

FEBRUARY 14, 2013 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening February 14, 2013 at 7:40 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
 Councilman Richard G. Clinchy
 Councilman Frederick J. Morrissey
 Councilman Thomas A. Garrity, Jr.
 Councilman Anthony J. Cirieco

ABSENT:

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, 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 containing proposed amendments to the Town of Somers Zoning Code, Chapter 170 in relation to the provisions of the NS Zoning District. The proposed local law modifies the permitted uses to permit apartments over non-residential uses rather than just apartments over stores, and adds a new provision which would permit apartments on the first floor without non-residential uses on properties of a certain size and meeting other criteria and where a determination is made that non-residential uses will not be marketable on parts of the site, and where at least 50% of the proposed apartments will be Affordable Dwelling Units.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Journal News on February 5, 2013 and posted on the Town Clerk's bulletin board the same day.

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

Mr. Barry Singer, 157 Heritage Hills, said that he was present that evening on behalf of the Affordable Housing Board, which he was the Chairman and also as the President of At-Home in Somers. He explained that At-Home in Somers was an organization that enabled seniors to remain in their homes and community. He read and submitted a prepared statement in favor of the Zoning text amendment and The Green at Somers project.

Ms. Polly Kuhn, League of Women Voters, welcomed Councilman Cirieco to the Town Board and thanked him for his service. She said that eight to nine years ago the League of Women Voters studied the Somers Master Plan and were convinced of the need for Affordable Housing in the Town. She commended the Planning Board for the work that they had done with regard to The Green at Somers and the SEQRA requirements. Ms. Kuhn said that the Planning Board was finished with the SEQRA regulations and completed the Site Plan. She said that the League admired their diligence and saluted their thoroughness. She continued that the League of Women Voters asked that the Town Board would honor the Planning Board's judgment and grant the Zoning amendment to make the development possible.

Mr. John Keane, 582E Heritage Hills, stated that he was a Planning Board member although he was present that evening as a private citizen of Somers. He read and submitted a prepared statement of support of the Zoning text amendment and the process that the Planning Board had been through to get to the point that a text amendment was being requested and why this was the best course of action. He said that he hoped that the Town Board would see the benefits of approving the amendments. Mr. Keane said that he thought this was beneficial to the Town of Somers in many ways.

Ms. Vicki Gannon, Heritage Hills, said that she served on the Planning Board but was present that evening as a resident of Somers. She said that as this project had evolved she had been concerned with the amount of retail that was already located in that area. She said that the lot felt a bit isolated and cut off from the rest of the residential development located across the street. Ms. Gannon explained that the street was not easy to cross as a pedestrian and she did not think that there would be synergy between the two sites; it may be possible at some point in time if there was a traffic light although there was not guarantee that there would be one installed. She urged the Town Board to remember the purpose of the NS District as it was set out in the

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Town Code Section 170-19, which she read to the Board. She said that the purpose was a wonderful idea she just did not see it working on The Green at Somers lot, in that location. Ms. Gannon said that at a meeting that the Town Board was considering the proposed text amendment the Supervisor suggested that the authority to make a finding should be vested at the Town Board and further that the Town Board should require that an independent market survey should be done. She said that she did not know if those suggestions were still on the table although she was in favor of both of the suggestions if the amendment was considered. She said that she felt that this was a good and worthy project but she wondered if the Zoning text amendment was the best way to solve the problems that the development faced.

Ms. Harriet Leib, Heritage Hills, said that she was a member of the Somers League of Women Voters and they had been working on that project for over eight years. She said that the reason they devoted all of that time was because they felt there was a valuable need and the Town Board could fill the need for the people. She said that this was a moral, ethical, non-political venture and it was also financially feasible. Ms. Leib continued that the Town had been promised about 1.2 million dollars for a Community Center if and when the houses are built. She urged Board to pass the Zoning text amendment.

Ms. Nancy Gerbino, Granite Springs, said that she speaking as a longtime resident of the Town, she was also a member of the Planning Board. She gave the Board the history of the first Master Plan and that area of the Town. She stated that Route 6 has not changed much in all of the years that she lived in Somers and the amendment would allow for the younger generation to move to Somers. Ms. Gerbino said that she did not feel that they were losing something with the text amendment. She said that this was a wonderful project in many ways. She said that this was not a good project just for the workforce housing but for the Stormwater benefits.

Mr. Robert Gorecki, Mahopac, said that his property backs up to the rear of the property and he had a few concerns. He said that first he was concerned with regard to the traffic flow in that area. He said that he was also concerned with what the site was going to look like from his home and how it would impact where he lived. Mr. Gorecki said that he was also concerned that the development was going to disturb the contamination area from the previous Shopping Center. He said that he was also concerned with what this was going to do to Baldwin Lake.

Ms. Tammy Parker, Summit Circle, said that she was fairly new to the Town of Somers. She said that she had noticed that there was no affordable housing in the area. She continued that the location for affordable housing was ideal and that this would be good for the community.

Mr. Rick Van Benschoten, The Green at Somers property owner, said that the Planning Board adopted a Negative Declaration with regard to his project at their meeting the night before. He pointed out the economic benefits of the project for the Town. He continued that they had County support for the project and it would also satisfy the Affordable Housing commitment from the Angle Fly Preserve and the HUD Settlement. Mr. Van Benschoten explained that they were seeking the text amendment to limit the amount of retail. He said that there was no market for retail and Somers currently had a lot of vacant retail space. He said that they had also offered \$400,000.00 towards the development of a Senior Community Center and the County had agreed to contribute \$625,000.00 from an Affordable Housing Bonus. Mr. Van Benschoten said that Mr. Dan Holt, his Engineer, had offered to design at their cost, the septic center at the Angle Fly Preserve. He said that for the other residents that would be joining the Sewer System along their line they had committed to oversizing the Power Pump Station. He said that this was another benefit to the community. Mr. Van Benschoten said that they also committed an additional \$70,000.00 for sidewalks wherever the Board thought they were appropriate. He said that they made financial commitments to the project and it was going to benefit the Town of Somers greatly.

The Supervisor asked if the local Firefighters would be given a preference of living in the housing.

Ms. Linda Whitehead of McCullough, Goldberger & Staudt, LLP, representing The Green at Somers property owner, explained that the funding sources and the HUD Statement did not allow for local preferences. She said that this was the idea of bring future volunteers to the Town.

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Councilman Garrity said that they would like to make this clear that this was a lottery system and it was not for just Somers residents. Ms. Whitehead said that was correct and at a previous meeting they were able to get some numbers from a similar project in the Town of Cortlandt and 25% of the applications that came in were from people who currently worked and/or lived in the area.

Councilman Morrissey said that Ms. Whitehead mentioned that 25% of residents applied. He asked if she knew how many of the 25% received housing. Ms. Whitehead said that most likely 25%, it was a lottery and done totally at random. She said that they had about 800 applications for 80 to 90 units.

The Supervisor asked Ms. Whitehead to give them the breakdown of the unit bedroom counts. Ms. Whitehead said that they were about 50% one bedroom units and 50% two bedroom units. She said that the unit counts were being tweaked; the County had asked them to consider looking into one to two three bedroom units which would reduce the overall unit count. The Supervisor asked what the unit count currently was. Ms. Whitehead said that they were currently at 72 units and they think they were looking at 66 units at that point. The Supervisor said and what was that breakout. Ms. Whitehead said that there was one three bedroom unit and about 50% of one and two bedroom units each.

Ms. Whitehead said that the Planning Board after much hard work did adopt a Negative Declaration under SEQRA at their meeting the night before. She continued that they made the findings that the project as proposed would not result in any significant adverse impact. She said that they were still going over Site Plan details with the Planning Board although the Environmental Review was complete.

Councilman Garrity said that he had not had a chance to review the Negative Declaration; they had just received that day. He said that he still needed to read through that and they also received a letter from Westchester County and Mr. Keane gave them a summary document that he would like to review. He said that he would like to review those items.

Ms. Whitehead said that this was an affordable housing project and every delay was money. She said that they also had to get through the County Board of Legislators on both funding and sewer not to mention a few other items. She continued that this was an Election year and if they did not get those processes started and the local approvals to start the formal funding process the project could get delayed. Ms. Whitehead said that it could lose an entire year because if things were not done at the Board of Legislators by the end of the calendar year it would be a new Legislator and they would have to start over again. She explained that they did have concerns about timing. She said that the NS Zone talked about providing housing and economically viable developments, this project certainly met the purpose of the NS Zone and complied with the Master Plan. Ms. Whitehead said that the Zoning text amendment was another way to accomplish the same goal with less impact. She said that the Planning Board did incorporate into the discussion the text amendment with regard to SEQRA. She asked that the Board close the public hearing and if they were not going to vote that evening to give them some indication of where they were going so that they would know what their next steps were.

Ms. Fedora Delucia, Dunhill Drive, said that she was speaking as a resident of Somers although she was also a member of the Planning Board. She said that she was a member of the Master Plan Committee and they worked very hard on the Neighborhood Shopping District and it had not been changed in 19 years. She continued that the applicant worked with the Planning Board to make the project something that they wanted in the Town. Ms. Delucia urged the Board to adopt the amendment so the project could get moving.

The Supervisor recommended that the hearing be adjourned to the March 14, 2013 regular meeting. Councilman Garrity seconded the motion. Ms. Whitehead asked why they were not closing the hearing that evening. Councilman Clinchy asked what that would mean. The Supervisor said that it meant that the public hearing would remain open and will continue on at the March 14, 2013 regular meeting.

Ms. Whitehead asked if the Board was planning on making changes to the proposed amendment. She said that if changes were going to be made she hoped they could be done before the continued public hearing so that they would not be delayed another month.

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Discussion ensued with regard to the reasoning of continuing the public hearing until the next regular meeting. Councilman Clinchy said that he did not see why they were not closing the public hearing and was opposed to putting the hearing over.

There being no one to be heard on motion of Supervisor Murphy, seconded by Councilman Garrity, the public hearing was adjourned at 8:40 PM to the March 14, 2013 regular meeting.

Town Clerk