

Telephone 1  
(914) 277-5366<sub>2</sub>

FAX  
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

*Town of Somers*

WESTCHESTER COUNTY, N.Y.



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

3

**SOMERS PLANNING BOARD MINUTES  
AUGUST 8, 2012**

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7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

**ALSO PRESENT:**

Town Planner Syrette Dym  
Consultant Planner Joanne Meder  
Consultant Engineer Joseph Barbagallo  
Town Attorney Gerald Reilly

The meeting commenced at 7:30 p.m. Town Planner Syrette Dym called the roll.

**APPROVAL OF JUNE 13, 2012 MINUTES**

Chairman Currie noted that Planning Board Secretary Marilyn Murphy prepared and submitted for the Board's consideration the approval of the draft minutes of the Planning Board meeting held on June 13, 2012.

Chairman Currie explained that Consultant Planner Meder of Frederick P Clark, recommended a few additional revisions to the draft minutes to clarify discussions that occurred at the June 13, 2012 Planning Board meeting regarding The Green at Somers application.

1 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously  
2 carried, the minutes of June 13, 2012, as amended, were approved.

3

4 **TIME-EXTENSION**

5

6 **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**

7 **FINAL CONSERVATION SUBDIVISION**

8 **[TM: 16.12-1-41 & 42]**

9

10 Chairman Currie said that this time-extension request relates to the  
11 application of Susan Haft/Ridgeview Designer Builders, Inc. for Final  
12 Conservation Subdivision. He noted that the request is for a 90-day time-  
13 extension of Final Approval from August 20, 2012 to and including  
14 November 19, 2012.

15

16 Chair Currie acknowledged for the record receipt of a memo from Town  
17 Planner Dym in support of the requested time-extension.

18

19 The Chair asked if there were any comments or questions from members of  
20 the Board and no one replied.

21

22 On motion by Chair Currie seconded by Ms. Gerbino, and unanimously  
23 carried, the Board moved to grant a 90-day seventh time-extension to  
24 Susan Haft and Ridgeview Designer Builders, Inc. to the period of  
25 Conditional Final Subdivision Approval from August 20, 2012 to and  
26 including November 19, 2012.

27

28 **TIME-EXTENSION**

29

30 **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL**

31 **[TM: 5.20-1-1]**

32

33 Chairman Currie said that this time-extension request relates to the  
34 application of Merritt Park Estates Final Subdivision Approval. He noted  
35 that the request is for a 90-day time-extension of Final Subdivision Approval  
36 retroactively from July 9, 2012 to and including October 9, 2012. Chair  
37 Currie mentioned that this is the eighth request for a time-extension.  
38 Noelle Crisalli-Wolfson, the applicant's attorney, explained that she was  
39 present to answer any questions the Board may have on the requested  
40 time-extension.

1 The Chair asked if there were any comments or questions from members of  
2 the Board.

3  
4 Ms. Gannon asked why the time-extension is retroactive and why the  
5 request for a time-extension was not made in July.

6  
7 Attorney Crisalli-Wolfson stated that her firm made a calendar error and  
8 missed the deadline.

9  
10 Ms. Gannon said that a better explanation should be given for the reason  
11 for the delay in the request for the time-extension.

12  
13 On motion by Chair Currie seconded by Mr. Goldenberg, and unanimously  
14 carried, the Board moved to grant a 90-day eighth time-extension to Merritt  
15 Park Estates to the period of Conditional Final Subdivision Approval from  
16 July 9, 2012 to and including October 9, 2012.

17  
18 **TIME-EXTENSION**

19  
20 **MITCHELL CONSERVATION SUBDIVISION**

21 **[TM: 16.09-1-9]**

22  
23 Chairman Currie said that this time-extension request relates to the  
24 application of the Mitchell Conservation Subdivision Approval. He noted  
25 that the request is for a 180-day time-extension of Preliminary Subdivision  
26 Approval to and including October 23, 2012. Chair Currie mentioned that  
27 this is the first request for a time-extension.

28  
29 Timothy S. Allen, the applicant's engineer, explained that the date of the  
30 expiration of Preliminary Subdivision Approval was not entered into the  
31 computer and he did not realize that Preliminary Subdivision Approval had  
32 expired. He noted that he originally requested a Re-Grant of the  
33 Subdivision and will submit a new application. Engineer Allen said that  
34 nothing has changed on the project in terms of the Preliminary Resolution.  
35 He mentioned that the Department of Environmental Protection (DEP) is  
36 reviewing the project and hopefully the project will move to Final  
37 Subdivision Approval shortly.

38

1 Engineer Allen asked that a Draft Resolution be prepared for the  
2 September Planning Board meeting granting re-approval of the Preliminary  
3 Subdivision.  
4

5 Mr. Foley asked why the Board cannot grant a time-extension. He  
6 mentioned that the Merritt Park Estates Subdivision also expired and the  
7 Board granted a time-extension. He noted that there is no time limit in the  
8 Code which states that a Re-grant is necessary instead of a time-extension.  
9

10 Town Attorney Reilly advised that because the project expired three months  
11 ago a re-grant of Conditional Preliminary Subdivision Approval is  
12 necessary.  
13

14 Town Planner Dym explained that she spoke with Town Attorney Baroni  
15 and he advised that because of the length of time which was more than  
16 three months after expiration of the permitted six month time period a re-  
17 approval of conditional Preliminary Subdivision approval is needed.  
18 She felt that there is a more rigid standard for Preliminary Approval than  
19 Final Approval.  
20

21 Mr. Foley said that he does not understand the rigid standard in reference  
22 to Preliminary Subdivision Approval.  
23

24 Town Attorney Reilly advised that when Final Subdivision Approval is  
25 granted the Board has given further review of the application. He noted that  
26 in his opinion the applicant should file for a Re-Grant of Preliminary  
27 Subdivision Approval.  
28

29 Town Planner Dym asked if the Board has a firm position on a time-  
30 extension or is flexible on the issue.  
31

32 Mrs. DeLucia said that Resolution 2011-08 dated October 26, 2011  
33 expired on April 26, 2012 and no application for Final Subdivision Approval  
34 was submitted. She opined that the expiration of Preliminary Subdivision  
35 Approval is too long without the required request for a time-extension.  
36 She indicated that she cannot vote for a time-extension but requests that  
37 the applicant reapply and incorporate all prior procedures and approvals as  
38 part of the reapproval application.  
39

1 The Chair acknowledged that the consensus of the Board is that the  
 2 applicant reapply for Preliminary Subdivision Approval.

3  
 4 On motion by Mrs. DeLucia, seconded by Mr. Foley, and unanimously  
 5 carried, the Board moved to deny the applicant's request for a 180-day  
 6 time-extension since Conditional Preliminary Conservation Subdivision  
 7 Approval Resolution 2011-08 dated October 26, 2011 expired on April 26,  
 8 2012 due to the applicant's failure to submit to the Planning Board an  
 9 application for Final Subdivision Plat Approval or a request for extension of  
 10 time prior to the expiration of the permitted six-month time period, therefore  
 11 requiring the applicant to reapply and submit to the Planning Board a  
 12 reapproval application incorporating all prior procedures and approvals as  
 13 part of the reapproval application.

14  
 15 **DECISION**

16  
 17 **GREENBRIAR RE-SUBDIVISION OF LOTS 1, 2, 3, 4**  
 18 **IN SECTION 7**  
 19 **CUTTING OF 50" DIAMETER OAK TREE**

20  
 21 Chairman Currie said that the decision will be on the cutting of the 50"  
 22 diameter Oak Tree at Greenbriar in Section 7. He asked Town Planner  
 23 Dym to review Resolution No. 2012-05 Request by Planning Board that the  
 24 Town Attorney prepare a memorandum addressing questions regarding the  
 25 removal of the 50" diameter Oak Tree of the Greenbriar Re-Subdivision of  
 26 Lots 1, 2, 3 and 4 in Section 7.

27  
 28 Town Planner Dym said that the resolution asked that the attorney provide  
 29 an opinion on the ramifications on the cutting of the 50" diameter Oak Tree.  
 30 She mentioned that a letter dated July 9, 2012 from Steven DeLucia, ISA  
 31 Certified Arborist, together with several photos of the downed tree was  
 32 submitted to the Planning Board on July 11, 2012. She explained that the  
 33 Resolution did not make reference to the letter because of the lateness of  
 34 the letter; however, the letter is in the record. She said that she provided  
 35 the letter to the Board a second time to make sure that the Board and the  
 36 applicant know the letter is in the record.

37  
 38 Town Attorney Reilly advised that this matter be referred to the Justice  
 39 Court for Violation of Chapter 156-4 and the Violation of Subdivision  
 40 Approval. He said that the Justice Court will determine if the tree was cut

1 down illegally. He said that the Planning Board should not decide if the  
2 cutting of the tree was right or wrong, that should be the jurisdiction of the  
3 Justice Court. Town Attorney Reilly stated that the violation should come  
4 via the Engineering Office. He mentioned that if the applicant decides to  
5 further develop this property it must come back to the Planning Board.

6  
7 Mrs. DeLucia said that she is recusing herself because of her familiar  
8 connection to her husband's nephew Steven DeLucia, the applicant's  
9 arborist, not with standing the fact that she has not spoken to him in ten  
10 years.

11  
12 Chair Currie stated that the consensus of the Board is that this  
13 matter be sent to the Justice Court.

14  
15 **PROJECT REVIEW**

16  
17 **THE GREEN AT SOMERS AMENDED SITE PLAN, WETLAND,**  
18 **STEEP SLOPES AND STORMWATER MANAGEMENT AND**  
19 **EROSION AND SEDIMENT CONTROL PERMITS**  
20 **[TM: 4.20-1-3.1]**

21  
22 Chairman Currie said that the Board will be reviewing the application of  
23 Golfworx/Rick Van Benschoten (owner) for amended Site Plan, Wetland,  
24 Steep Slopes and Stormwater Management and Erosion and Sediment  
25 Control Permits.

26  
27 Chair Currie asked the applicant's representative to give a brief  
28 presentation on the application.

29  
30 Linda Whitehead, the applicant's attorney, noted that based on discussions  
31 at the July Planning Board meeting an alternative layout for the  
32 development of the site was submitted. She explained that two alternatives  
33 were submitted that address the Board's suggestions.

34  
35 Nathaniel Holt, the applicant's engineer, said that the significant change is  
36 the reduction of a four building complex to a three building complex. He  
37 noted that the footprint of the residential buildings will now be 10,000  
38 square feet each.

1 Engineer Holt mentioned that the restaurant building will be converted to  
 2 restaurant and retail space and will be 8,000 square feet in size on the first  
 3 floor with apartments on the second floor. He indicated that there will be 36  
 4 one bedroom apartments and 36 two bedroom apartments. Engineer Holt  
 5 said that the building with nonresidential uses will now be closer to Route 6.  
 6 He also stated that the large roundabout feature near the site entrance was  
 7 removed which straightens out the intersection and gives more room for  
 8 green space. He noted that none of the buildings will be in the zoning  
 9 setback or wetlands buffer. Engineer Holt indicated that the landscaping  
 10 will be trees and other vegetation. He said that the dumpsters were  
 11 relocated and the sewer pump station was shifted to the east.

12  
 13 Attorney Whitehead said that the most significant change is that the  
 14 buildings will all be two stories with retail uses located in the front of the  
 15 site. She explained that this property was originally zoned General  
 16 Business (GB); however, because there was no demand for that much  
 17 commercial development the Town Board rezoned the site Neighborhood  
 18 Shopping (NS). Attorney Whitehead explained that the 1994  
 19 Comprehensive Plan and subsequent to that plan adoption the 1996 zoning  
 20 amendments included the development of the NS Zone and the rezoning of  
 21 the site from GB to NS. She noted that rezoning the property across the  
 22 street to the Planned Hamlet happened about the same time as the change  
 23 of this property to NS. Attorney Whitehead mentioned that the reason for  
 24 the change to Planned Hamlet was the realistic reduction in retail potential.  
 25 She said that the NS Zone was created to provide neighborhood support  
 26 and to provide housing. Attorney Whitehead stated that the NS Zone was  
 27 created to provide the creation of economically healthy, functionally  
 28 efficient, environmentally sound and attractive neighborhood business  
 29 areas designed to primarily serve the local convenience retail and personal  
 30 service needs of the residents of the Town of Somers, as well as to provide  
 31 housing alternatives and opportunities for small households. Attorney  
 32 Whitehead mentioned that apartments in the NS Zone are limited to studio,  
 33 one and two bedroom apartments. She noted that the amount of retail use  
 34 in the Planned Hamlet is extremely limited.

35  
 36 Attorney Whitehead said that if retail uses are put on the first floor of all the  
 37 buildings, as the Town Code seems to require, there would be  
 38 approximately 38,000 SF of retail. She stressed that it is clear that there is  
 39 no demand for more retail in the area and not what the Town contemplated  
 40 when the change was made from GB to NS. Attorney Whitehead explained

1 that this site is unique as compared to other NS sites in Town because it is  
2 larger than most and is across the street from a major shopping center and  
3 a major shopping strip, Route 6. She commented that very little of the site  
4 fronts on Route 6.

5  
6 Attorney Whitehead said that she feels that the revised plan works because  
7 it puts the retail on Route 6 where it will be more visible and marketable.  
8 She mentioned that Consultant Planner Meder suggested making the  
9 restaurant building two sided so it will draw people from Route 6. She  
10 opined that the applicant also feels that this is a good idea. Attorney  
11 Whitehead noted that the buildings will now be two stories with retail in one  
12 building. She acknowledged that the building footprints will be larger but  
13 the buildings will still comply with zoning requirements. Attorney  
14 Whitehead said that there will be more green space but the plan will require  
15 a zoning text amendment from the Town Board or a variance from the  
16 Zoning Board. She mentioned that she can craft the zoning text  
17 amendment so that it will limit the number of NS sites that the amendment  
18 would apply to. Attorney Whitehead explained that the site is unique in its  
19 size and layout.

20  
21 Attorney Whitehead stressed that the applicant cannot move further with  
22 this plan without knowing if the Town Board will be supportive of the Zoning  
23 Text Amendment or if the Zoning Board of Appeals will be supportive of the  
24 variance. She asked for the Board's input and if they will support this new  
25 plan.

26  
27 Ms. Gerbino noted that the Town did not like the GB District because there  
28 were no restrictions on what you could do in the GB District.

29  
30 The Chair asked Consultant Engineer Barbagallo to summarize his memo  
31 dated August 3, 2012.

32  
33 Consultant Engineer Barbagallo said that he did not review the plan from  
34 an engineering perspective but reviewed the issues raised by the Planning  
35 Board. He said that before the applicant spends time and money he would  
36 like input from the Town Board and Planning Board. He opined that the  
37 layout of the new plan is a logical approach moving forward and he will  
38 provide a more significant review after the input on the new layout is  
39 received from the Town Board and Planning Board.

40

1 Chair Currie asked Consultant Planner Meder to summarize her memo  
2 dated August 3, 2012.

3  
4 Consultant Planner Meder said that she agrees that the past month was  
5 spent very effectively by coming up with an alternative plan that seems to  
6 address issues that were of concern to Planning Board members. She  
7 mentioned that the reduction in the height of the buildings in terms of the  
8 visual impact is an improvement and addresses Planning Board concerns.  
9 She noted that the location where the two buildings were changed to one  
10 building is a positive development because there had previously been a  
11 visual impact concern resulting from two very long buildings being located  
12 end-to-end. She mentioned that the relocation of the loading area near the  
13 multi-use building where it would function as access to a proposed  
14 dumpster enclosure is a good idea. Consultant Planner Meder also felt that  
15 moving the sewer pump station to the southeasterly corner of the site is a  
16 wise idea. She mentioned that both plans would result in less Wetland "B"  
17 buffer encroachment and bringing the building closer to Route 6 where it  
18 would be a more prominent feature is better from a streetscape  
19 perspective.

20  
21 Consultant Planner Meder said that she would like to look at some features  
22 of the plan more carefully and she does not have all the answers at this  
23 time but is mostly raising some additional questions for further discussion.

24  
25 Consultant Planner Meder said that it is FP Clark's perception that there is  
26 a lot of redundant vehicular circulation especially the double loop, the  
27 interior and exterior loop. She noted that the applicant's engineer said that  
28 the outer loop was needed for emergency access. She noted that it is  
29 worthwhile to take a look at the design of the inside loop.

30  
31 Consultant Planner Meder mentioned that at the last meeting there were  
32 suggestions on creating more of a green space and tightening up the layout  
33 of the buildings. She noted that the distance between the front facades of  
34 the buildings that are parallel to each other have not been changed  
35 materially. She said that the amount of parking, roads and stormwater  
36 facilities in that area are pretty much the same as shown on the previously  
37 submitted site plan. Consultant Planner Meder explained that the main  
38 difference is that the applicant added the label "passive recreation" to the  
39 bio-retention area. She opined that this area may not be able to be used  
40 for passive recreation. She said that some additional suggestions on what

1 can be done to modify the interior of the U-shaped cluster of buildings as  
 2 well as a sketch depicting some of those concepts had been included in the  
 3 FP Clark memo. Consultant Planner Meder said that if it is possible to  
 4 modify the design of the stormwater basin (bio-retention basin), and  
 5 distribute its capacity among more than one location from an engineering  
 6 perspective, then it might be possible to open up some of the area to bring  
 7 in more green space.

8  
 9 Consultant Planner Meder indicated that FP Clark’s traffic engineers were  
 10 concerned about the former roundabout because it was not defined as well  
 11 as it needed to be but that the tightening up of the intersection design  
 12 addresses this concern.

13  
 14 Consultant Planner Meder said that the applicant’s preferred alternative  
 15 plan brings the segregated parking lot closer to the mixed-use building.  
 16 She noted that the number of parking spaces in that parking lot is not  
 17 enough to serve the entire building. Consultant Planner Meder asked the  
 18 applicant to give more thought to how parking spaces will be allocated to  
 19 customers of the business establishments and the residents of the building.  
 20 She noted that based on rough calculations, it looks like a substantial  
 21 amount of parking located around the U-shaped area surrounding the bio-  
 22 retention basin is needed to support the building near Route 6. She  
 23 indicated that most of the residential parking will be under the building  
 24 garages or scattered around the outer loop of the site. Consultant Planner  
 25 Meder noted that even with redesigning the green area it will not be  
 26 possible to move all the parking spaces shown in that area, but she  
 27 suggested putting some parking spaces in other locations. She indicated  
 28 that the parking has to serve the multi-use building so the relocated parking  
 29 spaces cannot be too far away. She also suggested that circulation around  
 30 the bio-filtration basin be changed to a one-way loop and having angled  
 31 parking around the loop with a slightly narrowed travel way will offer  
 32 additional benefits such as eliminating pavement, adding more green  
 33 space, and an opportunity for more pedestrian linkage between the  
 34 residential parts of the project and the front multi-use building. Consultant  
 35 Planner Meder stated that these are some of the small details but are  
 36 important to be pointed out at this stage so the applicant can pursue some  
 37 of these ideas.

38  
 39 Consultant Planner Meder said that she is concerned that there is not  
 40 enough information on the grading plan for the new layout. She noted that

1 the applicant should take any opportunity to reduce the grading as the  
2 project evolves.

3  
4 Consultant Planner Meder indicated that more information should be put on  
5 the base map such as the addition of Wetland "C" and its 100-foot buffer on  
6 the easterly side of the property. She noted that the buffer encroaches on  
7 this property but she does not know if the proposed improvements will  
8 encroach upon the buffer. She mentioned the change in the Wetland "B"  
9 delineation that was discussed at the July meeting, noting that it is not  
10 reflected and should be shown on the plan. Consultant Planner Meder also  
11 noted that the turning radii of various vehicles that are likely to service the  
12 site, such as emergency vehicles and delivery trucks, need to be identified  
13 before moving forward with the plan. She said that she wants some  
14 comfort that the vehicle maneuvers can be accommodated on the  
15 circulation layout and wants this to be done as soon as possible.

16  
17 Consultant Planner Meder asked about the sewer pump station enclosure  
18 and if there will be above ground features or a small building in the  
19 cordoned off area.

20  
21 Nathaniel Holt, the applicant's engineer, explained that the pump station  
22 valve and pump chamber have to be above ground. He said there will be a  
23 concrete structure about two feet off the ground with a control panel on a  
24 post. He stressed that the pump station will not be located in a building.

25  
26 Consultant Planner Meder stated that another detail that has to be  
27 addressed is the amount of landscaping in the parking areas. She  
28 indicated that there are seven or more parking bays that may not have a  
29 sufficient number of landscaping beds or islands separating proposed  
30 parking spaces. She questioned whether the Planning Board had  
31 previously applied the Zoning law to allow for flexibility in its interpretation  
32 of that requirement or had treated it as a minimum requirement. She  
33 explained that if it is viewed a minimum requirement, then deviation from it  
34 has to be treated as a variance issue or the plan has to be tweaked to bring  
35 it into conformance with that provision. She said that the Planning Board  
36 should determine if the applicant's request to be given flexibility on the  
37 interpretation is appropriate and if the layout meets the intent of the zoning  
38 provision.

39

1 Attorney Whitehead clarified that the Code states that you have to have  
2 landscape islands at the end of any section where there are 6 or more  
3 parking spaces together.

4  
5 Mr. Keane said that an issue is whether stormwater design trumps that  
6 provision in the Code.

7  
8 Consultant Planner Meder said that if Attorney Whitehead is correct the  
9 Board will have flexibility to decide on the merits if the current layout of the  
10 parking spaces is reasonable or not.

11  
12 Attorney Whitehead mentioned that the applicant's preferred alternative  
13 plan makes the building closest to Route 6 smaller than the other buildings  
14 to make sure it is out of the buffer.

15  
16 Syrette Dym, the Town Planner, asked for clarification on the number of  
17 units. She said that the plan shows a green but it is not yet a "village  
18 green" and her suggestion is to have more of the village green concept.  
19 She asked if the parking meets the parking requirements. She said that as  
20 part of the NS District the Board can vary the parking. Town Planner Dym  
21 suggested that the applicant also address the issue of excessive  
22 circulation.

23  
24 Attorney Whitehead clarified that there will be 72 units. She stated that the  
25 parking is compliant and with less retail the applicant will not need to take  
26 advantage of shared parking options. She noted with less retail there are  
27 only a handful of parking spaces that can be reduced.

28  
29 Engineer Holt said that there is a misunderstanding on what a bio-retention  
30 basin is. He stressed that it is really an oversized rain garden and is 6  
31 inches lower than the grade around it and when it floods the rain perks into  
32 the ground or there is an overflow. He indicated that this area can be a  
33 usable yard area with park benches, pathways and usable green space.

34  
35 Attorney Whitehead stressed that the Planting Plan has not been finalized.

36  
37 The Chair asked if there were any comments from Board members.

38  
39 Mr. Foley said that he appreciates the cooperative effort in providing an  
40 improved plan but ultimately it will be up to the Town Board to decide if the

1 plan is acceptable. He suggested that the Board rank the plans in order of  
2 what they like best.

3  
4 Attorney Whitehead said that the Planning Board has to make the  
5 environmental determination as well as approve the Site Plan.

6  
7 Bryan McClure, who is working with owner Mr. Van Benschoten, noted that  
8 he would like to have input on whether the Planning Board will express its  
9 support for the plan to the Town Board.

10  
11 Attorney Whitehead clarified that the applicant will not need approval for  
12 three stories or increased floor area ratio (FAR). She hopes the Town  
13 Board will consider this project as a mixed use but the Planning Board can  
14 suggest to the Town Board that it is a good idea to amend the Zoning  
15 because it will be a better project if retail does not have to be in all four  
16 buildings.

17  
18 Mr. Goldenberg suggested a joint meeting with the Town Board to discuss  
19 the changes in the plan.

20  
21 Chair Currie asked that without getting into details if there is a consensus of  
22 the Board on the concept plan.

23  
24 Mrs. DeLucia stated that she is in support of the concept plan.

25  
26 Ms. Gerbino said the Planning Board is doing its job and the applicant is  
27 listening and has responded to the Board's concerns. She noted that the  
28 Town Board sets the rules in which the Planning Board functions. She  
29 indicated that there is an NS Zone and there is affordable housing and the  
30 manner in which the Town Board adopted the Zoning. Ms. Gerbino said  
31 that commerce will like that 72 units will be coming to Route 6 because that  
32 is good for business.

33  
34 Mr. Keane stated that the plan is a major improvement and he supports it in  
35 concept. He said that if the Board demanded that the plan be totally in  
36 conformance with Code it would have been a mistake and not economically  
37 viable. He noted that the revised plan is more environmentally acceptable  
38 and aesthetically pleasing and from a functional perspective it is far  
39 superior to what the Code allows as far as design. He opined that the  
40 details can be worked out and he believes the nature of the Town Board's

1 involvement has changed. He indicated that from a retail perspective with  
2 the Planned Hamlet and the pending Camarda development on Route 6, it  
3 would be economically ridiculous as far as retail is concerned. He  
4 suggested mitigation for Wetland "B", the exhuming of the pipe that runs  
5 along the border of the property. He also suggested plantings in the buffer.  
6

7 Ms. Gannon mentioned that the concept plan is a great improvement but  
8 she wants to make sure there is the right balance of responding to some of  
9 the details that will help get the concept to the point that people can see  
10 that it is good, is viable and will work without overworking something that  
11 ultimately will not succeed. She said that is the great challenge and she  
12 would like to have a list that all would agree is essential. Ms. Gannon  
13 asked if the long building closest to Route 6 should feel it is separate from  
14 the residential buildings or is it more integrated.  
15

16 Attorney Whitehead stated that it really is a parking issue because  
17 commercial needs parking.  
18

19 Consultant Planner Meder indicated that the restaurant building has to  
20 have presence on Route 6 but the more it is moved closer to Route 6 the  
21 more it is disconnected from the rest of the development. She stressed  
22 that it still has to be a cohesive integrated development and has to serve  
23 both purposes and have both front and rear facades treated the same way.  
24

25 Attorney Whitehead said that the restaurant building will visually be  
26 integrated.  
27

28 Consultant Engineer Barbagallo noted that some areas that should be  
29 looked at before the joint meeting are the concept plan, the addressing of  
30 parking for the building closest to Route 6 and consideration of the central  
31 green concept.  
32

33 Ms. Gannon noted that the economic analysis should be provided for the  
34 joint meeting.  
35

36 Chair Currie asked if the Board wants to work with the concept plan before  
37 the Town Board or does the Board want another submission.  
38

39 Consultant Planner Meder opined that it might be advantageous to push  
40 the concept plan a little further before meeting with the Town Board.

1 Mr. McClure stated that he does not want to get into too much technical  
2 adjustments without having the opinion of the Town Board.

3  
4 Chair Currie noted that there can be a special meeting with the Town Board  
5 that does not have to take place at the Town Board's September meeting.

6  
7 Engineer Holt noted that if there is more latitude with the buffer area, the  
8 parking can be spread out and with a green connection between the front  
9 building and the main area.

10  
11 Consultant Planner Meder noted that the cut off date for submissions by  
12 the applicant for meetings provides too little time for consultants. She  
13 suggested that the cut off date be changed to 14 days before the meeting  
14 instead of 9 days. She asked the Board to modify the policy.

15  
16 Engineer Holt stated that he will have the revised plans to the consultants  
17 14 days before the September Planning Board meeting.

18  
19 *At this time Mr. Foley left the meeting.*

20  
21 Mr. Keane suggested that the Planning Board could prepare Part II of the  
22 EAF when the Board is ready to do so with the Consultant Planner's input.

23  
24 Consultant Planner Meder said that she would like to discuss the next step  
25 since the approved work program covered professional consulting services  
26 through the August Planning Board meeting and additional authorization  
27 will be needed to precede with additional review tasks. She asked that the  
28 Board and the applicant authorize FP Clark to review the next submission  
29 for the September Planning Board meeting based on the schedule of hourly  
30 rates in the approved proposal.

31  
32 Based upon a brief discussion regarding the level of effort likely to be  
33 required, Mr. McClure agreed to authorize expenses to FP Clark to review  
34 the submission for the September Planning Board meeting.

35  
36 The Chair directed the applicant to submit revised plans for the September  
37 Planning Board meeting.

38  
39 There being no further business, on motion by Ms. Gannon, seconded by  
40 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 9:30

1 P.M. and the Chair noted that the next Planning Board meeting will be held  
2 on Wednesday, September 12, 2012 at 7:30 P. M. at the Somers Town  
3 House.

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Respectfully submitted,

Marilyn Murphy  
Planning Board Secretary