

JULY 14, 2016 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening July 14, 2016 at 7:02 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Rick Morrissey  
                  Councilman       Thomas A. Garrity, Jr.  
                  Councilman       Anthony J. Cirieco  
                  Councilman       William G. Faulkner

ABSENT:        Councilman       Richard G. Clinchy

Also present were Patricia Kalba, Town Clerk, Geraldine Gilmore, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a public hearing with regard to a proposed Local Law to amend Chapter 170 entitled Zoning, Article V entitled Neighborhood Shopping NS District to the Code of the Town of Somers. He explained that the proposed text amendment was modifying the parameters of the Neighborhood Shopping (NS) Zoning District.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on June 30, 2016 and posted on the Town Clerk's bulletin board the same day.

The Supervisor declared the hearing open and asked for comments from the public.

Mr. Ken Kearney, President of Kearney Realty and Development Group, Inc., introduced his partner Shawn Kearney, their partner Rose Noonan, Project Architect A. J. Capolla, Project Engineer Rich Williams and Ms. Linda Whitehead, representing current owner of the site. He explained that the text amendment would allow the Crossroads at Baldwin Place project to move forward. He said that the Kearneys partnered with Rose Noonan and the Housing Action Council to produce the Mews at Baldwin Place Phase I and Phase II and they were currently working on Hidden Meadow. Mr. Kearney said that the Planned Hamlet was evolving and the other side of Route 6 was not, there were some vacant buildings and he believed that was due to the lack of infrastructure and access. He said that the most important objective was to add sewer to the other side of Route 6 and he explained where the sewer line would be placed and the properties that would benefit from that line. He continued that he obtained funds to run the sewer line and a sidewalk that would connect at a crosswalk at Clayton Boulevard to Baldwin Farm. Mr. Kearney said that they stopped that sidewalk at Baldwin Farms because there were some grade issues in that area. He said that they were going to take another look at extending the sidewalk to the corner of Mahopac Avenue and they were looking to place the Westchester County Bus Stop in front of their property. He explained that would be a bus shelter unlike what was currently at Mahopac Avenue.

Mr. Kearney said that in working with the Department of Transportation (DOT) a traffic light would be required. He said that when Avalon Bay was finished Clayton Boulevard would be brought out to Route 6 and he pointed out where the proposed stop light and crosswalk were going to be located. He said that the infrastructure improvements that were being proposed were a new sewer line, sidewalks and crosswalk. Mr. Kearney said that this would all be funded from money from Westchester County. He said that Ms. Noonan and he worked to secure that funding and all of the work would be by them. He said that at that time there was no cost to the property owners.

Mr. Kearney said that there was going to be a petition sent to the Town Board to have the properties placed into the Somers Sewer District #1 which would then have to be sent from the Town to Westchester County. He said that Westchester County was very protective of expanding the Sewer District. He said that they were going to try their best to get all of the

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properties approved although it might have to be done in phases. Mr. Kearney said that the infrastructure work would not be done in phases.

Mr. Kearney said that the project consisted of four (4) buildings; one (1) commercial building on Route 6 that the Kearneys will own and partially occupy and three (3) residential buildings of mixed senior and non-senior affordable and retail rental units.

Mr. Rich Williams said the property was 11 acres of which a ½ acre was located in Carmel and there was no development proposed on that portion. He stated that the property was in the Amawalk Shenorock Water District and they were petitioning to be included in Somers Sewer District No. 1. He said with regard to the sewerage there was going to be an onsite sewage collection system with a pump station located in the rear of the property. Mr. Williams continued to explain where the sewage went further in the process and the sewer infrastructure offsite.

Mr. Williams said that they had developed a Stormwater Pollution Prevention Plan, met the requirements of the New York City Department of Environmental Protection (DEP) and the New York State Department of Conservation (DEC). He said that as required by the Town they prepared a loading analysis. He said that there was a pocket wetland located at the rear of the property and the reasoning for that was to reclaim the wetland buffer disturbance that was currently present.

Mr. William said with regard to the requested text change, the Neighborhood Shopping (NS) District Zoning currently did not permit residential and commercial to be separate buildings. He said that their property was large in size with a small frontage and that created a problem for commercial spaces. He said that commercial spaces required frontage on Route 6.

Mr. Williams said that the other unique concept about the project was that it was a Senior Affordable project, which was great from a traffic standpoint although it was not desirable to have residential above commercial. He said that the most desirable units in a senior development were located on the first floor. He went over with the Board their proposal to work within the existing confines, including the Floor Area Ratio (FAR) which will be increased and the one section that would be changed.

The Supervisor explained that the major change was the Code called for retail on the first floor and residential on the second floor of the buildings. He said that Mr. Williams was indicating that type of application would not work in for the buildings located in the rear on the site.

Mr. A. J. Cappola explained the four buildings located on the site and went over the elevations, aesthetics and floor plans for each building.

Councilman Garrity asked Mr. Kearney if there was going to be a caretaker located on the property as the Mews had or would the Mews Caretaker responsibilities include the new property. Mr. Kearney said that as it was currently, he did not have a Superintendent planned. He said that their plan was to hire an Assistant for the Superintendent at the Mews.

The Supervisor said that he had comments with regard to the architecture. He said that he liked the look of the front building, he was concerned that the residential buildings in the rear of the property were going to mirror Mews I and Mews II. Mr. Cappola said that he shared the Supervisor's concerns and pointed out the difference between the properties and stated that was something they would be aware of when they were doing the final designs.

Councilman Ciriaco said that when they first discussed the project there was a possibility that there might be some funding from the State that they could obtain through Senator Murphy for road improvements. He asked Mr. Kearney where they were with regard to

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that funding. Mr. Kearney explained that the funds they were working on for the infrastructure were not from the State. He said that it was his understanding that the funds that Senator Murphy could access would not work for that portion of Route 6. He said that he believed that the New York State Department of Transportation (DOT) had a long term plan for that area. Mr. Kearney explained that his funds were coming from Westchester County and they had been working very closely with his team and the Town.

Mr. Larry Levine, property owner of 250 Mahopac Avenue, read a prepared statement with regard to how the project would benefit his commercial property, the current challenges the commercial property owners had to deal with and his support for the project.

Mr. Anthony Melito, Mahopac Avenue, questioned what the Town was doing. He said that he moved to Somers in 1981 and fought for the traffic light on Route 6 and Mahopac Avenue. He said that the road was two lanes and the current building and proposed building was a concern. Mr. Melito said that the road cannot handle the current traffic on the road. He asked if a traffic study had been done because according to the DOT there was no money to address any of the traffic issues that currently were on Route 6. He stated that the Board should take the traffic issues into consideration when they were making their decisions.

Ms. Wendy Nastasi, Heritage Hills, said that she was astonished by the project. She said that the Zoning was already changed for that part of the Town to allow the development that currently existed. She said that the fact that the Town Board was going to amend the Zoning again was appalling. Ms. Nastasi said that the traffic in that area was unacceptable and she did not feel a turning lane was going to help with the through traffic. She said that road should be 4 lanes to address what was currently on the road.

Mr. Dennis Persico, Mahopac Avenue, said that he was present that evening to discuss the proposed text amendment. He said he was not against the project, necessarily, the property had Zoning guidelines to follow and he was aware of what they were. He said that with this amendment his worst case scenario was going to get worse. Mr. Persico said that the amendment was essentially doubling the number of residential units. He said that he believed that if the text amendment passed the values of his property would decrease. He submitted a petition to the Town Board, which he presented to the Planning Board the evening prior and he asked that the Town Board take the petition into consideration. He said that in theory it was a good project and it would be beneficial to have sewer going down Route 6. Mr. Persico stated that he believed that the project was being rushed through and he understood that there were financial concerns with regard to the funding. He said what seemed to be driving the text amendment was that commercial spaces located in the rear of the property would not be marketable. He said that was not true Somers Commons was fully occupied and that would be a similar shopping center.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Faulkner, the public hearing was closed at 7:58 PM with a 10 day written comment period.

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Town Clerk

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Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening July 14, 2016 at 8:00 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Rick Morrissey  
                  Councilman       Thomas A. Garrity, Jr.  
                  Councilman       Anthony J. Cirieco  
                  Councilman       William G. Faulkner

ABSENT:        Councilman       Richard G. Clinchy

Also present were Patricia Kalba, Town Clerk, Geraldine Gilmore, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a public hearing with regard to the reclassification of Tax Lot 17.15-1-15.1 pursuant to Section 170-13C of the Code of the Town of Somers consisting of 26.68 acres located on Route 100 and Route 202 in the Somers Hamlet from R80 and R40 to the MFR-DH District to facilitate construction of the Somers Crossing proposed development. He explained that the Board had created the Zone and it needed to be applied to the property.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on June 30, 2016 and posted on the Town Clerk's bulletin board the same day.

The Supervisor declared the hearing open and asked for comments from the public.

Mr. Richard O'Rourke of Keane and Beane, PC, representative for the applicant of Somers Crossing, said that everyone was aware that the application and the review had been ongoing since April 2013. He said that there had been a number of public hearing with regards to their compliance with SEQRA in connection with the text amendments of the Town Code. He explained that the property was a 26.68 acre parcel that was located on both Route 202 and Route 100. Mr. O'Rourke said that they were there that evening to apply the Zoning so that they could have Multi-Family Residence – Downtown Hamlet District. He explained that would allow a 19,000 square foot Grocery Store, located on Route 202, near the main entrance of Heritage Hills at a controlled traffic light intersection. He continued that they were proposing 66 Town House Units with 1 Special Needs Residential Unit. Mr. O'Rourke said that there were very particular requirements that needed to be met to apply the Zoning to the property and he explained what they were and stated that the property met each of them.

Ms. Audrey Hoffman, Heritage Hills, stated that she was not very informed with regard to the project. She asked what the density and the height of the units that were proposed for that property was, that they were proposing across from Heritage Hills.

Mr. Gus Boniello, Applicant, explained that the residential units were two-stories and they were being proposed on Route 100 and the grocery store was a single-story building located on Route 202 across from the entrance on Heritage Hills.

Councilman Garrity explained that they were also moving the current entrance to the Shopping Center, therefore all of the traffic would be directed to the traffic light. He said that would create a safer entrance and exit of the Shopping Center.

Mr. John Brooks, David Road, asked if there was going to be a traffic light on Route 100 as well into the development. Mr. Boniello said that there was not going to be a traffic light in that location.

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The Town Attorney mentioned that the Community Benefits Agreement had been full executed and he would be filing it with the Town Clerk that evening.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Faulkner, the public hearing was closed at 8:10PM.

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Town Clerk