

SEPTEMBER 2, 2010 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening September 2, 2010 at 8:08 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Mary Beth Murphy
	Councilman	Harold R. Bolton
	Councilman	Richard G. Clinchy
	Councilman	Frederick J. Morrissey
	Councilman	Thomas A. Garrity, Jr.

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 continuation of a public hearing with regard to the Comcast Franchise Agreement Renewal. She said that there were some conversations at the last Board meeting with regard to some follow up issues that Comcast was going to follow up on. She said that Ms. Codeanne was present and indicated that the issues were followed up.

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

Mr. Dominick Rubino, President of Condo 24, said as far as Condo 24 was concerned with the spirit of cooperation that they have with Comcast, their responsiveness to their calls had been a major change and they were satisfied with the way things were going. He said that they believe that the meetings that they were holding at the Heritage Hills Activities Center were important and should continue. He said that personally being from the West Hill he was disappointed that they were unable to come to an agreement where Comcast would wire the West Hill the same way that they did the East Hill unless a Bulk Agreement was signed although he understood that could not be a part of the Franchise Agreement. Mr. Rubino said that he was hopeful as things moved forward another avenue could be found because the West Hill needed to be rewired. He said that it just had been a good spirit of cooperation and he thanked them for that.

Mr. Jack Goodman, 27 B Heritage Hills, President of Counsel, said the they have had cooperation so far with Comcast and have worked out a system where when we give them complaints they promise to resolve them and they have promised to come back and hold sessions at Heritage Hills to address issues. He said that there had been a fair amount of understanding on both sides and they did they appreciate the opportunity to come to a peaceful resolution.

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

Town Clerk

SEPTEMBER 2, 2010 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening September 2, 2010 at 8:15 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Mary Beth Murphy
	Councilman	Harold R. Bolton
	Councilman	Richard G. Clinchy
	Councilman	Frederick J. Morrissey
	Councilman	Thomas A. Garrity, Jr.

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 continuation of a public hearing with regard to a proposed amendment to the Special Exception Use Permit for Best Plumbing. She explained that there was a request for site modification of the Special Exception Use Permit and that request was for showroom only hours on Saturdays from 9:00 AM to 5:00PM at the Best Plumbing Showroom located on Route 138. She said that the public hearing was opened at the last meeting and the Board was asked by some of the residents to continue it until they could be present.

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

Mr. Geoffrey Bedrosian, 3 Whitlock Court, submitted and read a letter to the Board with regard to his objections to the increase in showroom hours.

Mr. Philip Santoriella, 5 Whitlock Court, said that he had been a resident for about 40 years and over the years the Town had grown and big companies have come to Somers such as Pepsico, IBM and Best Plumbing and it was understood why that was allowed. He said that when he bought his property he knew Best Plumbing was moving in there and his property was the largest parcel bordering of Best Plumbing. He continued that when they originally went through the original application he asked them to come out to his house to discuss the property line and screening. Mr. Santoriella said that it was the agreement to build a 9 foot fence along the property line and he agreed not to do that for his property. He did not want a fence there but he did want to be assured that the property would be screened with trees, this was not the case. He said that the work was not completed because of other work they had to do, such as take a large branch that hung over his pool that was dead therefore they had to take down the whole tree because it was dying. He continued that there was also a broken fence that was bordering their property that was falling apart which he asked them to fix it and they replaced it. Mr. Santoriella said that they used the money allocated for his property line and the amount of shrubbery and trees that were supposed to be placed there was minimal and the job was never completed. He said that this was not about the personal attributes to the people, he was sure they were very nice they had letters coming in with regard to how nice they were, it was about the integrity of the Company. He continued that they agreed to block the road and it was never blocked properly and they see traffic and trucks all day long. Mr. Santoriella said with respect to Saturday opening; when they originally started the application the showroom was being put in for Contractors and in the economy that must have dried up, he did not feel that was going to add any revenue, it was going to make it convenient for the customer base that was out there. He said for that he did not want to be inconvenienced on a Saturday.

The Supervisor said that it seemed as if the issues that Mr. Santoriella was talking about with regard to the trees were actually part of the Site Plan approval that would have been gotten by the Planning Board. She said that there must have been a sign off on the Site Plan by the Town Engineer as well as other Officials in the Town. She said that she was a little confused because the Planning Board was very diligent ensuring that Site Plan requirements were met and she was wondering why this was coming up now when the

SEPTEMBER 2, 2010 – PUBLIC HEARING

Site Plan was finished awhile ago. The Supervisor asked Mr. Santoriella if he had talked to anyone at that time. Mr. Santoriella said that he had discussed this with the Weiner's all along. The Supervisor said she was asking if he spoke to anyone in the Town and notified them that the Site Plan was completed. Mr. Santoriella said that the agreement was that the road would be blocked and they were going to put 300 feet and 8 feet high fencing along the road and he did not want that to happen so they agreed to the natural coverage and they were supposed to block to road from his view.

Councilman Bolton said that they all knew when they purchased their homes that they were neighboring commercial property. He said that he had driven up and down Whitlock Court several times and he could not see the building. He said that he then waited until Best Plumbing was opened and he drove up their driveway and he saw a couple of homes.

The Supervisor said that she wanted to separate the issues; there was one issue that was a Site Plan issue and that should be addressed by the Town Planner and discussed whether or not the Site Plan was completed. She said side agreements that the Town had no part of they could not get involved in. Mr. Santoriella said that he understood that but it talked to the integrity of the Company. The Supervisor said that the Special Exception Use Permit was issued in 2005 and since that time someone had called the Town once to complain whereby she called Best Plumbing and it was addressed. She said that to her knowledge Best Plumbing had been respectable and a Business of integrity in the Town of Somers and she had no reason to believe they were anything else.

Councilman Garrity said that he had to drive up and down Whitlock Court 3 times to find out what the complaint was.

Mr. Bedrosian asked how many of the Board members had been on his deck to listen to the traffic. He said that Councilman Clinchy was the only Board member that had been proactive. He said that one prospective did not provide the right amount of due diligence that was what was required to make a factual decision. The Supervisor said that she did not doubt what Mr. Bedrosian stated that he could see or hear from his house, she did not have to visit his home and she believed him. She said that the question that the Board needed to wrestle with was what Saturday showroom hours meant with regard to the thriving of the Business. Mr. Bedrosian said that this did not have to do with business it had to do with the quality of life in their neighborhood.

Councilman Bolton said that it had to do with fairness; they were property owners and they paid their taxes just as Mr. Bedrosian did. He continued that they knew when they purchased their homes they knew the property was commercial and they also needed to take responsibility for the screening of their property as well. Mr. Bedrosian stated that he had taken on that responsibility and this was not about screening, it was about what was right, what was incorporated in the context of the Special Exception Use Permit and the exception that was made. He invited the Board to come to his house and sit on his deck.

Councilman Garrity said that if he was to go to Mr. Bedrosian's home and sit on his deck they would not know how much traffic was for the showroom and how much was for the warehouse. He said that he was at Best Plumbing that day and there was no one in the showroom, the people there were in the warehouse and those people will not be there on Saturday because the warehouse and pickup center would be closed. Mr. Bedrosian said that this happens to be a very slow week and they should come post Labor Day. He said that this was a quality of life issue and Saturday hours were not a part of the deal when the Special Exception use Permit was given. Councilman Garrity said that he would argue that the traffic was going to be much different on a Saturday when the bulk of the facility was closed.

Councilman Clinchy asked Mr. Weiner if the was going to be anything other than showroom hours on Saturdays at this point or in the future. Mr. Wiener said that it was their plan for showroom operation only and that was their request. He continued that the gate would be open although most of the business would be by appointment but they cannot screen customers that might come in the gate.

SEPTEMBER 2, 2010 – PUBLIC HEARING

Mr. James Boniello, 39 Moseman Avenue, said that he wrote a short letter and asked if the Supervisor could read it. The Supervisor said that she did not have a chance to read all of the letters that she received with regard to this although they were all given to the Town Clerk to become part of the record and invited Mr. Boniello to read the letter. Mr. Boniello read the letter that he had submitted to the Town Board in favor of the increase in hours.

There being no one else to be heard on motion of Supervisor Murphy, seconded by Councilman Garrity, the hearing was declared closed at 8:55 PM.

Town Clerk