

NOVEMBER 17, 2009 – SPECIAL MEETING

Minutes of a Special Meeting of the Town Board of the Town of Somers held on Tuesday evening, November 17, 2009 at 6:25 PM at the Somers Library, Route 139, Somers, New York.

ROLL CALL:

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

ABSENT:

Also present were Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

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

6:25 PM – hearing opened
6:50 PM – meeting reconvened

6:50 PM – 5 minute break
7:00 PM – meeting reconvened

The Supervisor said that it was in order to adopt the petition to extend the Amawalk-Shenorock Water District to include the Planned Hamlet Subdivision. The Town Attorney pointed out changes to the proposed resolution.

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

RESOLUTION TO EXTEND THE AMAWALK SHENOROCK WATER DISTRICT

WHEREAS, an Amended Petition, Map and Plan have been prepared by SOMERS REALTY CORP. dated July 15, 2009, for the extension of The Somers Amawalk Shenorock Water District of the Town of Somers, New York, and duly presented to this Town Board; (an original Petition, Map and Plan dated April 1, 2009 was found to include additional property, and the original proceedings were terminated in favor of the within amended proceedings); and

WHEREAS, an Amended Order was duly adopted by the Town Board on July 9, 2009, reciting the anticipated filing of said amended petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying August 6, 2009, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the amended petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such amended Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 6th day of August, 2009, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly adjourned; and

WHEREAS, the public hearing was reconvened by the Board on the 10th day of September, 2009, commencing at 7:30 p.m., and upon additional discussion upon the matter having been had, the hearing was further adjourned; and

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WHEREAS, the public hearing was reconvened by the Board on various dates including the 8th day of October, 2009, the 5th day of November, 2009, the 12th day of November, 2009, all commencing at 7:30 p.m. and on the 17th day of November, 2009, commencing at 6:00 p.m., and upon additional discussion upon the matter having been had, the hearing was duly closed.

WHEREAS, the Planning Board as Lead Agency under SEQRA adopted a Positive Declaration in October 2005 and thereafter conducted a complete environmental review under SEQRA, including preparation of a DEIS (accepted as complete July 30, 2007) and FEIS (accepted on December 10, 2008); and

WHEREAS, the Town Board has reviewed the DEIS and the FEIS for the Proposed Action and, in particular, the subsections pertaining to the proposed expansion of The Amawalk Shenorock Water District; and

WHEREAS, based upon its review of the submitted petition and the environmental record for the Proposed Action, the Town Board makes the following environmental findings pursuant to SEQRA:

1. According to the FEIS, the estimated maximum daily consumption of water by uses on the subject site under the Proposed Action is expected to be approximately 120,000 gallons, which is an increase in the existing daily consumption of zero from the subject site.
2. Taking into account the 120,000 gallons per day of water that will be required for development of the Master Plan under peak conditions, it is projected that the Amawalk Shenorock Water District would still have an additional 196,000 gallons per day of capacity remaining.
3. In view of the documented need for looping the water supply system in this portion of the District, the Applicant has agreed with input from the Town Engineer to provide an on-site reserve water storage system until such time as either a water main loop or above ground storage tank is provided. The terms relating to installation of this system will be embodied in a Declaration, the terms of which have been agreed to by the Town Board, to be recorded against the applicant's property prior to the issuance of a building permit for any improvement on Applicant's property.
4. As required by the conditions of Master Plan approval granted by the Planning Board on February 10, 2009, the Applicant has applied for an extension of the Amawalk Shenorock Water District. This prospective extension is consistent with the Town's vision for future development on the subject site, as stated in the *1994 Comprehensive Master Plan*.
5. The Town Board has given due consideration to the Draft and Final Environmental Impact Statements (EISs).
6. The Town Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.
7. These SEQRA Findings provide a rationale for the Board's decision(s).
8. The Town Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.
9. The Town Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

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NOW, upon the evidence given at such hearing and on motion of Supervisor Murphy, seconded by Councilman Garrity, it is

RESOLVED AND DETERMINED, that (a) the amended petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of The Amawalk Shenorock Water District as proposed in said petition be approved; that such extension be designated as “Somers Realty - Planned Hamlet Extension”; that the improvements to be constructed by the Petitioner or its successors therein mentioned be constructed at the sole cost and expense of the Petitioner, and such extension be bounded and described as set forth in **Schedule A** attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:

Vote:

Hon. Mary Beth Murphy
Councilman George R. Dieter
Councilman Paul Z. Meyer, Jr.
Councilman Richard G. Clinchy
Councilman Thomas A. Garrity, Jr.

Aye
Aye
Aye
Aye
Aye

EXHIBIT A

AMENDED SCHEDULE A

All that certain plot, piece or parcel of land situate, lying and being in the Town Of Somers, County of Westchester and State Of New York, being more particularly bounded and described as follows:

BEGINNING at a point at the intersection of the Southerly side of Birdsall Road, also known as U.S Route 6, and the Easterly side of Mahopac Avenue, said point also being the Northwesterly corner of the premises here in described;

running thence from said point of beginning along the Southerly side of Birdsall Road the following courses and distances:

- North 47 degrees 07 minutes 00 seconds East, 1429.00 feet;
- North 55 degrees 07 minutes 00 seconds East, 251.40 feet;
- North 61 degrees 27 minutes 00 seconds East, 470.50 feet;
- North 65 degrees 03 minutes 00 seconds East, 200.86 feet;
- North 70 degrees 50 minutes 20 seconds East, 5.34 feet to a point on the

Northerly corner of lands now or formerly Somers Development Corp.;

thence turning and running along to Westerly side of lands now or formerly Somers Development Corp. the following course and distances:

South 16 degrees 39 minutes 00 seconds East, 658.46 feet to a point on the Westerly side of lands now or formerly Straw Man Inc., shown on filed map no. 10108 as "Baldwin Place Shopping Center;

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thence along the same, the following courses and distances:

- South 05 degrees 50 minutes 57 seconds East, 370.00 feet;
- North 66 degrees 32 minutes 30 seconds East, 394.08 feet;
- North 62 degrees 05 minutes 20 seconds East, 255.00 feet;
- North 56 degrees 06 minutes 30 seconds East, 64.37 feet;
- South 10 degrees 56 minutes 10 seconds East, 118.61 feet to a point;

thence turning and running in a Southerly and Westerly direction thru the lands now or formerly Somers Development Corp. the following courses and distances:

- South 06 degrees 52 minutes 50 seconds East, 645.93 feet;
- South 82 degrees 01 minutes 30 seconds West, 413.00 feet to a point on the Easterly line of lands formerly Alice Hinkle, now or formerly Hy Shore and Theodore Tetenbaum;

thence running along the same the following courses and distances:

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- South 82 degrees 01 minutes 30 seconds West, 196.25 feet;
- South 80 degrees 32 minutes 30 seconds West, 283.49 feet;
- South 08 degrees 21 minutes 30 seconds East, 439.92 feet;
- South 82 degrees 18 minutes 20 seconds West, 1,367.13 feet to a point on the Southeast corner of lands now or formerly Michael A. Russo;

thence turning and running in a Northerly and Westerly direction along the same for the following courses and distances:

- North 10 degrees 14 minutes 30 seconds West, 202.19 feet;
- South 83 degrees 27 minutes 30 seconds West, 529.87 feet to a point on the Easterly side of Mahopac Avenue;

thence turning and running in a Northerly direction along the Easterly side of Mahopac Avenue the following courses and distances:

- North 08 degrees 35 minutes 22 seconds West, 149.97 feet;
- North 07 degrees 19 minutes 40 seconds West, 483.42 feet to the point and place of Beginning.

Containing in area 79.3800 acres.

This being a special meeting there were no further actions taken.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned at 7:05 PM.

Deputy Town Clerk