that she is looking to amend the subdivision  
2 application to create the reserved parcel.

3  
4 Attorney Whitehead said there was a comment that the residential  
5 development was to be fee simple units but this is not correct. She  
6 stressed that this was never stated and it was always anticipated the units  
7 could be fee simple, condominium or rental. Attorney Whitehead stated  
8 that the Town cannot regulate the form of ownership. She mentioned that  
9 the bedroom has been reduced which means the impacts are reduced.

10  
11 Attorney Whitehead noted that there was a comment in reference to  
12 parking calculations and the relationship to prior approvals and the need for  
13 landbanked parking. She stated that the residential parking always stood  
14 on its own and was not part of the shared parking calculations and did not  
15 include any landbanked parking.

16  
17 Attorney Whitehead said that previous Town Engineer Gagné suggested  
18 traffic calming but those roads and intersections no longer exists.

19  
20 Attorney Whitehead noted that there is a comment in the letter dated July  
21 16, 2014 from the Westchester County Planning Board about additions to  
22 the Sewer District and mitigation necessary for inflow and infiltration. She  
23 stated that this is an error because the applicant is not required to provide  
24 mitigation because the only sewers in Somers are relatively new.

25  
26 Attorney Whitehead referenced the Director of Planning's memo dated  
27 August 6, 2014 in reference to density and their incentives. She explained  
28 that the Town Board amended the Zoning Code to eliminate all density  
29 incentives except for affordable housing over 15%. She said that the  
30 document that accurately reflects this is the final version of the Master Plan  
31 and the Master Plan Approval. Attorney Whitehead explained that the multi-  
32 family residential floor area ratio (FAR) is set forth as a minimum .04 and a  
33 maximum of .06 to make sure that multifamily is a big part of the Planned  
34 Hamlet. She said that the .06 maximum gives the total square footage  
35 number of 183,762 with the unit count at 152. She explained that the units  
36 will be smaller. Attorney Whitehead said she will provide a summary to  
37 make it clear to the Board and the Director of Planning.

38

1 Attorney Whitehead said that the Fiscal Analysis has to be redone or  
2 updated. She explained that this property will generate much more in taxes  
3 than it is generating today.

4  
5 Richard Williams, the applicant's engineer, said that the critical issue on  
6 Stormwater is the phosphorous counts. He noted that he re-ran the  
7 numbers preliminary using the methodology that the Watershed Inspector  
8 General (WIG) requires. He indicated that the phosphorous numbers for  
9 the site show a reduction but he will meet with the Consultant Town  
10 Engineer to make sure that the methodology is what WIG is requesting.

### 11 12 **SOMERS REALTY PLANNED HAMLET SEWER CONNECTION**

13  
14 Chairman Currie noted that this is an application for Steep Slopes, Wetland  
15 Tree Removal and Stormwater Management and Erosion and Sediment  
16 Control Permits for property located at Clayton Boulevard and Route 6 for  
17 the installation of the gravity sewer connection for the Somers Commons  
18 Shopping Center.

19  
20 Chair Currie asked the applicant's representative to explain the application  
21 for the benefit of the Board and the public.

22  
23 Linda Whitehead, the applicant's attorney, explained that as part of the  
24 Master Plan the applicant was required to provide a 20 foot wide easement  
25 so when the pump station became operative the Somers Commons  
26 Shopping Center can connect to it with a sewer lateral. She indicated that  
27 she is working with the owner of the shopping center to coordinate on the  
28 construction. Attorney Whitehead said she realized that a steep slopes  
29 permit was needed as well as a wetland permit because of a slight wetland  
30 incursion.

31  
32 Attorney Whitehead said that she submitted a short Environmental  
33 Assessment Form (EAF). She opined that this is a Type II Action.

34  
35 Assistant Consulting Engineer Wasp agreed that this is a Type II Action  
36 and no more SEQRA review is needed.

37  
38 On motion by Chair Currie, seconded by Mr. Foley, and unanimously  
39 carried, the Board determined that this is a Type II Action and no further  
40 SEQRA review is required.

1 Attorney Whitehead asked that the Board schedule a Public Hearing as  
2 this application is time sensitive.

3  
4 Richard Williams, the applicant's engineer, explained that the design report  
5 on the pump station indicated that improvements are necessary at the  
6 Somers Commons Pump Station. He said that rather than swap out pumps  
7 and leave a pump station on line it was a benefit to the Town to eliminate  
8 that pump station. Engineer Williams noted that negotiations with Somers  
9 Commons lead to the agreement to allow for the installation of the gravity  
10 sewer main.

11  
12 Engineer Williams said the time sensitivity is that something has to be done  
13 to the pump station when Somers Realty goes on line in October or  
14 November.

15  
16 On motion by Chair Currie, seconded by Mr. Foley and unanimously  
17 carried, the Board moved to schedule the Public Hearing for the Somers  
18 Realty Sewer Connection for Wednesday, September 10, 2014.

19  
20

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

22

23 Chairman Currie explained that this is an application for Site Plan Approval,  
24 Steep Slopes, Tree Removal and Stormwater Management and Erosion  
25 and Sediment Control Permits for AvalonBay Communities, Inc.

26

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

29

30 Janet Giris, the applicant's attorney, said that Consultant Town Engineer  
31 Barbagallo requested a Photometric Plan based upon the proposed  
32 exterior lighting and an AutoTurn analysis for fire truck vehicle travel  
33 throughout the development.

34

35 Attorney Giris said that she agrees with Attorney Whitehead's method of  
36 how 152 units and 183,000 square feet were approved in the Master Plan.  
37 She noted that the fiscal analysis will be revised to reflect the AvalonBay  
38 project.

39

1 Attorney Giris said that in the Director of Planning's memo dated August 6,  
2 2014 she said that the design guideline setback from paved roads indicate  
3 that buildings on the Village Green should have a required/permitted  
4 setback of 0 feet or 5 feet. She said that this is a design guideline and the  
5 Avalon proposal is a setback of the buildings at approximately 25 feet and  
6 the reason for that is the slopes and the ability of the project to comply with  
7 the ADA and the slope requirements. Attorney Giris said that 1 to 2% slope  
8 has to be achieved so the setbacks have to be a little further away from the  
9 roadway to achieve that slope and make them accessible.

10  
11 Attorney Giris indicated that the applicant will be submitting revised  
12 Architectural Plans identifying what the doors on each building represent,  
13 the unit sizes and the number of units per building. She said that the  
14 applicant will describe the plan for garbage collection and pick-up.

15  
16 Attorney Giris stated that she will respond to all the comments from the  
17 Director of Planning and the Consultant Town Engineer.

18  
19 Chair Currie asked about the design guideline setbacks.

20  
21 Attorney Giris said that in the Director of Planning's memo she says that  
22 the intent of the guideline, as stated in either the DEIS or Master Plan  
23 document, is that in case the 0 feet to 5 feet is a maximum permitted  
24 setback, in that the building were envisioned to form a streetwall lining the  
25 sidewalk across from the Town Green to establish an urban pedestrian  
26 environment. Attorney Giris opined that it is not possible and is  
27 impracticable due to the slopes that have to be met to make the building  
28 accessible.

29  
30 Tom Shield, the applicant's Landscape Architect, said that AvalonBay is  
31 very interested in accessibility and provisions for fair housing. He noted that  
32 he wants to meet the design guidelines and achieve a spacial feel along  
33 the Town Green and how the buildings anchor it. Mr. Shield explained that  
34 each building has its own entrance. He said that he likes the concept of the  
35 buildings coming close to the road. Mr. Shield mentioned that there has to  
36 be grades that are flat enough to enter into the different entries. He said  
37 that after studying the site the buildings are setback a certain distance.  
38 Landscape Architect Shield noted that the Director of Planning would like to  
39 have the dimensions for each of the buildings to calculate how far the  
40 buildings are from the sidewalk and that will be provided.

1 Chair Currie asked about the intent of the design guidelines.

2

3 Landscape Architect Shield stated that it is an aesthetic guideline.

4

5 Assistant Town Consulting Engineer Wasp said that the lighting fixtures are  
6 in compliance with the IDA.

7

8 Ms. Gannon asked that a site walk be scheduled as she would like to see  
9 the site.

10

11 Attorney Whitehead explained that there is an active construction site at  
12 this time and she will check with the developer to schedule a safe time to  
13 visit the site.

14

15 There being no further business, on motion by Mr. Goldenberg, seconded  
16 by Chair Currie and unanimously carried, the meeting adjourned at  
17 10:30 P.M. The Chair announced that the next Planning Board meeting will  
18 be on Wednesday, September 10, 2014 at 7:30 P. M. at the Somers Town  
19 House.

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Respectfully submitted,

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Marilyn E. Murphy  
Planning Board Secretary

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