

OCTOBER 9, 2014 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening October 9, 2014 at 7:00 PM at the Town House, 335 Route 202, Somers, 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, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that it was in order for the Board to continue the public hearings with regard to a proposed Local Law to amend the Town of Somers 1994 Comprehensive Master Plan and a proposed Local Law to amend Chapter 170-13 Multifamily Residence MFR District.

The Supervisor said that it was in order for the Board open a public hearing with regard to a proposed Local Law to amend the Chapter 154-7A (2) Taxation of the Code of the Town of Somers.

7:01 PM – hearing open
7:07 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Local Law to amend the Town of Somers 1994 Comprehensive Master Plan.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was adopted,

RESOLUTION GRANTING THE APPROVAL OF AMENDMENTS TO THE COMPREHENSIVE MASTER PLAN

Pursuant to the Town of Somers 1994 Comprehensive Master Plan of the Town of Somers

WHEREAS, the Town Board considered adopting a Local Law which would amend the Town of Somers 1994 Comprehensive Master Plan Chapter II, Residential Development, Section C, Multi-Family Housing of the Town of Somers; and

WHEREAS, the proposed amendments to the text provisions of the 1994 Comprehensive Master Plan are described in Local Law No. 3 of 2014; and

WHEREAS, parcels potentially affected as subject to development under the MFR-BP Multifamily Residential Baldwin Place District as a result of modification to the 1994 Comprehensive Master Plan of the Town of Somers include tax lot 15.07-1-6 (16.8 acres; zoned R80), proposed Hidden Meadows site located south of Route 6 and west of the Muscoot River; tax lot 4.19-2-2 (7.7 acres; zoned R-40 and R-80), tax lot 4.19-2-3 (2.7 acres; zoned R-40), and tax lot 4.19-2-4 (1.01 acres; zoned R-40); and

WHEREAS, the Town Board's purpose is to clarify the intent of both the 1994 Comprehensive Master Plan in light of the changes in the Route 6 Baldwin Place corridor over the last 20 years; and

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WHEREAS, the Town Board directed the Town Director of Planning to review multifamily development in the Baldwin Place area and provide the Board with a detailed explanation and rationale for amending the 1994 Comprehensive Master Plan; and

WHEREAS, the Town Director of Planning provided a detailed analysis to the Town Board in memoranda dated March 20, 2014, March 24, 2014 and June 26, 2014; and

WHEREAS, the Town declared its intent to serve as the Lead Agency with respect to the Proposed Action in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) at their April 10, 2014 regular meeting; and

WHEREAS, after receiving no objection to its declaration to serve as Lead Agency the Town Board became the Lead Agency on May 8, 2014; and

WHEREAS, on April 10, 2014, the Town Board referred the proposed amendments to the Town of Somers Planning Board and the Westchester County Planning Board for review and comment; and

WHEREAS, in correspondence dated April 28, 2014, the Town of Somers Planning Board recommended that the amendment to the 1994 Comprehensive Master Plan be modified to state that the MFR-BP District could only be applied to property within 2,000 linear feet of the intersection of Route 6 and Mahopac Avenue; and

WHEREAS, the Town Board incorporated the Planning Board's recommendation into the proposed 1994 Comprehensive Master Plan amendment; and

WHEREAS, in correspondence dated April 17, 2014 and August 19, 2014, the Westchester County Planning Board indicated its support of the proposed amendments to the 1994 Comprehensive Master Plan; and

WHEREAS, a duly advertised public hearing on the amendments to the 1994 Comprehensive Master Plan was held on June 12, 2014, at which time public comments were taken and the hearing on the Master Plan was closed; and

WHEREAS, a duly advertised second public hearing on the amendments to the 1994 Comprehensive Master Plan was held on September 11, 2014 and continued on October 9, 2014 at which time additional public comments were taken and at which time, on October 9, 2014, the Town Board voted to close the public hearing; and

WHEREAS, the Town Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at meetings of the Board as well as those submitted separately in writing; and

NOW, THEREFORE, BE IT

RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Somers, after conducting a hard look at the environmental aspects of the Proposed Action, hereby adopts a Negative Declaration, as documented in the State Environmental Quality Review, Negative Declaration, Notice of Determination of Non-Significance dated October 9, 2014 prepared by the Town Board, finding that the Proposed Action will have no significant adverse impact upon the environment due to the following:

- Affected sites will be limited to those sites fronting on Route 6 in close proximity to the intersection of Route 6 and Mahopac Avenue and to parcels zoned R40 or R80 Residence District and be limited to those four tax lots identified in this Resolution

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• Future site specific projects would be subject to full environmental review under SEQRA and be required to meet all criteria for application of the District;
And due to no significant adverse impacts on:

1. Unique or unusual land forms of which there are none in the area;
2. Wetlands or other surface water bodies since the Town of Somers Town Code requires mitigation measures prior to issuance of a Wetland Activity Permit for any development within wetlands and the 100-foot wetland buffer that are regulated activities requiring a separate Town approval;
3. New or additional use of ground water or will not introduce contaminants to ground water or an aquifer;
4. Lands subject to flooding due to no areas of 100-year flood plains, including the Muscoot River and its adjacent land. Sites east of the Muscoot River which are marginally affected by floodplains were already eligible and issues would be addressed at time of site plan review;
5. State regulated air emission source;
6. Loss of flora or fauna, and future site specific environmental review would be required;
7. Agricultural resources;
8. Any scenic or aesthetic resources;
9. Any historic or archaeological resources due to none in the study area;
10. Loss of recreational opportunities or reduction of an open space resource;
11. Critical Environmental Area (CEA);
12. Any existing transportation systems and future site specific project would be subject to full environmental review under SEQRA;
13. An increase in the use of any form of energy;
14. Or due to increase in noise, odors or outdoor lighting and any future site specific project would be subject to full environmental review under SEQRA;
15. Human health from exposure to new or existing sources of contaminants due to use of area for residential development, of which any future site specific project would be subject to full environmental review under SEQRA;
16. Existing community character since multifamily residential is already an allowable use in the area;

and therefore ending the SEQRA process; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Somers hereby adopts Local Law No. 3 of 2014 concerning amendments to the Town of Somers 1994 Comprehensive Master Plan.

This Resolution shall have an effective date of October 9, 2014.

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RESOLVED, that the Town Board does hereby adopt a Local Law to amend the Town of Somers 1994 Comprehensive Master Plan as follows:

A Local Law to amend the Town of Somers 1994 Comprehensive Master Plan.

Be It Enacted by the Town Board of the Town of Somers as follows:

1. Chapter II. Residential Development. Section C. Multi-Family Housing No. 2. New recommendations is hereby amended as follows:

2. New recommendations. Though the results of the 1989 Master Plan Survey identified opposition to all housing other than conventional single-family lots, this Plan affirms the recommendations of the 1973 Plan that it is proper and reasonable for the Town of Somers to provide opportunities for the development of multi-family housing as well as other housing types. Based on changed circumstance and the revised recommendations in this (1994) Plan on other categories of land use, some revision of the 1973 recommendations is necessary. The new recommendations are summarized in Table 6.

Table 6

1973 PLAN – RECOMMENDED MULTI-FAMILY RESIDENTIAL DEVELOPMENT

<u>Site Units</u>	<u>Total Area</u>	<u>Net Area</u>	<u>Dwelling</u>
Baldwin Place			
Windsor Road/Rt.6	99	87	524
Baldwin Place/South	126	104	621
GB District	26	21	124
Hamlets			
Lincolndale	22	19	78
Somers	<u>23</u>	<u>21</u>	<u>85</u>
TOTAL	296	252	1,429

Table 6

1993 PLAN AS MODIFIED^(a) – RECOMMENDED MULTI-FAMILY RESIDENTIAL DEVELOPMENT

<u>Site Units</u>	<u>Total Area</u>	<u>Net Area</u>	<u>Dwelling</u>
Baldwin Place	(b)	(b)	500± ^(b)

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Hamlets

Lincolndale	35	29	120
Somers	23	21	85
Whitehall Corners	<u>30</u>	<u>25</u>	<u>100</u>
TOTAL	88 ^{+(c)}	75 ^{+(c)}	805 ^{±(c)}

^(a)As modified by Town of Somers Local Law No. 4 for the Year 2014

^(b)Based on NS zone potential of 75± units as projected in EAF for 1996 rezoning from GB General Business to NS Neighborhood Shopping, proposed Hidden Meadow site, 53 units, Planned Hamlet concept plan as revised, 299 multifamily units and potentially eligible R40/R80 zoned, once assembled, sites, 60± units, rounded to 500± units.

^(c)See Baldwin Place narrative

LINCOLNDALE In December 1982, the Town Board acted to designate 34 acres in Lincolndale hamlet as the first MFR District so as to permit the construction of 120 multi-family units in a development known as “The Willows”. The project was complete in 1987 and fulfills the Plan’s recommendations for Lincolndale. There have not been any other requests for establishment of an MFR District.

SOMERS This Plan continues to support the construction of smaller, denser and lower cost housing in the Somers hamlet as a Town planning objective. This housing can be provided in several town house-type or garden apartment development.

The hamlet has a historic precedent for small housing. Adjacent to Bailey Park is a row of detached, two-story houses dating to the early 19th century. These structures suggest a type of denser and more affordable housing that could be developed on other sites around the hamlet. Given changing life styles, such housing might fit into the fabric of the hamlet more easily than traditional multi-family developments. There is also the possibility of integrating residential and commercial uses in individual buildings if limitations expressed by builders and imposed by building code requirements can be overcome. (See Chapter IV.)

The new Town Plan Map identifies land on the south and west edges of the Somers hamlet as potential multi-family housing sites. However, consistent with the above description, many be suitable and also meet the locational criteria as set forth in the Zoning Ordinance MFR provisions, which should continue to be applicable. The scale of a multi-family development should be considered in the context of overall hamlet development.

BALDWIN PLACE A sizable portion of the multi-family units recommended for construction in the Baldwin Place area by the 1973 Plan were directly tied to that Plan’s call for extensive office and industrial development on the south side of Route 6 west of the Muscoot River, adjacent to the Town of Yorktown border. The 1973 Plan stated, “The provision of such housing... is considered to be necessary and desirable because of the large number of jobs that will be available.” It also stated, “The construction of multi-family housing in these areas should not occur independently of the planned office and industrial development ...it should be closely related to the actual establishment of such uses.”

The original 1994 Plan eliminated the recommendation for non-residential development west of the Muscoot River. [See Chapter III.] , but maintained the recommendation for multi-family residential units in what was then part of the GB General Business zoned area. A subsequent study, “Multi-Family Housing Review - Revised 1981”, provided the basis for additional locations for multifamily housing. This included sites in the Baldwin Place

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area, defined in the study as land south of the then Baldwin Place Shopping Center, from Mahopac Avenue to the abandoned Putnam Division railroad right-of-way. In the 20 years since adoption of that original 1994 Plan, part of the GB district has been rezoned to the NS Neighborhood Shopping District which permits multi-family housing over stores. There is no minimum parcel size in the NS district, so existing vacant or underutilized parcels could be subject to change and generate multifamily units. The number of units generated could vary depending on the percent of affordable housing provided over the 15% minimum required in the NS district. The environmental review assessing the impacts of the 1996 rezoning from GB General Business to NS Neighborhood Shopping estimated potential creation of 75 multifamily units in the newly defined NS district. The old abandoned Baldwin Place Shopping Center has been replaced with the Somers Commons Shopping Center on land rezoned in 1996 from GB General Business to CS Community Shopping District. A 157± acre parcel running from Mahopac Avenue on the west to the Somers Shopping Center boundary on the east was rezoned in 1996 to PH Planned Hamlet pursuant to development of a mixed use concept plan whose impacts were assessed as part of a full environmental review process leading to adoption of the concept plan. That concept plan, which itself has been amended since its adoption to permit additional senior multifamily housing, has been partially implemented through approval of two multi-family affordable senior developments – one completed with 72 units for persons 62 years of age and older and one under construction with 75 units for persons 55 years of age and older. The Planned Hamlet concept plan calls for construction of an additional 152 units of multi-family housing along with commercial and office uses. An application for development of those 152 multifamily residential units is under review by the Planning Board as of July 2014. Since the original 1994 Plan identifies the Muscoot River as the dividing line for lands eligible for multi-family units along the Route 6 corridor, all lands east of the river, including residentially zoned parcels between the River and Mahopac Avenue that meet the criterion for designation of the MFR-BP district, are eligible for some form of multifamily development. The zone changes that implemented recommendations of the original 1994 plan were creation and mapping of the NS, CS, and PH districts, two of which permit specified types of multi-family housing, each with their own requirement for provision of affordable units, and one, the CS district, intended for the exclusive development of larger scale retail uses. Therefore, a refinement and clarification of the MFR-BP zoning text that limits application of the MFR-BP district only to residentially zoned eligible parcels in the Route 6 corridor is necessary. This revision to the original 1994 plan, therefore, recommends that the MFR-BP district only be applied to parcels zoned R40 Residence District or R80 Residence District with frontage on Route 6, that are located no further than 2,000 linear feet, measured along Route 6, from the centerline to the intersection of Route 6 and Mahopac Avenue as measured to a parcel's property line closest to that intersection, and that meet all other criteria of the MFR-BP district. Such distances will serve to identify proximity to the Baldwin Place business area, whose boundaries have been described in various ways over time.

The uses of land west of the Muscoot River, fronting on Route 6, have been further defined between 1994 and 2014 as a result of development of the Windsor Farm cluster development and the two large parcels secured as part of its approval as Town owned recreation/open space. A parcel of 36+ acres on the north side of Route 6 adjoins the Muscoot River. Since this parcel was approved with the stipulation that no lighting was to be utilized on it, the Town intends to maintain it as an open space parcel. To its west is the cluster Windsor Farms residential development, with other single family home uses along Route 6 and the Whispering Pines nursery parcel, zoned for R-80 residential development, to its west reaching to the Somers town border with Yorktown. On the south side of Route 6 are two large parcels. The first parcel west of and adjoining the Muscoot River, approximately 1,200 feet from the edge of the NS district and approximately 1,500 feet from Mahopac Avenue, is a vacant, 16.7 acre R80 zoned vacant parcel. Adjacent and

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to the west of it, reaching the Town border with Yorktown, is a 46.7 acre park/open space Town owned parcel, also acquired as part of the Windsor Farm cluster development. It is the intent of the Town to utilize this parcel for active recreation/field space deemed as needed by prior studies, within the limits of site environmental constraints.

Based on the above, the development pattern of established and projected land use west of the Muscoot River is characterized by a significant amount of secured park and open space land. The pattern on the north side of Route 6 west of the Muscoot River of open space, single family development and the only large parcel available for future redevelopment that is at a significant distance and separation from the Baldwin Place business area, suggest that this nursery land should continue the R80 single family development pattern established by Windsor Farms into the future. On the south side of Route 6 on the other hand, since the first parcel is in close proximity to the Baldwin Place business district, being approximately 1,500 feet from Mahopac Avenue and adjoining what was originally considered the boundary for application of the MFR-BP district, this undeveloped 16.7 acre parcel should be eligible for multifamily development and act as the boundary for such use prior to a long expanse of designated recreation/open space use to the Yorktown border. The potential for additional multifamily housing units would provide expanded housing opportunities and provide an enhanced local economic base for existing and future Baldwin Place non-residential uses.

3. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

ROLL CALL:	Supervisor Rick Morrissey	AYE
	Councilman Richard G. Clinchy	AYE
	Councilman Thomas A. Garrity, Jr.	AYE
	Councilman Anthony J. Ciriaco	AYE
	Councilman William G. Faulkner	NAY

The Supervisor said that it was in order to adopt a Local Law to amend Chapter 170-13 Multifamily Residence MFR District.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was adopted,

RESOLUTION GRANTING THE APPROVAL OF AMENDMENTS TO THE ZONING LAW

Pursuant to § 170-13 Multifamily Residence MFR Districts of the Code of the Town of Somers

WHEREAS, the Town Board considered adopting a Local Law which would amend Section 170-13 of the Code of the Town of Somers; and

WHEREAS, the proposed amendments to the text provisions of the Zoning Code of the Town of Somers are described in Local Law No. 4 of 2014; and

WHEREAS, parcels potentially affected as subject to development under the MFR-BP Multifamily Residential Baldwin Place District as a result of modification to Section 170-13 of the Code of the Town of Somers include tax lot 15.07-1-6 (16.8 acres; zoned R80), proposed Hidden Meadows site located south of Route 6 and west of the Muscoot River; tax lot 4.19-2-2 (7.7 acres; zoned R-40 and R-80), tax lot 4.19-2-3 (2.7 acres; zoned R-40), and tax lot 4.19-2-4 (1.01 acres; zoned R-40); and

WHEREAS, the Town Board's purpose is to clarify the intent of the MFR-BP District in light of the changes in the Route 6 Baldwin Place corridor over the last 20 years; and

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WHEREAS, the Town Board directed the Town Director of Planning to review multifamily development in the Baldwin Place area and provide the Board with a detailed explanation and rationale for amending the Town Zoning Code; and

WHEREAS, the Town Director of Planning provided a detailed analysis to the Town Board in memoranda dated March 20, 2014, March 24, 2014 and June 26, 2014; and

WHEREAS, the Town declared its intent to serve as the Lead Agency with respect to the Proposed Action in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) at their April 10, 2014 regular meeting; and

WHEREAS, after receiving no objection to its declaration to serve as Lead Agency the Town Board became the Lead Agency on May 8, 2014; and

WHEREAS, on April 10, 2014, the Town Board referred the proposed amendments to the Town of Somers Planning Board and the Westchester County Planning Board for review and comment; and

WHEREAS, in correspondence dated April 28, 2014, the Town of Somers Planning Board recommended adoption of the zoning text amendment to Section 170-13 of the Town of Somers Zoning Code as proposed; and

WHEREAS, in correspondence dated April 17, 2014 and August 19, 2014, the Westchester County Planning Board indicated its support of the proposed amendments to the MFR-BP District; and

WHEREAS, a duly advertised public hearing on the Zoning Amendments was held on June 12, 2014 and continued on July 10, 2014, at which time any further comments were taken and at which time, on July 10, 2014, the Town Board voted to close the Zoning Amendment public hearing; and

WHEREAS, a duly advertised second public hearing on the Zoning Amendments was held on September 11, 2014 and continued on October 9, 2014 at which time additional public comments were taken and at which time, on October 9, 2014, the Town Board voted to close the public hearing; and

WHEREAS, the Town Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at meetings of the Board as well as those submitted separately in writing; and

NOW, THEREFORE, BE IT

RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Somers, after conducting a hard look at the environmental aspects of the Proposed Action, hereby adopts a Negative Declaration, as documented in the State Environmental Quality Review, Negative Declaration, Notice of Determination of Non-Significance dated October 9, 2014 prepared by the Town Board, finding that the Proposed Action will have no significant adverse impact upon the environment due to the following:

- Affected sites will be limited to those sites fronting on Route 6 in close proximity to the intersection of Route 6 and Mahopac Avenue and to parcels zoned R40 or R80 Residence District and be limited to those four tax lots identified in this Resolution
- Future site specific projects would be subject to full environmental review under SEQRA and be required to meet all criteria for application of the District;

And due to no significant adverse impacts on:

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1. Unique or unusual land forms of which there are none in the area;
2. Wetlands or other surface water bodies since the Town of Somers Town Code requires mitigation measures prior to issuance of a Wetland Activity Permit for any development within wetlands and the 100-foot wetland buffer that are regulated activities requiring a separate Town approval;
3. New or additional use of ground water or will not introduce contaminants to ground water or an aquifer;
4. Lands subject to flooding due to no areas of 100-year flood plains, including the Muscoot River and its adjacent land. Sites east of the Muscoot River which are marginally affected by floodplains were already eligible and issues would be addressed at time of site plan review;
5. State regulated air emission source;
6. Loss of flora or fauna, and future site specific environmental review would be required;
7. Agricultural resources;
8. Any scenic or aesthetic resources;
9. Any historic or archaeological resources due to none in the study area;
10. Loss of recreational opportunities or reduction of an open space resource;
11. Critical Environmental Area (CEA);
12. Any existing transportation systems and future site specific project would be subject to full environmental review under SEQRA;
13. An increase in the use of any form of energy;
14. Or due to increase in noise, odors or outdoor lighting and any future site specific project would be subject to full environmental review under SEQRA;
15. Human health from exposure to new or existing sources of contaminants due to use of area for residential development, of which any future site specific project would be subject to full environmental review under SEQRA;
16. Existing community character since multifamily residential is already an allowable use in the area;

and therefore ending the SEQRA process; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Somers, that the Town Board of the Town of Somers hereby adopts Local Law No. 4 of 2014 concerning amendments to the Code of the Town of Somers Chapter 170 entitled Zoning.

This Resolution shall have an effective date of October 9, 2014.

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 170-13 Multifamily Residence MFR District as follows:

A Local Law to amend the Code of the Town of Somers Chapter 170 entitled Zoning:

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Be It Enacted by the Town Board of the Town of Somers as follows:

1. Section 170-13 Multifamily Residence MFR Districts is hereby amended as follows:

Multifamily residence districts are hereby established in order to provide suitable opportunities within the Town for the development of housing designed to satisfy the needs of households maintained by the young, the elderly and families earning less than 80% of the county's median income, and to permit a broad array of housing types, dwelling unit sizes and forms of ownership/occupancy. These districts are intended to provide for the construction of multifamily housing on sites determined to be appropriate based upon criteria established in the Town Development Plan and in conformance with the standards recommended therein, which standards are designed to promote the public health, safety and general welfare and to require the development of housing which is responsive to the variety of special size, design, locational and affordability needs of present and future residents of the Town. To help assure the achievement of this goal with proper protection for existing and future neighboring development and infrastructure, all multifamily residence districts shall be established on a floating-zone basis, subject to approval by the Town Board and in accordance with any approved preliminary development concept plan, as described and defined herein.

- A. Multi Family Residence Baldwin Place MFR-BP District. It is the specific purpose and intent of the multifamily Residence Baldwin Place MFR-BP District to provide the opportunity for the development of medium-density, as defined herein, multifamily housing in and adjacent to the Baldwin Place business center area on sites within an existing, expanded or new sanitary sewer district, capable of being served with a central water system, and with convenient access to major roads, regional shopping and community facilities and services. It is the Town's further objective that the Multifamily Residence Baldwin Place MFR-BP District include affordable housing. The following basic planning standards will be used as a general guide by the Town Board in determining and establishing the specific site and building development controls applicable within each individual Multifamily Residence Baldwin Place MFR-BP District established pursuant to this section.

- (1) Minimum site area. In order to receive consideration for designation within the Multifamily Residence Baldwin Place MFR-BP District, a tract shall have an area of not less than 10 acres. No minimum is required for each individual building lot within a development which is subdivided in accordance with a preliminary development concept plan approved by the Town Board and a final site development plan approved by the Planning Board pursuant to the planning standards of this section of this chapter as applied by the Town Board. Site location shall conform to the policies set forth in the Town Development Plan.
- (2) Underlying Zoning. In order to receive consideration for designation within the Multifamily Residence Baldwin Place MFR-BP District, a tract shall have an underlying zoning designation of R40 Residence District or R80 Residence District.
- (3) Adjacency to Baldwin Place Business Center Area. In order to receive consideration for designation of the Multifamily Residence Baldwin Place MFR-BP District floating zone, a tract shall have frontage on Route 6 and be located no further than 2,000 linear feet, measured along Route 6, from the centerline of the intersection of Route 6 and Mahopac Avenue as measured to its property line closest to that intersection.
- (4) Development density.

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- (a) The average gross density within a Multifamily Residence Baldwin Place MFR-BP District shall not exceed three density units, as defined in §170-12D(1)(a) of this chapter, per acre of net land area, except as provided in Subsection A(3) below. Net land area shall be calculated as set forth in Article XA. At least 15% of the basic permitted density shall consist of affordable dwelling units.

 - (b) In addition, the Town Board shall consider other planning and zoning policy considerations and criteria in making its determination of the appropriate number of basic density units and the suitability of the tract for multifamily development. These considerations and criteria include but are not limited to the following:
 - [1] Lot area.

 - [2] Compatibility with officially adopted Town, county, regional and state plans.

 - [3] Availability and adequacy of sanitary sewer and water systems to be provided on a central basis.

 - [4] Adequacy of adjacent and nearby public roads to accommodate traffic generated from the multifamily development or, if not presently adequate, that necessary improvements can and will be made prior to project occupancy.

 - [5] Availability and proximity of public transportation facilities.

 - [6] Availability and proximity of existing or planned employment facilities.

 - [7] Availability and proximity of shopping and other community services.

 - [8] The degree to which the proposed development is designed to achieve the planning and housing goals as set forth in this chapter and in the Town Development Plan.

 - (c) The Planning Board shall be responsible for determining the number of bedrooms in each dwelling unit in connection with its review of site development plans, taking into consideration the floor plans proposed by the applicant and such other information as said Board may determine appropriate.
- (5) Incentive density. The permitted density on a multifamily development site in a Multifamily Residence Baldwin Place MFR-BP District may be increased by not more than 50% beyond the basic permitted density for the provision of dwelling units designated for low/moderate income families, specifically restricted as follows:
- (a) Affordable dwelling units: one additional market-rate unit for each affordable unit in excess of the required 15% of the base permitted density, but not to exceed a maximum increase of 20% in the number of market-rate units.

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- (b) As a condition of the granting of any density increase for specifically restricted dwelling units as set forth in Subsection **A(3)(a)** above, initial and continued eligibility priority shall be in accordance with Article XIA.

(6) Coverage.

- (a) The maximum permitted building coverage within a Multifamily Residence Baldwin Place MFR-BP District shall be 20%, and the maximum permitted combined coverage of buildings and paved surfaces (roads, driveways and parking areas) shall be 40%. These percentages shall relate to net land area as set forth in Article XA.
- (b) Underground or under-building parking shall be excluded from building coverage for the purpose of these calculations.

(7) Maximum building height. The maximum permitted height of buildings within a Multifamily Residence Baldwin Place MFR-BP District shall be 2 ½ stories or 30-feet, whichever requirement is more restrictive.

(8) Setbacks.

- (a) All buildings within a Multifamily Residence Baldwin Place MFR-BP District shall be set back at least 75 feet from any street line and 50 feet from any other lot line, except that the minimum setback from a common property line shared with land in an adjoining single-family residence district shall be at least 100 feet. Where the Planning Board determines that the objectives of such setbacks can be appropriately met with lesser distances, taking into consideration the nature of neighboring land uses, topographic conditions, existing vegetation, or other such similar factors, it may permit a reduction in such setback requirements.
- (b) Within such setbacks, a buffer area shall be required along all property lines of a multifamily development which abut or are directly across a local street from any property in a residence district. Such buffer area shall comply with at least the following minimum standards:

[1] It shall be at least 30 feet in width.

[2] It shall remain in its natural state with no construction, grade, alteration or clearing permitted except as approved by the Planning Board to meet site access, drainage, recreation and landscaping requirements.

[3] Evergreen planting shall be provided of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the activity on the lot from the neighboring residential area. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

[4] Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

(9) Traffic access.

- (a) Properties within a Multifamily Residence Baldwin Place MFR-BP District shall have either direct frontage on a major or collector road, as shown on the Town Development Plan, or safe and convenient

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access to such a road without passing through a single-family residence neighborhood. Traffic access to Multifamily Residence Baldwin Place MFR-BP District sites shall be adequate to accommodate the anticipated traffic generation resulting from the multifamily development proposed thereon, or, if not presently adequate, that necessary improvements can and will be made prior to project occupancy.

(b) No application for a multifamily development in a Multifamily Residence Baldwin Place MFR-BP District shall be granted until and unless the Town Board determines that the Town, county or state road upon which the site has frontage and/or access to is capable of accommodating the additional traffic generation or, if not, that the necessary improvements will be made prior to the occupancy of any dwelling units on the Multifamily Residence Baldwin Place MFR-BP District site.

(10) Water and sewerage facilities.

(a) Multifamily Residence Baldwin Place MFR-BP Districts intended to be established only on lands located within public water and sewer districts. If land being considered for inclusion in a Multifamily Residence Baldwin Place MFR-BP District is not presently within such utility district(s), the establishment of the zoning district shall be contingent upon the creation or expansion of such utility district(s) to include the entire area of the land so zoned, in accordance with the standards and subject to the approval of the Westchester County Department of Health and the New York State Department of Environmental Conservation.

(b) No certificate of occupancy shall be issued until all dwelling units are connected to approved and functioning central water and sewage treatment systems.

(c) Where future service by off-site water and/or sewerage systems are planned, all on-site water and sewer facilities shall be designed and located in such a way as to readily permit their connection and/or conversion to the off-site systems at such time as they are constructed.

(d) Where, in the opinion of the Town Board, the geology of an area is such that wells of large capacity may adversely impact existing wells on nearby properties, individual water meters for each dwelling unit shall be installed; the impact will be studied in any environmental impact statement. The applicant shall provide for a monitoring program, satisfactory to the Planning Board, to measure the impact on existing wells on nearby properties, and sufficient measures, as directed by the Town Board, shall be taken by the applicant to prevent and/or correct such adverse impact or to indemnify the owner of such impacted wells; and/or, where feasible, an alternate source of water supply shall be developed.

(11) Drainage. Stormwater drainage systems serving any multifamily development shall be designed so that the rate of runoff from the site during a one-hundred-year storm will not exceed that which would have occurred prior to its construction, unless another rate of runoff shall be approved by the Planning Board. The calculation of such runoff rate

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and the design of the drainage system shall be subject to the approval of the Town Engineer.

- (12) Refuse collection, storage and disposal. Plans for the collection, storage and disposal of refuse within any multifamily development shall be subject to Planning Board approval as part of its review of detailed site development plans. The outside storage of refuse, if permitted, shall be in rodentproof containers conveniently located and enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to principal buildings.
- (13) Underground utilities. All utilities within any multifamily development, including electric, telephone and cable television service, shall be placed underground.
- (14) Fire protection. All site plans for multifamily development shall provide proper access for fire-fighting equipment and personnel and shall provide hydrants in such number and location and with such water supply and pressure as shall be determined adequate by the Bureau of Fire Prevention and approved by the Planning Board as part of its review of final site development plans. Interior fire separation is required. After review and recommendation of the Planning Board, the Town Board may designate a Multifamily Residence Baldwin Place MFR-BP Zone as within fire limits at the time of creation of such zone.
- (15) Off-street parking. Off-street parking spaces shall be provided in accordance with the requirements of § **170-12D(5)**. In addition, the following special standards shall apply in the Multifamily Residence MFR-BP District:
 - (a) At least 1/3 but no more than 2/3 of the minimum number of parking spaces required to serve residential dwelling units shall be enclosed within garages.
 - (b) At least 20% of the minimum number of required parking spaces shall be designed and reserved for the use of visitors and guests.
 - (c) The Planning Board may require, if deemed appropriate, the provision of suitably screened and located parking areas for the storage of recreational vehicles belonging to residents of the development.
 - (d) All maintenance vehicles or equipment shall be stored in enclosed structures only, which structures shall conform in architectural theme to the residential buildings of the development.
- (16) Recreation area and open space.
 - (a) Recreation area. Each multifamily development shall include a recreation area which is designed, improved and maintained for the use of the residents of the development and their guests on a not-for profit basis. The recreation area shall contain at least 300 square feet of lot area per density unit and provide common active recreational facilities, such as swimming pools, playing courts (tennis, basketball, volleyball), playground equipment, etc. The plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated

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occupancy of the units. Where special recreational considerations must be met, such as for senior citizens or handicapped persons, the site plan shall contain elements encompassing and satisfying these needs.

(b) Open space. All portions of any multifamily development, including required setback areas, which are not used for one or more of the purposes permitted above shall be designed and maintained as permanent open space, free of buildings and parking areas, and shall be landscaped or preserved in a natural state in accordance with plans approved by the Planning Board.

(c) Preservation of common areas.

[1] Permanent preservation of such recreation areas and open space shall be legally assured, to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements or other forms of agreements. It shall be the property owner's responsibility to maintain all open space and recreation areas and such other common areas within the owner's control, including but not limited to streets, driveways, curbs, sidewalks, landscaping, lighting and public highways, in a safe, clean and orderly condition. Such maintenance shall include removal of snow from internal streets, driveways and walks. In the event that the maintenance, preservation and/or use of the conserved land areas and common facilities ceases to be in compliance with any of the requirements of this section or any other requirements specified by the Planning Board when approving the site plan, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against the property owner all costs incurred by the Town for such purposes.

[2] It is the intent of this section that the responsibilities and obligations of the property owner which continue after any multifamily development has been constructed will be assumed in their entirety by a property owners' association if Planning Board approval of the final site development plan allows for the ownership of all common areas to be divided proportionately among all property owners within the development. In such an event, membership in the property owner's association shall be mandatory for all property owners in the development. Such association shall be incorporated, shall be responsible for maintenance, liability insurance and local taxes and shall be empowered to levy assessments against property owners to defray the cost of maintenance and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners' association fails to perform the necessary maintenance operations, the Town of Somers shall be authorized to enter upon such premises for the purpose of performing such operations and to assess the cost of so doing against the association and/or each individual property owner equally.

(17) Other requirements.

(a) Individual unit access. In general, each individual dwelling unit within any multifamily development shall have its own separate entrance/exit leading directly to the outside. The Planning Board may waive this requirement as a part of final site development plan approval where said Board determines that the basic intent in terms of safety and the avoidance of common hallway areas can be met, through other elements of the building design.

(b) Central antenna system. If cable television service is not available to serve a proposed multifamily development, a central radio/television antenna system shall be provided for each such development or for each grouping of attached dwelling units within

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it. Separate exterior antennas for individual multifamily dwelling units shall not be permitted.

(c) Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the following:

Minimum Gross Floor Area

Type of Unit	(Square Feet)
Efficiency	300
One-Bedroom	500
Two-Bedroom	700
Three-Bedroom	900, including at least 2 full baths
Four-Bedroom	1,100, including at least 2 full baths

(d) Exterior lighting shall be provided according to a lighting plan approved by the Planning Board.

(18) Affordable dwelling units.

(a) Quantity. Not less than 15% of the permitted basic density in each approved multifamily development shall be affordable dwelling units as defined in § 170-3 of this chapter.

(b) All other standards as discussed in Article XIA, Affordable Housing, shall apply.

2. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

ROLL CALL:	Supervisor Rick Morrissey	AYE
	Councilman Richard G. Clinchy	AYE
	Councilman Thomas A. Garrity, Jr.	AYE
	Councilman Anthony J. Ciriaco	AYE
	Councilman William G. Faulkner	NAY

The Supervisor said that the Board received a lot of input from the public on the amendments and he wanted to thank all of those that did take the time to come to the meeting and voice their opinions.

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Chapter 154-7A (2) Taxation of the Code of the Town of Somers.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 154-7A (2) Taxation of the Code of the Town of Somers as follows:

A Local Law to Amend Chapter 154 entitled Taxation of the Code of the Town of Somers.

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Be It Enacted by the Town Board of the Town of Somers as follows:

1. Article II Senior Citizens Tax Exemption Section 154-7 Qualifications for Exemption A(2) is hereby amended to read as follows:

(2) Unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise or by descent from the deceased husband or wife, the time of ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months, provided further that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse, and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months, and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption, and such periods of ownership shall be deemed to be consecutive for purposes of this section.

2. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

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

PUBLIC COMMENT:

Ms. Maureen Devine, Susan Drive, said that there was an article in that week's Somers Record on the Information Meeting and Open House held in Yorktown concerning the gas pipeline stating that Somers would be hosting a similar Open House with SPECTRA Officials at the next Town Board Meeting on October 9th. She pointed out that listing SPECTRA as an agenda item was not informative and she did not consider the Town Board meeting an Open House. She said that after the residents read the article in next week's Somers Record with regard to this evenings meeting they would be aware of the pipeline. Ms. Devine stated that the residents would come before the Board and state that they were not aware just like the residents of Shenorock, Route 6 and Summit Lake. She said that the agenda item of the proposed Group Home could have at least listed the address. She said that the Town e-mailed through New and Announcements the information with regard to Affordable Housing. Ms. Devine suggested that the Board send e-mails to the residents when there was a subject where they would like to have an informed public. She also suggested that the Board ask the Somers Record to do an article that explained the Town website and how someone could sign up for various e-mails.

Mr. Eugene Goldenberg, Heritage Hills, said that month's Westchester Magazine listed Heritage Hills, Somers, New York as a Best Place to Live for retirees. He said that the best part of Heritage Hills was although they were thought of as a Retirement Community they had families with children, young couples and retirees living in the community. He said that a letter from him dated July 7, 2013 was published in the Journal News titled Algonquin Gas Plant Causes Concern and he read that letter to the Board. Mr. Goldenberg's letter expressed their concerns and objections to the installations of new pipelines. He said that on July 10, 2013 he received a letter from SPECTRA Energy stating

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that Algonquin Gas Transmission, LLC, Algonquin, previously informed them of their intent to develop the proposed Algonquin Incremental Market project, AIM, by expanding their interstate natural gas pipeline system. He continued to read the letter to the Board and they explained that they were reducing the scope of the project and Heritage Hills was no longer under consideration to be involved with current expansion plans. Mr. Goldenberg said that he called Edward Harney the Right-A-Way Manager and he was thrilled when he was told that there was no expansion and Somers had nothing to worry about. He said that it did not take long for the name to be changed to Atlantic Bridges and they were sitting on top of the same thing that they said they were not going to do. He said that there was an article in the New York Time that reported that there were studies done in Alaska and Natural Gas was abundant in the United States. He said that the Natural Gas was going to be exported to other Countries instead of used here.

Mr. Michael Blum, Chairman of the Somers Energy Environment Committee, shared with the Board that on June 5, 2014 Germany reached a milestone and that was 50% of the energy requirements of that Country were met with renewable energy. He said that it took them 5 years to get to that point with renewable energy. He continued that it was his understanding that the pipeline was being expanded to service Massachusetts and other Northeast States. Mr. Blum said that the interesting thing between the Northeast and Germany was that the weather was the same and they had the same heating requirements. He said that Massachusetts was number 4 of the top States of solarization in the United States and they achieved that in 2 years. He continued that currently Massachusetts was proving 10% of their energy through renewables. Mr. Blum asked what the demand projections that SPECTRA took to the Department of Commerce to start the process and did those same demands apply with what was going to happen with renewables. He said that he would like for SPECTRA to present their demand projections.

Mr. Richard Zaccaria, Preserve Board Member, stated that there was currently 188 homes in the Preserve and when they bought into the concept of the Preserve there were wetlands, natural ecology, beautiful walls that were maintained and architectural and archeological investments. He said that the Builder told them that there was going to be about 100 acres carved out for their homes, collectively, and they would own as a group, the “HOA”, about 200 acres. He said that he was told about 2 years ago about a project that was scheduled and was going to run directly through their backyard. Mr. Zaccaria explained that about 75% of his property had two pipelines running through. He said that one of the lines 36 and the other was 26 and they had been there since about 1950. He said that when they bought the property they were told that there would be easements and right-of-ways and that they were protected and grandfathered. Mr. Zaccaria said that they were told that the most impact they would have to worry about was that the pipe might have to be upgraded if there was damage or a risk to the environment. He said that currently Mr. Harney was very forthcoming and explained that the process as mandated by the Federal Energy Regulatory Committee (FERC) would probably grant an eminent domain. He explained what they meant to the property in the Preserve and that will clear most of the trees and be disruptive to their properties. Mr. Zaccaria said that then they learned about this substance called Black Powder that was a byproduct of Radon Gas that ran through on high velocity lines. He said that when these pipes were cut and lifted in their backyards there was a chance on radioactive material, cancer causing agents that could enter the environment. He said that his wife was a realtor and she would be speaking about the impact this could have on homes. Mr. Zaccaria said that they were asking to have a lot more information given to them, they needed to know timetables and how their properties were being restored.

The Supervisor thanked Mr. Zaccaria for coming that evening and voicing his concerns and that was one of the reasons that they invited SPECTRA to the meeting was to give the residents more information. Mr. Zaccaria said that the expansion had been poorly advertised. Councilman Clinchy asked how many homes were on the line that were going to be directly affected. Mr. Zaccaria stated that there was roughly 65 homes on the line. Councilman Faulkner said that Mr. Zaccaria stated that he contacted FERC. Mr. Zaccaria

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said that he went on the FERC website and it was very informative. He said that they post in very descriptive detail the whole process.

Mr. Nicholas Ward-Willis, President of the Somers Youth Sports Organization (SYSO), said he wanted to start by thanking the Town as well as the Parks and Recreation Department for the continuing great job of maintaining the fields and assisting them providing quality sports for the children. He said that they appreciate the support and partnership they had with the Town. He said as their organization had grown over the years so had their need for volunteers. Mr. Ward-Willis said that he was putting out a call to the community for volunteers and that was not just for parents to coach but for administrative support. He said that this did not have to be just parents but anyone in Town willing to volunteer. He said that they had a great website, somerssports.org and people interested could e-mail the Board as well. Mr. Ward-Willis said that he also wanted to bring to the Board's attention was an initiative that they had taken on over the last couple of years to increase the health and safety of the children. He said that each coach was required to be certified in CPR training, concussion training and they were instituting a background check policy. He said that with their health and safety campaign one of the things they have done was to purchase Automated External Defibrillators (AED) and the coaches were trained to use them and they were located in as many places as possible throughout the Parks. Mr. Ward-Willis said that they should have AEDs at every field in Town, the ones that they had now were locked and all of the coaches have keys but the Town should provide them for the general public. He said that the Town should look into the feasibility of placing AEDs in the parks for public use in an emergency.

Ms. Josephine Bastone, Manor Lane, stated that there were 26 power outages in the last 29 months, 7 of those outages have taken place since April 30th. She explained that a situation that occurred was there was a tree down across her road and she called NYSEG to alert them in case there were lines down. She continued that there should be a way even if there was a possibility of lines being down they should come out. The Supervisor explained that if there was a situation that needed to be addressed Ms. Bastone should call 911.

There being no one else to be heard on motion by Supervisor Morrissey, seconded by Councilman Garrity, public comment session was declared closed.

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Director of Finance, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention.

Discussion w/ SPECTRA Energy reg. the proposed Atlantic Bridge Project

The Supervisor said that he invited SPECTRA Energy to come to this evening's meeting to have a discussion on their plans for the improvements with the Town Board and how it impacted residents of the Town. He said that he had asked them to address specifically; safety concerns.

The Supervisor said that the Board would take a five minute break for Spectra Energy to setup.

7:50 PM – 5 minute break
7:55 PM – meeting reconvened

Mr. Christian DiPalermo, thanked the Supervisor and the Town Board for the opportunity to come and speak to them about a potential Atlantic Bridge Project. He introduced himself and stated that he handled Community and Governmental Affairs in New York for Spectra Energy, Algonquin Gas Transmission. He said this evening's presentation was going to be provided by Mr. Jim Lusgate, Regional Project Director of Spectra Energy and he will introduce the Team that was present that evening to help answer questions.

Mr. Lusgate stated that there were several members of the Team present that evening. He said Mr. Bill Welch, Project Manager of the Atlantic Bridge Project, Mr. John Hines,

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Project Manager of the Atlantic Bridge Project, Mr. Ed Harney, Right-of-Way Manager and Mr. Joe Theis, Construction Coordination. He said that they would like to discuss the Atlantic Bridge Project, and give information of what the project was about. Mr. Lusgate stated that it was still early on in the project process and they did have some information that they could share although they were still in the process of developing the project. He said that they were also looking for feedback on concerns that residents and landowners had about the project. He explained that the Atlantic Bridge Project was a project of the Algonquin System and Algonquin had been operating in the area since the 1950's, they just celebrated their 60th Anniversary last year. Mr. Lusgate stated that they had been operating safely, delivering reliable energy to the Northeast and also had been good stewards of the Environment in their operation. He said as noted by some people who had made comments the lines that were existing on the Algonquin System the first line was put in in 1953 and the second line for the area and put in in 1960. He said that he did have maps and they were the same as they ones that were at the Landowners Information Meeting. Mr. Lusgate said that they had other maps as well that were going to show the actual existing right-of-way and where the proposed line was going to go. He said that the Algonquin System started in Lambertville, New Jersey and extended to Salem, Massachusetts. He said that along the way there were compressor stations that compress the gas as well as meter stations where customers take the supply from them. Mr. Lusgate said that the Customers they had in this area were ConEdison, Central Hudson, New York State Electric and Gas and they had customers along the system as well. He said that the development of the project was still early in the phase of conception, including the customer base and establishing what the customers' demands were going to be and what they were actually going to be looking for. He said that as someone mentioned in their comments they did go through the Federal Energy Regulatory Commission (FERC) for the permitting of all of their projects and part of that was to prove there was a need and a demand for the gas. Mr. Lusgate said that came from their customers, those who were delivering to homes, businesses and generating facilities. He said that they did have an open season on the project which was a process that they go through to determine what the need was and that was completed. He said that they had significant customer interest in additional supplies in the Northeast. Mr. Lusgate explained that the majority of the customers that they dealt with were local distribution Companies that were regulated by their States. He explained that they needed to go before the various Commissions in their States to prove they had a need and their projections called for investments that they had to make in a project. He said that they had to build projects that met their customer demand; projects were not built on specifications.

Councilman Clinchy said that in order for them to get FERC approval they needed to show a demonstrated need. He asked who they needed to make that case to, was it FERC or another part of the Government. Mr. Lusgate stated that it was FERC. Councilman Clinchy asked if they took into account projecting forward with alternative sources of energy and if there will be an effect on the demands. Mr. Lusgate said that alternative energy was taken into account by the customers that were participating in the project and they had to justify that to the State and sign an agreement with Algonquin Gas that they were going to commit to a supply of gas. Councilman Clinchy asked when Algonquin expected to sell the companies the gas. Mr. Lusgate stated that the in service date was in the fourth quarter of 2017.

Mr. Lusgate went through a series of maps of the pipeline and the proposed changes. He said that the proposed changes were a mix of facilities and it extended from Rockland County to Weymouth. He said that they were present that evening to discuss Somers and the details with regard to Somers. Mr. Lusgate said that hopefully that would be able to give some clarity to what exactly the project entailed. He continued to present maps of layout and right-of-ways that existed in Somers.

A lengthy discussion ensued with the Town Board, Town Residents and Representatives of SPECTRA Energy with regard to the proposed expansion work, possible environmental

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impacts, where the expansion work was being proposed and the effects the proposed project would have on the surrounding properties.

Solarize Somers

The next item on the agenda was with regard to Solarize Somers. The Supervisor said that he would like to add an adoption of a Resolution to sign and support the application from Solarize Westchester to allow the Town's participation in the Solarize Somers initiative. Mr. Blum said to be clear the QECB Resolution was not related to Solarize Somers.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a resolution to support the application from Solarize Westchester to allow the Town's Participation in the Solarize initiative and,

DOES HEREBY give the Supervisor authorization to sign said application,

WHEREAS, the Somers Energy Environment Committee (SEEC) received an RFI from Solarize Westchester for the Town of Somers to be selected and participate in the first wave of towns implementing the Solarize initiative and,

WHEREAS, the Solarize initiative is focused on providing solar panel installation for residential and small business at reduced pricing. The primary driver is the volume of residents and businesses that register for the program. Upon reaching certain volumes that correlate to a tiered pricing mechanism and,

WHEREAS, the SEEC has completed the application to be signed by the Town Supervisor and mailed before October 16, 2014, the deadline and,

WHEREAS, upon selection the Town Board will actively support the Solarize Somers initiative and will join the SEEC in the outreach program,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Somers does hereby unanimously approve the Solarize Somers initiative and supports ongoing efforts to make the initiative successful.

Request of sub-allocation of QECB

The Supervisor said the next item was with regard to a request of sub-allocation of Westchester County's QECB Cap form. He asked Mr. Blum to give the Board a summary. Mr. Blum said that this was an Energize Project and it was focused on the low income residences and not-for profit organizations that owned their buildings. He said that they had until October 15th to submit a project to Sustainable Westchester and if the project was selected they would receive an allocation.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Cirieco, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a resolution requesting a sub-allocation of Westchester County of The County's QECB issuing authority and.

DOES HEREBY, authorize the Supervisor to execute the "Request for Sub-Allocation of QECB" form.

Agreement for allocation of funds

The Supervisor said the next item was to authorize the Supervisor to execute an agreement with Westchester County for allocation of funds should they come up with a viable project.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Cirieco, it was unanimously,

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RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Agreement with Westchester County for Request for Sub-Allocation of QECCB Cap.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)
Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2015)
Affordable Housing Board (4 – 2 year terms ending July 11, 2015)
Assessment Board of Review (1 – unexpired 5 year term ending September 30, 2015)
Zoning Board of Appeals (1 – unexpired 5 year term ending December 31, 2016)

Upcoming Vacancies:

Library Board of Trustees (2 – 5 year terms ending December 31, 2014)
Planning Board (1 - 7 year term ending December 31, 2014)
Substance Abuse Council (5 – 3 year terms ending December 31, 2014)
Zoning Board of Appeals (2 – 5 year terms ending December 31, 2014)

Retirement
of M.
Peters
from
Highway
Dept.

The Supervisor said that it was in order for the Board to acknowledge the retirement of Mr. Michael Peters from the Somers Highway Department. He said that Mr. Peters was an employee of the Town for 44 years and they appreciated all that he had done over the years. He said that he will be missed and wished him luck in his retirement.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was unanimously,

RESOLVED, that the Town Board does hereby acknowledge the retirement of Michael Peters from the Somers Highway Department effective November 1, 2014 per letter dated September 25, 2014 from Michael Peters.

Consensus
agenda

The next item was the consensus agenda. The Supervisor said with regard to item number 13, he wanted to point out the Town Bulk Drop Off Days. Councilman Cirieco asked what the amendment was with regard to item number 5. It was explained that the agreement was amended periodically and the amendments needed to be signed. Councilman Faulkner said with regard to item number 4a, the intersection that the stop sign was being proposed for was a T intersection and he was unsure if all the stop signs were needed. He asked with regard to item number 10, who currently owned the right-of-way. It was explained that no one currently owned the road and by Highway Law the Town needed to take it into the Town's Highway System. Councilman Clinchy said with regard to item number 4b that should read the northwest corner not the south side.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was unanimously,

Resignation of
M. Byrnes
Substance
Abuse Council

1. RESOLVED, that the Town Board does hereby acknowledge the resignation of Meredith Byrne from the Substance Abuse Council effective September 23, 2014 per email dated September 9, 2014 from Meredith Byrne.

Hire A.
Gizzo in
Building
Department

2a. RESOLVED, that the Town Board does hereby authorize the hiring of Annamaria Gizzo effective September 29, 2014 with an Administrative leave until October 1, 2014, as probationary Senior Office Assistant (Office Manager) full-time in the Building Inspector's Office at an annual salary of \$44,285.00, Grade 4A Step 1 of the CSEA Contract.

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Terminate and reassign D. Schirmer in Building Department

- 2b. RESOLVED, that the Town Board does hereby terminate Denise Schirmer as Senior Office Assistant (Office Manager) full-time in the Building Inspector's Office at an annual salary of \$44,285.00 effective September 29, 2014 and,

DOES HEREBY return Denise Schirmer to a previously held position of part-time Intermediate Typist at an hourly rate of \$24.3324 to work no longer than 17 hours per week effective September 29, 2014.

Application to County for PT ZBA Secretary

- 2c. RESOLVED, that the Town Board does hereby approve application to Westchester County Human Resources to create the part-time position of Secretary to the Zoning Board of Appeals.

Appoint L Christensen Chairman Emeritus to the Substance Abuse Council

- 2d. RESOLVED, that the Town Board does hereby appoint Louis Christensen as Chairman Emeritus of the Somers Substance Abuse Council/Somers Partners in Prevention working title.

No comment for Hauser Wetlands Application

3. The Hauser Wetland Application has been returned to the Planning Department with No Comment.

Refer request for Stop Signs

- 4a. RESOLVED, that the Town Board does hereby refer a request for two (2) Stop signs at the intersection of Elmer Galloway and Young Roads to the Superintendent of Highways, Police Chief and Principal Engineering Technician for their review and comment per a letter dated September 17, 2014 from Cora E. Cypser.

Refer request for Stop Sign

- 4b. RESOLVED, that the Town Board does hereby refer a request for a Stop sign on the north west side of the "T" intersection at Primrose and Lalli Drives to the Superintendent of Highways, Police Chief and Principal Engineering Technician per a verbal request from Councilman Richard G. Clinchy.

Execute amended Snow and Ice Agreement

5. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Amended Snow and Ice Agreement for Indexed Lump Sum Contracts, Payment Factor Adjustment Amendment B for the winter of 2013-2014 per letter dated September 19, 2014 from Chuck A. Walter, NYSDOT.

Accept Erosion Control Bonds

6. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assist, Engineering Department:

- a. \$500.00 Heritage Hills Society, LTD. – Steep Slope & Stormwater Management & Sediment Control Permit Rec Area 2/Pool3 – 17.06-10-16.
- b. \$500.00 Boniello Land & Realty, LTD. – Stormwater Management & Erosion & Sediment Control Permit – 48.17-1-33.

Return Erosion Control Bonds

7. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:

- a. \$200.00 – Matz Erosion Control Bond – 17.14-2-9.
- b. \$500.00 – Bernardi Stormwater Management & Erosion & Sediment Control – 37.16-1-12.
- c. \$2,610.00 – Meichner Tree Preservation, Steep Slope & Erosion & Sediment Control – 6.14-1-13.

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- d. \$300.00 – Aleksandrovich Steep Slope Permit – 16.14-2-74.
- e. \$200.00 – Cheatham Stormwater Management & Erosion & Sediment Control – 58.08-1-10.
- f. \$200.00 – Chimes Stormwater Management & Erosion & Sediment Control – 59.05-1-18.

Return
Erosion
Control
Bond

8. RESOLVED, that the Town Board does hereby authorize the return of Erosion Control Bond in the amount of \$19,316.00 posted for Wooded Acres Subdivision in the form of a Letter of Credit SB-906400-2000 issued by M&T Bank, per memo dated September 29, 2014 from Steven Woelfle, Principal Engineering Technician.

Accept
Performance
Bond/Security

9. RESOLVED, that the Town Board does hereby authorize the acceptance of \$13,555.00 Performance Bond/Security in the form of a cashier's check for the Susan F. Haft and Ridgeview Design Builders, Inc. to be placed in a Trust & Agency Account per memo dated September 18, 2014 from Steven Woelfle, Principal Engineering Technician.

Accept
portion of
Greenbriar
Drive

10. RESOLVED, that the Town Board does hereby authorize accepting the remaining portion (distance of 2,400 feet) of Greenbriar Drive into the Town Highway System under Section 189 of the Highway Law per memo dated September 30, 2014 from Steven Woelfle, Principal Engineering Technician and Thomas E. Chiaverini, Superintendent of Highways.

Execute contract
for additional
funding for Title
IIC meal
program

11. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute contract with Westchester County Department of Senior Services for additional funding in the amount of \$5,000.00 for the Title IIC meal program per letter dated September 24, 2014 from Ann Darcy Coordinator, Department of Senior Programs and Services.

Appoint K.
Young to
Substance
Abuse Council

12. RESOLVED, that the Town Board does hereby authorize the appointment of Keeva Young-Wright to the Somers Substance Abuse Council/Partners in Prevention to serve at the pleasure of the Board.

Announce
Bulk Drop
off Days

13. RESOLVED, that the Town Board does hereby announce Town Bulk Drop Off Days at City Carting located on Route 100 from Saturday, October 18, 2014 to Saturday, November 15, 2014.

Authorize the
cancel and remove
uncollectable tax
liens

14. RESOLVED, that the Town Board does hereby authorize a resolution to cancel and remove uncollectable tax liens for 58.8-1-3.3, a road bed in the name of CJC Associates, LP, per memo dated October 2014 from Joan Ribaldo, Receiver of Taxes.

The Supervisor said that the Board had the 2015 Budget meetings coming up on October 21st, 22nd, and 23rd at 1:00 PM in the Town House.

Councilman Clinchy said that November 1, 2014 at the Angle Fly Preserve there was going to be a "Swarm". He explained that was where a large group of people take out invasive vines that were killing the trees in an area.

Councilman Clinchy reminded everyone that November 4, 2014 was Election Day and he urged all to come out and vote.

Claims for the payment of all Town Bills in the amount of \$862,619.63 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

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Thereupon motion of Supervisor Morrissey, seconded by Councilman Ciriaco the meeting was adjourned at 10:30 PM.

Town Clerk