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PLANNING DEPARTMENT

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, *Chairman*  
Jan Corning  
Fedora DeLucia  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
Dennis McNamara

3

**SOMERS PLANNING BOARD MINUTES  
JANUARY 13, 2016**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

Chairman Currie, Ms. Gerbino,  
Mr. Goldenberg, Ms. Gannon, Ms. Corning  
and Mr. McNamara

11

12

13

14 **ABSENT:**

Mrs. DeLucia

15

16 **ALSO PRESENT:**

Consultant Town Engineer Joseph Barbagallo  
Director of Planning Syrette Dym  
Planning Board Town Attorney Joseph Eriole  
Planning Board Secretary Marilyn Murphy

17

18

19

20

21 The meeting commenced at 7:30 p.m. Planning Board Secretary Marilyn  
22 Murphy called the roll and noted that a required quorum of four members  
23 was present in order to conduct the business of the Board.

24

25 **APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING  
26 BOARD MEETING HELD ON NOVEMBER 10, 2015**

27

28 Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
29 prepared and submitted for the Board's consideration approval of the draft  
30 minutes and DVD of the Planning Board meeting held on November 10,  
31 2015.

1 Chair Currie mentioned that Mr. Goldenberg made a correction to page 7,  
 2 Line 3, of the November 10, 2015 Planning Board minutes to change  
 3 Heritage Hills to the *applicant*.

4  
 5 The Chair asked if there were any other comments or corrections from the  
 6 Board on the draft minutes and DVD and no one replied.

7  
 8 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously  
 9 carried, the draft minutes and DVD of the November 10, 2015 Planning  
 10 Board meeting, as amended, were approved.

11  
 12 Chairman Currie stated that the text of the approved minutes is available  
 13 on the Town’s website [www.somersny.com](http://www.somersny.com) and is also available for public  
 14 review at the Planning & Engineering office at the Town House. The  
 15 approved DVD is available for public viewing at the Somers Public Library.

16  
 17 **TIME EXTENSION**

18  
 19 **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**  
 20 **[TM: 16.12-1-41, 42]**

21  
 22 Chairman Currie said that the applicant is requesting a 90-day time  
 23 extension for Amended Final Subdivision Plat Approval from  
 24 February 5, 2016 up to and including May 5, 2016 under Town Law Section  
 25 276 (7) (c). He mentioned that this is the fifth request for a time extension.

26  
 27 Chair Currie acknowledged a memo from Director of Planning Dym dated  
 28 January 8, 2016, and Geraldine Tortorella, the applicant’s attorney, dated  
 29 December 21, 2015. He noted that Director of Planning Dym’s memo  
 30 states that Steve Woelfle, the Principal Engineering Technician, continues  
 31 to monitor work on the site and indicates all is going well.

32  
 33 On motion by Chair Currie, seconded by Ms. Corning and unanimously  
 34 carried, the Board moved to grant the request of Haft/Ridgeview Designer  
 35 Builders, Inc. for a 90-day time extension to Final Subdivision Plat Approval  
 36 from February 5, 2016 up to and including May 5, 2016 pursuant to Town  
 37 Law Section 276 (7) ( c ).

38  
 39 *At this time Mr. Goldenberg recused himself and did not participate in the*  
 40 *application.*

**1 DETERMINATION OF LEAD AGENCY****3 SOMERS POINTE COUNTRY CLUB [TM: 6.17-20-1.21]**

5 Chairman Currie said that this is an application for Site Plan Approval for  
6 property located on the southeast side of the Somers Pointe Clubhouse at  
7 1000 West Hill Drive for the construction of a swimming pool, cabana  
8 building and two tennis courts with associated parking to provide additional  
9 recreation activities.

11 Chairman Currie acknowledged memos from the NYC Department of  
12 Environmental Protection (DEP) dated December 8, 2015, the NYC  
13 Department of Environmental Conservation (DEC) dated November 19,  
14 2015 and Director of Planning Dym dated January 8, 2016.

16 Director of Planning Dym indicated that the applicant has not made any  
17 additional submission and when they do they will be back before the  
18 Planning Board. She explained that more than 30 days has passed since  
19 the circulation of the Notice of Intent to involved and interested agencies  
20 and therefore the Planning Board can vote to accept the role as Lead  
21 Agency under SEQRA.

23 Ms. Gerbino mentioned that the DEP in its letter dated December 8, 2015  
24 mentioned serious constraints that will be involved in the proposed work.

26 Planning Board Town Attorney Eriole explained that when there is a land  
27 use approval before the Planning Board and other agencies that will issue  
28 approvals they are involved in the environmental review process. He said  
29 that only one agency acts as Lead Agency but the other agencies have an  
30 opportunity to request the lead agency role.

32 On motion by Chair Currie, seconded by Ms. Corning and carried, (Mr.  
33 Goldenberg abstaining), the Board declared itself Lead Agency on the  
34 Somers Pointe Country Club Site Plan under SEQRA.

36 *At this time Mr. Goldenberg returned to the meeting.*

1 **PROJECT REVIEW**

2  
3 **DISIENA PRELIMINARY SUBDIVISION [TM: 27.08-2-1, 2.1]**

4  
5 Chairman Currie noted that this is the application for Preliminary  
6 Subdivision Approval, Stormwater Management and Erosion and Sediment  
7 Control, Steep Slopes and Tree Removal Permits for property located at  
8 Primrose Street (Route 139) for the subdivision of two existing lots into 4  
9 new lots.

10  
11 The Chair acknowledged receipt of a memo from Consultant Town  
12 Engineer Barbagallo dated January 7, 2016 and from Director of Planning  
13 Dym dated January 8, 2016.

14  
15 The Chair asked the applicant’s representative to update the Board and the  
16 public on the application.

17  
18 Rick LaMontagne, applicant’s engineer, noted that there are two (2)  
19 existing lots that are proposed to be subdivided into four (4) lots. He  
20 mentioned that each lot has its own separate driveway and sewage  
21 disposal system. Engineer LaMontane mentioned that this project was  
22 before the Board in 2006 as a single lot that would be divided into 3  
23 parcels. Engineer LaMontane explained that Mr. DiSiena purchased a  
24 neighboring lot that will now be used for a four lot subdivision. He said that  
25 the proposal is to construct a 500 foot long Town road to create the  
26 required frontage for 3 of the lots. Engineer LaMontane noted that the two  
27 existing lots conform to zoning but there is not enough frontage to create 4  
28 lots.

29  
30 Engineer LaMontagne acknowledged receipt of the memos from the  
31 Consultant Town Engineer and Director of Planning. He mentioned that  
32 both memos state the purpose is to get the lot count approval. He said that  
33 numerous comments mention the access to the common drive of lots 3 and  
34 4. He commented that he might not improve the front lot to reduce the  
35 disturbance. Engineer LaMontagne noted that if the lot count is approved  
36 there will be reduction in impervious surfaces and stormwater and that is  
37 one reason that he wants to move ahead with the common driveway plan.

38  
39 Engineer LaMontagne mentioned that Director of Planning Dym asked if  
40 there are other options when bringing in the Town Road that will not disturb

1 the wetland buffer. He said that the only other place to put the Town road is  
 2 through steep slopes but there would be more ground disturbance. He  
 3 mentioned that Mr. DiSiena has a wetland permit to align the channel that  
 4 is basically a drainage from the school that cuts across the front of the  
 5 property. He explained that the wetland consultant stated that it is just a  
 6 stream now and there are no associated wetlands.

7  
 8 Engineer LaMontagne suggested that the Board schedule a site walk and  
 9 also for the Board to declare its intent to be lead agency. He asked how far  
 10 he has to go with stormwater testing and the Conventional Subdivision in  
 11 order for the Board to be comfortable.

12  
 13 Ms. Gerbino said that she understands that the applicant wants to have  
 14 three new residents. She noted that there are two parcels one is a 2.11  
 15 acre parcel and a 9.58 acre parcel that has a structure on it. Ms. Gerbino  
 16 asked if one structure will be removed.

17  
 18 Engineer LaMontagne said that he might not remove the structure as he  
 19 wants to utilize the existing house.

20  
 21 Director of Planning Dym said that the applicant is asking for feedback from  
 22 the Board so they can make adjustments to the plan knowing that this is  
 23 not the plan they will build but this plan has to meet all the criteria for a four  
 24 lot count.

25  
 26 Planning Board Town Attorney Eriole explained that the applicant needs to  
 27 know how much design and engineering will have to be done before the  
 28 Board and the consultants are comfortable with the lot count.

29  
 30 Consultant Town Engineer Barbagallo said that he does not believe that  
 31 the curb cut to the existing residence is ideal but if the applicant decides to  
 32 leave the house as an existing residence and just change the lot lines it is a  
 33 pre-existing condition. He suggested using the back lot to access off the  
 34 main road. Consultant Town Engineer Barbagallo said that the standard is  
 35 that the plan has to go far enough to demonstrate that this is an approvable  
 36 plan. He said that as the plan relates to stormwater he asked for testing  
 37 and if a wetland permit can be approved for crossing the Town road.  
 38 Consultant Town Engineer Barbagallo suggested that the engineer meet  
 39 with the approving agencies Department of Environmental Protection

1 (DEP) and the Department of Environmental Conservation (DEC) to see if  
2 the plan is an approvable approach.

3  
4 Director of Planning Dym said that the engineer has to make sure that the  
5 Town road is approvable because the four lots cannot be built without that  
6 approval. She stressed that frontage is the issue as frontage is necessary  
7 in order to create the lots.

8  
9 Ms. Gerbino mentioned that the combined parcels are listed as 11.7 acres  
10 and she reviewed the tax maps and the acreage comes out as 11.69

11  
12 Consultant Town Engineer Barbagallo said that the acreage should be  
13 what is listed on the deed.

14  
15 Planning Board Town Attorney Eriole advised that it is not unusual that tax  
16 maps can be slightly off.

17  
18 Consultant Town Engineer Barbagallo mentioned his concerns: that it can  
19 be demonstrated that the stormwater can work, is there enough area for  
20 testing and if the bridge is rated for a Town road.

21  
22 On motion by Chair Currie, seconded by Mr. McNamara, and unanimously  
23 carried, the Board moved to declare its intent to be Lead Agency on the  
24 DiSiena Subdivision and circulate the Notice of Intent and EAF to involved  
25 and interested agencies.

26  
27 Chairman Currie scheduled a site walk for the DiSiena Subdivision for  
28 Saturday, January 23, 2016 for 9:00 A.M.

29  
30 **SOMERS COMMONS SHOPPING CENTER [TM: 4.20-1-11.9]**

31  
32 Chairman Currie noted that the application is for Amended Site Plan to  
33 construct two (2) additional freestanding signs at the access drive on Route  
34 6 located west of the main entrance and the access drive on Route 118.

35  
36 Chair Currie acknowledged receipt of a memo from Town Consultant  
37 Engineer Barbagallo dated January 6, 2016 and Director of Planning Dym  
38 dated January 8, 2016.

39

1 Chair Currie asked the applicant’s representative to update the Board and  
2 the public on the application.

3  
4 Jody Cross, applicant’s attorney, mentioned that she appeared before the  
5 Board in October to discuss the two proposed signs at the entrances to the  
6 Shopping Center. She noted that the project is in the Community Shopping  
7 (CS) Zoning District which allows signs at every access drive. Attorney  
8 Cross said that presently there is only one sign at the main entrance on  
9 Route 6. She said that the original site plan approval in 1999 allowed two  
10 signs. Attorney Cross noted that the applicant is proposing two small signs  
11 that are consistent with the present signage. She mentioned that there is  
12 concern about sight distance which will be addressed. Attorney Cross said  
13 that she agrees with the concept that sight lines have to be safe.

14  
15 Director of Planning Dym explained that originally she thought this  
16 application was an unlisted action but in the Town SEQRA law under  
17 Section 92-6B. (8) which states that “Construction or placement of minor  
18 structures, accessory or appurtenant to existing facilities, including  
19 garages, carports, patios, home swimming pools, fences, barns or other  
20 buildings not changing land use or population density” are classified as  
21 Type II action. She said that signs are a Type II action and are not subject  
22 to SEQRA. She noted that there does not have to be a Lead Agency  
23 determination.

24  
25 Director of Planning Dym asked if the applicant’s attorney had a chance to  
26 talk about Site Plan versus Overall Plan. She stated that the applicant  
27 submitted an Overall Plan but the Town Ordinance requires an amendment  
28 to a Site Plan.

29  
30 Attorney Cross explained that she was not able to reach Town Attorney  
31 Baroni to discuss Site Plan versus Overall Plan.

32  
33 Planning Board Town Attorney Eriole said that the Board has discretion to  
34 waive the requirement for an Amended Site Plan.

35  
36 Attorney Cross said that because the applicant is making minor changes  
37 she does not believe a full blown Site Plan is necessary.

38

1 Mr. Goldenberg said that if there is a change on the property there has to  
2 be a change on the Site Plan. He said there has to be a change in the Site  
3 Plan because there is a change in the area.

4  
5 Richard Williams, the applicant's engineer, said when there is a Site Plan it  
6 is typically a 10 piece sheet set with a Layout Plan, Grading Plan and  
7 Erosion and Sediment Plan with detail sheets necessary for that project.  
8 He mentioned that there is a Site Plan set and to think that you have to  
9 modify the original set is not typically done in the planning process. He  
10 said that he can put a note on the plan stating that this amended Site Plan  
11 details the addition of two signs to the original Site Plan. He said that the  
12 only change from the original survey is the Chase Bank that is off site.

13  
14 Director of Planning Dym stated that one drawing in the sheet set is the  
15 Site Plan.

16  
17 Consultant Town Engineer Barbagallo opined that this application is an  
18 Amended Site Plan. He said that the Board has to decide between a full  
19 plan with modifications or a clear reference that this is an amended Site  
20 Plan referencing back to the approved set and providing a copy of the  
21 application document and the blowout of the information that is consistent  
22 with the requirement of a full Site Plan.

23  
24 Ms. Corning asked what the size of the signs are.

25  
26 Engineer Williams said the signs are 13X13 footprint with the actual sign  
27 area 8X7. He said that he agrees with providing details that the Planning  
28 Board decides is necessary for an Amended Site Plan.

29  
30 Mr. McNamara said that the amendment to the Site Plan does not include  
31 any additional structures or infrastructure that were not on the original Site  
32 Plan. He noted that the signs are an insignificant change.

33  
34 Planning Board Town Attorney Eriole advised that this project is an  
35 Amended Site Plan but Section 147 of the Town Code states elements of a  
36 detailed Site Plan are within the Board's discretion in consideration of the  
37 development proposed.

38



1 Consultant Town Engineer Barbagallo said that the cell tower at Somers  
2 Commons should also be referenced.

3  
4 Engineer Williams noted that there will be a sign at the intersection of  
5 Route 6 and Clayton Boulevard and it will not impede safety or sight  
6 distance and the other sign is on the right side of the intersection near the  
7 New York Sports Club and will not impede sight distance from an exiting  
8 vehicle. He said that there will be landscape modifications.

9  
10 There being no further business, on motion by Chairman Currie, seconded  
11 by Ms. Gannon, and unanimously carried, the meeting adjourned at 8:45  
12 P.M. The Chair announced that the next Planning Board meeting will be  
13 held on Wednesday, February 10, 2016 at 7:30 P.M. at the Somers Town  
14 House.

15  
16  
17  
18  
19 Respectfully submitted,

20  
21 Marilyn Murphy  
22 Planning Board Secretary  
23  
24