

NOVEMBER 12, 2009 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening November 12, 2009 at 7:45 PM at the Town House 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:        Councilman        Paul Z. Meyer, Jr.  
                  Councilman        George R. Dieter  
                  Councilman        Richard G. Clinchy  
                  Councilman        Thomas A. Garrity, Jr.

ABSENT:        Supervisor        Mary Beth Murphy

Also present were Richard W. Nicholson, Deputy Supervisor, Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Deputy Supervisor said that this was continuation of a public hearing with regard to the petition to extend the Amawalk-Shenorock Water District to include the Planned Hamlet Subdivision.

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

Ms. Linda Whitehead of McCullough, Goldberger & Staudt, LLP on behalf of Somers Realty Corp. owner of the Somers Realty Planned Hamlet project said that she wanted to follow up from last weeks meeting, as they may recall their Engineer and the Town Engineer came to an agreement on a water supply solution. She explained that it was a system that would be activated to provide water in an emergency situation. She said that the Town Engineer answered a number of questions last week and indicated that he was satisfied. She said that she was asked to draft an agreement to be recorded against the property and send it to the Town Attorney, which she did and the Town Attorney received comments from the Town Engineer with regard to that agreement. Ms. Whitehead said that they only had one issue with the Town Engineer's comments and that was that at the time the system would be abandoned the Town Engineer wanted it to be dismantled. She said that was an unnecessary expense, it was a series of small tanks on their property and it should not matter. She continued that they were not going to make an issue about it though. Councilman Clinchy asked Ms. Whitehead if she made her concern about the dismantling of the tank to the Town Engineer. Ms. Whitehead said that everything came from the Town Attorney and she did let him know. The Town Attorney said that the Town Engineer was not yet aware about the concern. Ms. Whitehead said if that was the only issue they could leave it in.

Ms. Whitehead expressed that they really needed to get this done, the public hearing was scheduled with the Planning Board next week and they expected that the extension of the Water District would be done by then. She continued that the Planning Board could not give any approvals until they were in the Water District, that had to go to the Health Department and they needed them to be in the Water District because what they were reviewing was water supply.

Ms. Whitehead said that some of the Board members last week asked to see a rendering of the tanks. Peter Gregory the Engineer for the project presented plans from a similar project for the Board to get an idea of what was being approved. Ms. Whitehead said that this was going to be located near the existing Shopping Center not near any homes. She said that there will be screening and it will all be reviewed by the Planning Board. Councilman Meyer asked if it was going to be placed on the water tank parcel. Ms. Whitehead explained that the water tank parcel was going to exist and conveyed to the Town, this was going to be next to that parcel on Somers Realty property. Councilman Dieter asked if it was going to be 50-50 above and below. Ms. Whitehead said that was what was discussed.

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The Deputy Supervisor said that the Supervisor would like to continue the hearing to the December 3<sup>rd</sup> Work Session. He continued that she received materials on Tuesday and would like to discuss them. Ms. Whitehead said that was the answer that they got last month; they spent a lot of time with the Town Engineer. She said that if this did not get done for another 3 to 4 weeks it was going to cause a major problem. Councilman Dieter said that there had been some circumstances beyond anyone's control that things were delayed. Ms. Whitehead said that it was her understanding last week that it was just a legal document that was to outline the agreement and she was to deal with the Town Attorney to get that done. She said that they had been at this for months, they put a lot of time and effort into this and they were running out of time.

The Board discussed having a Special Meeting on Tuesday November 17<sup>th</sup> before the Budget Hearings.

There being no one else to be heard on motion of Councilman Meyer, seconded by Councilman Garrity, the public hearing was adjourned at 7:55 PM to November 17, 2009 at 6:00 PM at the Library.

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Town Clerk

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                  Councilman        George R. Dieter  
                  Councilman        Richard G. Clinchy  
                  Councilman        Thomas A. Garrity, Jr.

ABSENT:        Supervisor        Mary Beth Murphy

Also present were Richard W. Nicholson, Deputy Supervisor, Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Deputy Supervisor said that this was a public hearing with regard to a proposed stop sign at the northeast corner of Larch Drive and Tulip Road and the northeast corner of Evergreen Drive and Tulip Road.

The Town Clerk presented affidavit of public notice of the public hearing which appeared in the North County News on October 28, 2009 and was posted on the Town Clerk's bulletin board the same day.

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

There being no one to be heard on motion of Councilman Meyer, seconded by Councilman Clinchy, the public hearing was declared closed.

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Town Clerk