

NOVEMBER 18, 2010 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening November 18, 2010 at 7:40 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT:

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

The Supervisor said that this was a continuation of a public hearing with regard to a proposed amendment to Section 170-13.2 Article IIA Conservation Zoning for the Mitchell Subdivision.

The Supervisor said that they did have the letter from the County before the last meeting, it just had not gotten to the Board before the meeting and she apologized for that. She said that was the only outstanding issue the last time they met.

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

There being no one to be heard on motion of Supervisor Murphy, seconded by Councilman Garrity, the hearing was declared closed at 7:43 PM.

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Deputy Town Clerk

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Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening November 18, 2010 at 7:46 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT:

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

The Supervisor said that this was a of a public hearing with regard to a proposed three way stop sign at the intersection of Country Hollow Road and Corral Court and the placement of a stop sign at southwest corner of Country Hollow and Mahopac Avenue.

The Deputy Town Clerk presented affidavit of public notice of the public hearing that appeared in the North County News on November 3, 2010 and posted on the Town Clerk's bulletin board the same day.

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

Mr. Stephen Vassallo, 12 Country Hollow Drive, said that he was optimistic that the stop signs would help somewhat, he did not think it was going to be adequate for what the area needed. He suggested that the Board consider speed bumps instead of stop signs. He said that there were over 25 children in their neighborhood and people speed through the development. Mr. Vassallo also suggested that the Board consider lowering the speed limit. The Supervisor said that State Law set the speed limit at 30 MPH.

Councilman Garrity asked Mr. Vassallo where he would suggest the speed bumps to be placed. Mr. Vassallo said that his house as well as the first three lots would not benefit from the stop signs. He said that one of his children was almost hit by a car recently and he was hoping for 3 to 4 speed bumps and listed the locations.

The Supervisor asked Mr. Vassallo if there was a Home Owners Association for his neighborhood. Mr. Vassallo said that there was not. Mr. Vassallo said that all the homeowners were present. The Supervisor said that they needed to talk each other about the speeding and then talk to the people who visit about speeding through the neighborhood.

Councilman Morrissey said that the Board was looking at a request for stop signs and asked if that was not the request. Mr. Vassallo said that was a request that was made and that was better than nothing and he explained why they would be inadequate.

Councilman Clinchy said that earlier that year there was a presentation from someone with regard to alternative speed control devices. He asked if this should be referred to the Highway Department for advice. The Supervisor said that this was being recommended by the Highway Superintendent.

Mr. Vassallo said that the safety of the neighborhood was paramount and thought that the temporary speed bumps should be installed.

Councilman Garrity said that there were a couple of temporary speed bumps in one neighborhood by the lake during to summer season and maybe they could look into that for their neighborhood. Councilman Clinchy said that was a good idea and if it was something that was successful they could consider it in other areas of the Town. Councilman Bolton said that he thought that the Board should direct the Highway

Superintendent to go back and look at speed bumps for that area. Councilman Morrissey suggested that Mr. Vassallo contact the Highway Superintendent and discuss with him the possibility of placing temporary speed bumps and the locations that they would want them in.

Mr. Vassallo asked if there was any possibility of lowering the speed limit within the development. The Supervisor explained that she did not think that was possible because State Law stated 30 MPH unless a School Zone or things of that nature. The Town Attorney said that towns were classified based on population and first class towns, which was what Somers was, were stuck with the State mandate that the lowest speed limit absent special circumstances such as a School Zone; the minimum speed limit was 30 MPH.

Ms. Lenelle Chiazzese, 2 Carriage Court, said that her street was the last cul-de-sac and there was no stop sign there and she has to park her car at the top of the street so that her children could ride their bikes. She explained the issues with pulling out of her street and the accident that almost happened. She said that there also needed to be a stop sign on that corner as well. The Supervisor asked if there was any interest in the neighborhood to take the roads as private roads. Ms. Chiazzese said that she felt that her neighborhood should be a Gated Community; they paid a lot of taxes. Councilman Garrity explained that if they took the roads back meant that they would be responsible for the maintenance, the plowing and everything else that goes along with the roads, although then they could do what they wanted with them. The Town Attorney said that to take the roads back it required the consent of every lot owner that was on the plat when it was dedicated. Ms. Chiazzese said stop sign would not help the glare from the sun either, she did not know how to prevent that but she was in favor of having a private road. Councilman Garrity asked the Town Attorney if all they needed was the consent of all of the property owners. The Town Attorney explained they would need the consent and a report from the Planning Board that there would never be the possibility that anyone else could build a through road, a road connecting to it. Ms. Chiazzese asked if the roads were privatized would their taxes be lowered. The Supervisor said that she did not believe it would. The Town Attorney said that he did not know what it would do to School Bus Service. The Supervisor said that if the School did go into private roads, there had to be an insurance policy in place. She said that the neighborhood would have to form a Home Owners Association for maintenance of the roads.

Ms. Chiazzese said that she would like stop signs on Morning View Court and Carriage Court as well, why was it just the one intersection; there were children on other streets. She asked why there was just one caution children sign when you enter the development, it should be enforced throughout. The Supervisor said that she would ask the Highway Superintendent to contact Ms. Chiazzese so that she could suggest a couple of locations for those signs. Ms. Chiazzese said that she would also like the other stop signs placed. The Supervisor said that she was going to ask the Highway Superintendent to contact her to discuss the place of the caution children signs as well as what other stop signs she thought would be appropriate. She said that tonight was a public hearing for an adoption of a Local Law to put stop sign in the listed locations and that was the request that was made by a resident. She said that the Board could not act on additional stop signs that evening because that had to be done by Local Law and a hearing must be noticed and conducted before a Local Law had to be adopted.

Ms. Kerry Alessandro, 14 Country Hollow Drive, said that she spoke to the Highway Superintendent and was told that the he was going to install additional caution children signs throughout the development. She said that she brought up the speed bumps and additional stop signs and was told that he was also going to place no outlet sign above the street sign coming into the development. She submitted to the Board e-mails from some of the neighbors in favor of speed bumps and e-mail from the neighbors in favor of the stop sign on the corner.

Mr. Vassallo asked where two stop signs were being placed. The Supervisor pointed out the locations on a map that she had.

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Mr. Michael Van Demark, 1 Carriage Court, said that the current proposed stop signs made sense and it sounded as if they had to come back for another hearing with regard to the other locations. Councilman Garrity said that he was going to get together with Ms. Alessandro and the Highway Superintendent and go through the development to see what areas they would like stop signs placed. Mr. Van Demark asked if they would discuss speed bumps as well. Councilman Garrity said that they would discuss all traffic calming options. Mr. Van Demark asked if they could also look at the option of taking down the speed limit signs. Councilman Garrity asked if Mr. Van Demark would give his suggestions to Ms. Alessandro for their meeting.

Ms. Chiazzese said that there had not been any Law Enforcement in their development; if the stop signs were placed they were going to have to be enforced. Councilman Garrity said that they would have the Police enforce the signs.

There being no one else to be heard on motion of Supervisor Murphy, seconded by Councilman Clinchy, the hearing was declared closed at 8:22 PM.

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Deputy Town Clerk