

APRIL 9, 2015 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening April 9, 2015 at 7:35 PM that the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Rick Morrissey  
                  Councilman       Richard G. Clinchy  
                  Councilman       Anthony J. Cirieco  
                  Councilman       William G. Faulkner

ABSENT:        Councilman       Thomas A. Garrity, Jr.

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 continuation of two public hearings with regard to the Draft Environmental Impact Statement (DEIS) and a proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13C Multifamily Residence MFR District of the Code of the Town of Somers for Somers Crossing.

Mr. Richard O'Rourke of Keane and Beane, PC, representative for the Applicant, said as the Supervisor had stated this was a continuation of a public hearing on the Draft Environmental Impact Statement (DEIS) in connection with a re-zoning to create a Multi-Family Residential District (MFR-D) on 26.8 acres bordering Route 202 and Route 100. He explained what was being proposed and the proposed action of the DEIS was a text change to allow this development to go forward. He said that what was examined was 80 Multi-Family Housing Units with a neighborhood Grocery Store of approximately 19,000 square feet. Mr. O'Rourke said that the public hearing had been opened and continued to that evening. He said that the format for this meeting was that they were not there to answer questions that was something that they were required by law in answer to the preparation of the Final Environmental Impact Statement (FEIS).

The Supervisor declared the hearing open.

Mr. Michael Blum, Somers, Chairman of the Somers Energy Environment Committee, asked if this particular development looked at the possibility of starting out with solar. He said that they were a member of the Economic Improvement Committee and they were an organization that put together funding for Renewable Energy and Solar Projects. He said that they were prepared to sit down with the Developer and discuss those kind of capabilities in the development. Mr. Blum hoped that they would at least consider the use of renewable energy as part of the development project.

Mr. Michael Dulong, Staff Attorney with Hudson Riverkeeper, said that his colleague was present at the last meeting and as it was explained, Riverkeeper was a Not-for-Profit, Member Supported Organization dedicated to protecting the Hudson River and the drinking water. He said that they were still reviewing the DEIS, specifically the Stormwater Pollution Prevention Plan. He said that they planned to submit detailed written comments. Mr. Dulong said that he wanted to call their attention back to the 1.1 acres of permanent Wetland Buffer disturbance. He explained that Wetland Buffers were critical to the protection of wetlands and provide water quality functions. He continued that the DEIS had not satisfied the SEQRA Requirement to review all reasonable alternatives to remove the project from the Wetland Buffer. Mr. Dulong stated except for the no action alternative and the no zoning change alternative the applicant only evaluated alternative in that 1.1 acre disturbance. He said that he respectfully submitted that the Town Board had a duty to require the Applicant to look at those alternatives. He said that included any alternative, the reconfiguration of the Grocery Store parking lot, the construction of multi-level parking lot or scaling back the development to get out of the buffer. Mr. Dulong said

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that in addition to the SEQRA requirement the Town Code mandated that the Board had to reject the application unless the Applicant can show that there was no feasible on site alternative. He said those were their main concerns and they were happy to discuss their concerns further with the Town Board or the Applicant. Councilman Clinchy asked if Mr. Dulong had a written summary of his comments. Mr. Dulong said that they were going to be submitting written comment by the end of the comment deadline.

The Supervisor said that he received an email from a resident who was concerned with the traffic increase to an already congested area during peak travel times. He said that the email went on to say that the resident did not see anything in the document with regard to a turning lane or things of that nature and asked if those traffic aides were going to be addressed. Mr. O'Rourke said that they would be and that they would be addressing all of the questions that were raised.

Councilman Clinchy said that he said from the beginning that traffic and protection of the water supply were the two biggest things that were before them. He said that a question that he was asked was what the affordable housing component was of the development. Mr. O'Rourke said that was an issue that would be addressed in the FEIS and had been raised. The Supervisor said that some of the Planning Board Members had raised that question as well.

Councilman Ciriaco said that the Planning Board had raised questions about density issues, setback issues, the wetland buffer and parking and all of that was going to be addressed as part of their requirement. Mr. O'Rourke said that they would address all questions or concerns that had been raised. The Supervisor said that they had received a number of comments from New York City Department of Environmental Protection and the New York State Department of Environmental Conservation with regard to density issues. He said that it appeared some work needed to be done to answer a lot of the questions. Mr. O'Rourke said that was part of the SEQRA process, it required for a written documentation to ensure that the issues raised were addressed.

Councilman Clinchy asked how long they anticipated it to take for them to answer all of the questions and concerns and create the FEIS. Mr. O'Rourke explained that process. Mr. Gus Boniello, Applicant, said while they were working on the answers for the FEIS which will most likely take two to three months, they will be discussing the project with the Planning Board. He said that a lot of the question had to do with site design and they were going to be work with the Planning Board with regarding to the design.

The Supervisor said that he would like to add his comments and he has said them from early on in the project. He said that as a resident and a member of the Town Board he felt that 80 Units was quite dense for what was being proposed. He said that additionally he felt that the project should be taxed as Fee Simple, they were not condos and they were Townhouses. The Supervisor said the when and if possible they remove any encroachments out of the wetland buffers. He said that he knew those were elements that they will address. He said that he also wanted to echo Mr. Blum's comments with regard to alternative energy sources.

Councilman Ciriaco said that he shared the Supervisor's sentiments. He said that he wanted to discuss trends, one of the things that they face as a Town was that Assessed Values were declining. He said that this type of project brought ratable and revenue. He said that was an important aspect as well and why he found it an interesting project. Councilman Ciriaco said that being said there were a lot of issues that needed to be ironed out.

The Town Attorney said that there was something that he noticed in the Planning Board comments with regard to the parking for the Grocery Store. He said from personal experience, the store being proposed hired a large number of employees because they had full kitchens and prepared foods. He said that the thought that the site could only have 47

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parking spaces when they had more than 47 employees was not feasible. The Town Attorney said that the Town needed to look at their Parking Standard. He said that the new concept in food stores was much different than when the Ordinance was written. He said that the stores had many more employees because they offer many more services. The Supervisor said that another comment from the Planning Board was to study placement of the parking behind the store and to eliminate the existing exit of the Somers Town Shopping Center onto Route 202. He encouraged the Developer to reach out to their neighbor.

Councilman Clinchy said that the units that were being proposed were going to be Geothermal. He asked if that included the grocery store as well. Mr. Boniello said that the grocery store was proposed to be Geothermal at that time.

Councilman Ciriaco said that he was asked if the store was going to be leased or sold. Mr. Boniello said that had not been finalized.

There being no other comments from the public,

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the public hearing with regard to the Draft Environmental Impact Statement (DEIS) was declared closed with a ten (10) day written comment period and the public hearing with regard to the proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13C Multifamily Residence MFR District of the Code of the Town of Somers was adjourned indefinitely at 7:50 PM.

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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 April 9, 2015 at 7:55 PM that the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Anthony J. Ciriaco
	Councilman	William G. Faulkner

ABSENT:	Councilman	Thomas A. Garrity, Jr.
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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 two public hearings with regard to the Petition for the Extension of the Expansion of the Windsor Farm Water District and the Petition to Extend Somers Sewer District #1 that were going to be held simultaneously.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on March 26, 2015 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 Williams, representing Insite Engineering, Site Civil Engineers of the Hidden Meadows Somers Project, introduced those present with him that evening. He said that this was a project that the Town Board was familiar with as they had been before them in the past and he explained the proposed project. He explained that a past meeting with the Town Board it was agreed that the Planning Board take over the project as Lead Agency and they had done so and they had spent the last year and half before the Planning Board. Mr. Williams said that the Planning Board had gone through a very thorough Environmental Assessment of the property. He said that ended at the January 28, 2015 Planning Board Meeting where the Planning Board unanimously adopted a Negative Declaration and that was what brought them back to the Town Board. He said that they were petitioning to be included into the Windsor Farm Water District and Somers Sewer District #1. Mr. Williams said that there were force mains that ran along the front of their property and that was how they were proposing to connect to the Public Sewer and that they were proposing to extend the water main that currently terminated at Windsor Road. He said that this proposal would assist with creating the loop of the water system. He said looking forward once the Water and Sewer Districts were extended they will stay before the Town Board at which time they will seek to have the Overlay Zone applied to the property. Mr. Williams said that once that was complete they would go back to the Planning Board for completion of the Subdivision and Site Plan.

Councilman Clinchy asked there had been any changes to the plan since they had been before the Town Board and if they was anything they should know about with regard to the project. Mr. Williams stated that the plans had stay substantially the same since they were last before the Board.

Councilman Clinchy said that a question that the Town Board had received from a member of the public was what benefit Somers got from this project. He said that he knew that looping the water system was a benefit and another benefit is the access to the recreation space. He asked what the current status of what the applicant could do to make it easier to use the space or improvements to the space.

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Mr. Ken Kearney, Kearney Reality Group, explained that when they started the project they discussed the possibility of building an access road to the neighboring property which was owned by the Town of Somers. Councilman Clinchy said that he wanted to add that the property had been land locked and the Town had not been able to use that land. He said that was one of the advantages to the Town was opening up the property to use. Mr. Kearney said in order to open up his property they were doing a significant amount of work on Route 6. He explained that they were adding a turning lane and they were also working on the curb and grabbing some of the stormwater that was untreated. He said that they were putting a significant amount of money into stormwater mitigation. Mr. Kearney said that their initial thought was to continue the access road up to the Town of Somers property. He said that after discussions with the Planning Board, there had been mixed feelings about building a road to nowhere. He said that something will be done they were just not positive as to what at that time. Mr. Kearney said that they were going to be running the utilities up to the property line. Mr. Williams said that Mr. Kearney had agreed to work with the Town provided he was given direction.

Supervisor Morrissey said that it was his understanding that they were asking for bit of a redesign on the Site Plan. He asked if they could explain that to the Board. Mr. Williams explained that the changes were made to the space in the center of the property. He said that the Planning Board encouraged them to look at alternatives to expand the center green space and they were able to accommodate that request.

Councilman Clinchy asked if School buses would be able to make the turn in the development. Mr. Williams said that they reached out to the District to see if the buses would be coming into the site and the School District did not make that determination until they received a request once the development was completed. He said that they studied the bus movements both ways and the road ways were being designed so that they could come into the site.

The Supervisor asked what their status was with the Architecture Review Board. Mr. Williams said that he did not believe that they had submitted to the Architecture Review Board, the process that they had been focused on was completing the Environmental Review and having the Overlay applied. He said that they still had to go through the entire Site Plan and Subdivision process with the Planning Board.

The Supervisor asked the Town Attorney to walk them through the process of closing the public hearings and adopting the resolutions. The Town Attorney explained that after the Board closed the public hearings they had a Resolution to Extend the Windsor Farm Water District and a Resolution to Extend Sewer District #1.

Mr. Michael Blum, Chairman of the Somers Energy Environment Committee, said that they would very much like to share with the Developer their Complete Streets Project. He said that it was not just sidewalks, it was pathways and bikeways. He said that there may be a possibility to connect this as well as some other developments with the Complete Streets Project. Mr. Blum said that he would also like to encourage them to use Solar Energy. He said that it was a lot less expensive to start using the renewable energy from the start rather than retrofitting to an existing development. Mr. Kearney said that they were looking into that and he would have a conversation with Mr. Blum.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Cirienco, the public hearing with regard to the Expansion of the Windsor Farm Water District was declared closed at 8:15 PM.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Faulkner, the public hearing with regard to the Extension of Somers Sewer District #1 was declared closed at 8:15 PM.

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Town Clerk