

JUNE 12, 2014 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening June 12, 2014 at 7:10 PM at the Somers Community Center, 34 Hillandale Road, (Shenorock) Yorktown Heights, New York.

ROLL CALL:

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

ABSENT:

Also present were Kathleen R. Pacella, 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, Section 170-13 Multifamily Residence MFR Districts and a proposed Local Law to amend the Town of Somers 1994 Comprehensive Master Plan, Chapter II. Residential Development. Section C. Multi-Family Housing. He explained that each proposed amendment was noticed individually although they were going to have the public hearings together.

The Town Clerk presented affidavit of public notices of the public hearings that appeared in the Somers Record on May 29, 2014 and posted on the Town Clerk's bulletin board the same day.

Ms. Syrette Dym, Director of Planning, stated that she wanted to make one correction with regard to the publishing of the proposed Local Law to amend the Town of Somers 1994 Comprehensive Master Plan, Chapter II. Residential Development. Section C. Multi-Family Housing. She explained that it should read the 1973 Plan as stated. She said that the issue of the amendments arose out of an application to the Town Board and the Planning Board for the application of the existing MFR-BP District to a parcel located on Route 6. Ms. Dym continued the question that was raised by the Town Board was whether or not that zoning was applicable. She said that after an examination of the intent of the 1994 Comprehensive Master Plan she found that the 1973 Comprehensive Master Plan envisioned, particularly on the south side that there be mixed use development of business and residential. She continued that the 1994 Comprehensive Master Plan, the current plan for the Town, stated that they no longer recommended the industrial and business uses and the residential that was dependent on that was no longer appropriate on the south side of Route 6. Ms. Dym said that all other Multi-Family Residential that had been recommended in the 1973 Plan would still be appropriate east of the Muscoot River. She explained to implement the plan was Zoning and the Zoning that was enacted was the Community Shopping District, General Business District was amended to be Neighborhood Shopping, the Planned Hamlet Zone was created as a mixed use zone and within that was a provision for Multi-Family Housing. She explained that was currently realized with the development of the Mews I and the Mews II. Ms. Dym continued that the Town received an application for the development of a concept plan of an additional 153 units of Multi-Family Housing. She said that west of the Muscoot River, as of the 1994 Plan, it was no longer recommended.

Ms. Dym said that in the context of looking at all of that what they realized was that this implementation could happen over time and they were examining the appropriateness of the ability to build anymore Multi-Family Housing. She said that they realized that there were still parcels directly east of the Muscoot River, when combined, could be developed as Multi-Family Housing. She said that it was in close proximity to the Business District, which was what the Plan had suggested. Ms. Dym said that they had proposed an

JUNE 12, 2014 – PUBLIC HEARING

amendment to the 1994 Comprehensive Plan that would permit Multi-Family Housing to occur west of the Muscoot River. She explained to implement that they would have to amend the Zoning Code, 170-13 MFR, with several modifications. She pointed out the suggested modifications.

Councilman Garrity asked if either of the modifications had any impact on the Neighborhood Shopping Zoning located across and north on Route 6. Ms. Dym said that it did not have an impact and the amendment would help to clarify that.

The Supervisor declared the hearing open and asked for comments from the public. He said that the Board would be continuing the public hearing for the purpose of obtaining written statements and comments.

Mr. Barry Singer, Heritage Hills, Chairman of the Affordable Housing Board, said that they were now 20 years beyond 1994 and during that time there was a Master Plan Update Committee. He said that the Committee was concerned about where and how they could place Affordable Housing and Workforce Housing. He said it was his opinion that was a serious question of sustainability of the Town of Somers. Mr. Singer stated that they needed young people and people who could step up into the volunteer jobs and the leadership positions in the Town. He said that Somers had done a wonderful job with Senior Affordable Housing and there were more proposals for that and he urged the Board to look at this with regard to the Town's needs and how they could be fulfilled. He said that the project would fit those needs with very little impact on anything surrounding the property. Mr. Singer urged the Board to look at this from the point of view of the Town's need for workforce housing.

Ms. Marilyn Glotzer, Mahopac Avenue, stated that she was not opposed to what the Town was trying to do although she had many considerations about changing the Master Plan that was adopted. She said that she was part of the group that was at the 1973 and 1994 Master Plan Hearings that gave the input of the people who lived on Mahopac Avenue. She said that now it seemed that they were the ones that were going to be impacted most. Ms. Glotzer said that their homes back up to the Watershed property and they tend to that property as if it was their own. She stated that the Master Plan needed the input of the community and they were part of that in 1973 and 1994. She said that whatever the Board decided to do there needed to be a community group that studies the Master Plan to see how and when it should be tweaked. Ms. Glotzer said that they cared about the area and they wanted to maintain the Muscoot River. She asked that Board to be careful, the Master Plan was important to them and they would like a committee to study the amendment. She asked secondly that she wanted the Board to keep in mind that there were residents that were going to be impacted and she hoped that they would not be forgotten.

Mr. John Keane, Heritage Hills, said that he had several issues with the documentation and the rationale of what the Town Board was doing with their attempt to modify the Comprehensive Master Plan and creating some new Zoning text. He said that he thought that they had not gone far enough in dealing with the phrase "in and adjacent to the Business Center of Baldwin Place". He said that the Board needed to pay attention to the words adjacent, Business Center and Place. Mr. Keane suggested that when the Board considered that phrase that the actual Business Center of Baldwin Place was in fact the center of the Somers Commons Shopping Center. He said that was where business took place; that was the center of gravity when they looked at the definition of the words. He said that then when they were making an argument that Hidden Meadows was adjacent to the Business Center. Mr. Keane stated that the Business Center was literally about 47,000 feet away, almost 0.9 of a mile, and he did not think that reasonably that could be considered adjacent. He said that the Board needed to define what the Business Center of Baldwin Place was. He said that he understood that on a map it had been shown that there was an area that had been delineated. Mr. Keane continued that there was a map but there was also text and he felt that there had to be constancies. He said another concern was in modifying the Comprehensive Plan. He said that the Comprehensive Plan was

fundamentally done for the benefit of the Community as a whole and frankly, that needed to be proven. Mr. Keane said that he did not believe they made a proper case to demonstrate the benefit. He said that when the documents were read there was little, if any, underlying facts that substantiate why they wanted to do this. He said that it appeared that what they were doing was singling out a particular parcel for special treatment. Mr. Keane said that was not consistent with performing their duties for the benefit of the community as a whole. He suggested that the Board take a look at this again, have experts look at it, have studies done and those studies should be reflective of the factual information that supports the intention of what they were attempting. He said that the information they had did not do that at that point. He said that this was troubling to him, if their reasoning was to develop more housing of this type, it was mind boggling that the Board did not act on The Green Project. Mr. Keane stated that project was clearly in the map boundaries of the Baldwin Place Business Center.

Mr. Rick Williams, Insite Engineering, the Engineering Firm for Hidden Meadows of Somers, stated that he wanted to apologize on behalf of Mr. Ken Kearney, the parcel owner, he was unable to be present that evening. He gave the history of the parcel and stated that as Mr. Keane pointed out there was ambiguity in the Code. He said that went there was ambiguity in the Zoning Code it generally fell in favor of the Landowner. Mr. Williams said that Mr. Baroni, the Town Attorney, was kind enough to go to a Planning Board Meeting and explain that to them. He continued that Mr. Baroni stated that the cleanest thing for the Town to do was to clarify the Code to remove the ambiguities and that was what they were there to do that evening. He thanked the Town Board on behalf of the applicant for being diligent in seeking to clarify the ambiguities.

The Supervisor asked the Town Attorney if the Board should keep the public hearings opened. The Town Attorney stated that the Board should close the public hearing with regard to the Comprehensive Plan because they would be having a second one on that subject before the amendment could be adopted. He explained that State Law required two public hearings before the Board could make that adoption, therefore that public hearing could be safely closed. He said with regard to the public hearing with regard to the Zoning amendment, the Board could adjourn that hearing and take written comment for a stated period of time and close that public hearing at the next regular meeting of the Town Board.

Councilman Clinchy asked the Town Attorney if the Board wanted to make some of the changes to the language of the Zoning amendment that Mr. Keane pointed out would they be able to do so. The Town Attorney said that hearing was going to be kept open and changes could be made as the Town Board saw appropriate. He said that the Board could also make changes to the Comprehensive Plan amendment because they were going to be having a second public hearing.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Clinchy the public hearing with regard to amend Chapter 170 entitled Zoning, Section 170-13 Multifamily Residence MFR Districts was declared adjourned to the next regular meeting of the Board and with regard to the proposed Local Law to amend the Town of Somers 1994 Comprehensive Master Plan, Chapter II. Residential Development. Section C. Multi-Family Housing was declared closed at 7:40 PM.

JUNE 12, 2014 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening June 12, 2014 at 7:41 PM at the Somers Community Center, 34 Hillandale Road, (Shenorock) Yorktown Heights, New York.

ROLL CALL:

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

ABSENT:

Also present were Kathleen R. Pacella, 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 158 entitled Vehicles and Traffic, Section 158.5 Penalties for offenses and Section 158.7 Wintertime overnight parking restricted.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on May 29, 2014 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.

There being no one to be heard on motion by Supervisor Morrissey, seconded by Councilman Garrity, the hearing was declared closed at 7:42 PM.

Town Clerk