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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  
NOVEMBER 30, 2016**

4

5

6

**ROLL:**

8

**PLANNING BOARD**

**MEMBERS PRESENT:**

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

11

12

13

**ABSENT:**

Mrs. DeLucia and Ms. Corning

15

**ALSO PRESENT:**

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

17

18

19

20

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

24

**APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING  
BOARD MEETING HELD ON OCTOBER 4, 2016**

27

Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
prepared and submitted for the Board's approval the draft minutes and  
DVD of the Planning Board meeting held on October 4, 2016.

31

The Chair asked if there were any comments or corrections from the Board

32

1 on the draft minutes and DVD and no one replied.

2

3 On motion by Chair Currie, seconded by Mr. McNamara, and unanimously  
4 carried, the draft minutes and DVD of the October 4, 2016 Planning Board  
5 meeting were approved.

6

7 Chairman Currie stated that the text of the approved minutes is available  
8 on the Town's website [www.somersny.com](http://www.somersny.com) and is also available for public  
9 review at the Planning & Engineering office at the Town House. The  
10 approved DVD is available for public viewing at the Somers Public Library.

11

12 **TIME EXTENSION**

13

14 **MERRITT PARK ESTATES AMENDED FINAL SUBDIVISION**  
15 **[TM: 5.20-1-1]**

16

17 Chairman Currie said that this is a request for a 90-day time extension for  
18 Amended Final Subdivision Plat Approval from December 5, 2016 up to  
19 and including March 6, 2017 under Town Law Section 276 (7) (c). He  
20 mentioned that this is the fifth request for a time extension.

21

22 Chair Currie acknowledged receipt of a memo dated November 15,  
23 2016 from Director of Planning Dym and a letter dated October 28, 2016  
24 from the applicant's Attorney, Geraldine Tortorella.

25

26 Chair Currie asked if the Board had any questions or comments on the time  
27 extension.

28

29 Mr. Goldenberg said that the attorney's letter mentions three instances  
30 where the legal instruments have to be recorded at the time the Plat is filed.  
31 He noted that Heritage Hills Condo 29, Heritage Hills Society and the Lake  
32 Lincolndale Property Owners Association have to be re-executed.  
33 He asked how those conversations are going.

34

35 Richard Mancini, applicant, indicated that he spoke to Attorney Tortorella  
36 today and she said that it is just a matter of getting the dates changed as  
37 the map cannot be filed with the old dates.

38

39 Mr. Goldenberg asked if the plat will be signed within the 90 days or is  
40 another time extension needed from the Planning Board.

1 Mr. Mancini said that he is pretty much done as everything is stabilized and  
2 hopefully he will not need another time extension.

3  
4 Mr. Goldenberg said that he thinks that the documents have expired and  
5 have to be redone and he is wondering if there have been any negotiations  
6 with the Heritage Hills Society and Condo 29.

7  
8 Mr. Mancini noted that the documents have not expired but Attorney  
9 Tortorella is concerned that they would not be accepted because of the old  
10 dates.

11  
12 Consultant Town Engineer Barbagallo acknowledged that the site is  
13 stabilized and there are no negative reports coming out of the Engineering  
14 Department. He stated that he has no objection to the Board proceeding  
15 with the time extension.

16  
17 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
18 carried, the Board moved to grant a 90-day time extension for Amended  
19 Final Subdivision Plat Approval from December 5, 2016 up to and  
20 including March 6, 2017 under Town Law Section 276 (7) (c).

21  
22 **SOMERS PUBLIC SAFETY CENTER**

23  
24 Chairman Currie said that this is the application for Preliminary Subdivision  
25 Approval to create a separate 12-acre parcel of land for the construction of  
26 a new Somers Pubic Safety Center to act as headquarters for the NYS  
27 Police, Somers Fire District and Somers Emergency Services. He  
28 mentioned that a helicopter landing pad will be installed for emergency use.  
29 Chair Currie said that the property is located at 295 Route 100 and is in the  
30 R-80 Zoning District.

31  
32 Chair Currie asked the applicant's representative to explain the project for  
33 the benefit of the Board and the public.

34  
35 Peter Helmes, the applicant's architect, said that the entire property is 164  
36 acres but only 12 acres is proposed for the public safety center. He noted  
37 that the property is adjacent to Route 100 and contains the existing State  
38 Police barracks with paved parking behind the building and to the north of  
39 the building. Architect Helmes mentioned that there are two existing curb

1 cuts that serve the property that will be improved if the subdivision is  
2 approved and the applicant moves forward with Site Plan Approval.

3

4 Architect Helmes wants to thank the Town Board for waiving some of the  
5 fees. He explained that the wetland flagging and soils were done in 1999  
6 for the previous YMCA project by Mary Jaehnig, soil scientist. He  
7 mentioned that he originally used the old topo map but Donald Coleman,  
8 land surveyor, advised that the only change on the topo is on Route 100  
9 as the stone walls are no longer there. Architect Helmes said that he just  
10 submitted a supplemental package to update the Board with the current  
11 wetland flagging and an updated topo map. He mentioned that Friday the  
12 representatives from NYS Department of Environmental Conservation  
13 (DEC) and the NYC Department of Environmental Protection (DEP) will  
14 walk the property to inspect and finalize the wetland flagging.

15

16 Architect Helmes acknowledged letters from NYSDEC and NYCDEP that  
17 resulted in the Friday meeting at the site and a memo from the Open Space  
18 Committee. He said that in regard to maintaining the open space he felt  
19 that the proper location for the Public Safety Center was in the vicinity of  
20 the State Police Barracks because of the access off of Route 100.

21 Architect Helmes said originally he did an analysis based on the original  
22 topo of the steep slopes, 100 year flood plain and the wetlands. He  
23 mentioned that this lead to the design of the Public Safety Center that will  
24 be sensitive to all the environmental issues. Architect Helmes stressed that  
25 he is before the Board strictly for the 12-acre parcel to be subdivided so it  
26 can be conveyed to the Somers Fire District.

27

28 Architect Helmes said that the notice for Lead Agency was sent out and he  
29 is hoping that the Board can declare Lead Agency status. He requested  
30 that a date for a Public Hearing be set.

31

32 Chair Currie asked if Board members can walk the site with DEC and DEP.

33

34 Architect Helmes said he will let the Planning Board Secretary know the  
35 day and time the site walk will take place.

36

37 Architect Helmes said in Somers the Subdivision Plat has to be in drawings  
38 no greater that 24 X 36 and a scale 1 inch equals 100 feet. He said that  
39 what you end up with is 2 sheets. He said that if it is reduced to a 200  
40 scale that can accommodate everything and increase the lettering size.

1 Mr. Goldenberg asked why the Town Board is not Lead Agency instead of  
2 the Planning Board. He mentioned that the Master Plan does not mention  
3 that IBM will be sold.

4  
5 Architect Helmes stressed that he met with the Town Supervisor, Director  
6 of Planning and the Engineering Technician. He explained that years ago  
7 the NYS Police was looking to move to a new facility and his office did a  
8 proposal for them to move to Goldens Bridge. He said that the Town Board  
9 wants to keep the State Police in Somers in the same general location. He  
10 mentioned that the Town Board may have to change the zoning district.

11  
12 Ms. Gerbino interjected that the State Police Barracks has been there for  
13 50 years and is acknowledged in the Master Plan.

14  
15 Director of Planning Dym stated that the Comprehensive Plan is a general  
16 plan. She said that it specifically says there is a plan in the future to  
17 relocate what is the existing plan or find some way to expand it. She  
18 mentioned that there is a reference to the Somers Crossing project.  
19 Director of Planning Dym said that the Comprehensive Plan does not  
20 specifically have to identify all items as long as it identifies potential for  
21 different types of growth. She said that this corridor was identified as one  
22 that there was concerns related to visual concerns.

23  
24 Mr. McNamara said that Comprehensive Plans are meant to be generic not  
25 specific.

26  
27 Ms. Gerbino said that the Comprehensive Plan enables the zone to be  
28 changed to match what is in the Comprehensive Plan.

29  
30 Architect Helmes said that he felt that the Planning Board is the most  
31 qualified Board to act on subdivisions.

32  
33 Consultant Town Engineer Barbagallo asked if the applicant is intending on  
34 taking the risk with the zoning.

35  
36 Architect Helmes said that the applicant is willing to take the risk on zoning.  
37 He noted that the only action now is to subdivide the parcel to convey it to  
38 the Somers Fire Department so they will have control and proceed at their  
39 own pace. He mentioned that IBM has given authorization to proceed with  
40 just the subdivision at this time.

1 Consultant Town Engineer Barbagallo said that the applicant has to show  
2 zoning compliance as part of the subdivision.

3  
4 Director of Planning Dym said that the applicant has to subdivide the lot  
5 and that is separate from anything else. She explained that the Fire District  
6 has possession of an R-80 lot but will not proceed to Site Plan until there is  
7 a referendum with the Town to make sure that the residents are willing to  
8 bond the facility. She said that if there is a positive outcome they will  
9 proceed with a petition for a text change or zoning change to allow the  
10 project to move forward.

11  
12 Planning Board Town Attorney Eriole said that there are two issues with  
13 doing this in stages. He said that in order to subdivide the property in a  
14 stand-alone action is that it has to be demonstrated that under its current  
15 zoning all lots are compliant lots when subdivided. He said that another  
16 issue is segmentation. He said that the record has to show that the Board  
17 is not unlawfully segmenting the environmental review. Planning Board  
18 Town Attorney Eriole said that often it is said that segmentation is unlawful  
19 under SEQRA and that is not true. He said that you cannot segment an  
20 action if the segmentation leads to a lesser environmental review for either  
21 part of the action than it would if you consider them together. He said that  
22 this has to be represented in the Resolution that the Board has considered  
23 all these issues.

24  
25 Ms. Gerbino said that she does not understand why this does not stand  
26 alone on the facts as they are. She said that the Fire District is buying a 12  
27 acre lot that has to be subdivided. Ms. Gerbino said that the Fire District is  
28 buying a building that the State of New York has rented from IBM.

29  
30 Consultant Town Engineer Barbagallo said that this subdivision is similar to  
31 the house that was built at Stuart Farm where the applicant had to show  
32 that a house could be built on the rest of the farm.

33  
34 Planning Board Town Attorney Eriole said that Consultant Town Engineer  
35 Barbagallo is right as the applicant can probably prove that.

36  
37 On motion by Chair Currie, seconded by Mr. McNamara, and unanimously  
38 carried, the Board moved to accept status as Lead Agency for the Somers  
39 Public Safety Center.

40

1 On motion by Chair Currie, seconded by Mr. McNamara, and unanimously  
 2 carried, the Board moved to set Wednesday, December 14, 2016 for a  
 3 Public Hearing on Somers Public Safety Center at the Somers Town House  
 4 at 7:30 P.M.

5

6 **STEPHENS SUBDIVISION [TM: 28.07-1-1]**

7

8 Chairman Currie noted that this is an application for Preliminary  
 9 Subdivision Approval, Special Exception Use Permit for activities within a  
 10 Groundwater Protection Overlay District for the construction of a 2-lot  
 11 subdivision into one existing residential lot. He mentioned that each lot will  
 12 be served by a single common driveway. Chair Currie said that the  
 13 property is located at the corner of Route 100 and Route 138 and is in the  
 14 R-80 Zoning District.

15

16 Chair Currie asked the applicant’s representative to explain the project for  
 17 the benefit of the Board and the public.

18

19 Nick Hawvermale, the applicant’s engineer, said that the lot is 15.2 acres  
 20 and is located on the corner of Route 100 and Route 138. He explained  
 21 that there is a farm house, two barns and two small sheds. Engineer  
 22 Hawvermale said that the plan shows a simple two lot subdivision. He  
 23 mentioned that the existing entrance will stay the same with a common  
 24 driveway. He noted that this application was previously before the Board  
 25 from 2005 to 2008 under the application of Charles Stephens who applied  
 26 for a three lot subdivision. Engineer Hawvermale said that Mrs. Stephens  
 27 would like to continue the project with a 2 lot subdivision. He mentioned  
 28 that he would like to discuss the layout of the subdivision and have the  
 29 Planning Board declare its intent to be Lead Agency on the project and to  
 30 schedule a site walk if necessary.

31

32 On motion by Chair Currie, seconded by Ms. Gerbino and unanimously  
 33 carried, the Board moved to declare its intent to be Lead Agency under  
 34 SEQRA for an unlisted action and direct the Planning Director to circulate  
 35 the notice and EAF to all involved and interested agencies.

36

37 Engineer Hawvermale said he is proposing to capture the stormwater along  
 38 the driveway to the proposed house. He noted that Mrs. Stephens wants to  
 39 keep the second shed on the property line and make the existing lot a little  
 40 larger.

1 Ms. Gerbino said that there was concern about runoff from IBM.

2

3 Rick Lamontagne, the applicant's engineer, said that some of the  
4 comments can be talked about on the site walk. He said that the reason for  
5 the 900' driveway is because nobody wants a house in the middle of the  
6 open field blocking the barn in the back. Engineer Lamontagne noted that  
7 there is a wetland that was created because of the swale along the  
8 property line coming down from IBM. He said that there were a few breaks  
9 and he doesn't know if IBM repaired it or if it is working properly. He  
10 explained that if it is working properly it sends the water down a little further  
11 and disappears into the ground and comes out on the lower end and  
12 crosses Route 100.

13

14 Engineer Lamontagne said that he feels that the wetland does not have to  
15 be reflagged because the wetland is less now but we can talk about it on  
16 the site walk. He mentioned that there was talk about converting the two-  
17 story barn into a residence but after investigating it does not seem that  
18 would be the logical way as it is a barn and should stay a barn.

19

20 Ms. Gerbino asked if that is the famous barn.

21

22 Engineer Lamontagne said that the famous barn is the one on Lot 1.

23

24 Consultant Town Engineer Barbagallo said that given the sensitivity of the  
25 front area field which was accommodated by the house being put in the  
26 back would there be any willingness to deed that into a conservation area.

27

28 Engineer Lamontagne said that he will talk to the applicant about the  
29 conservation area.

30

31 Chair Currie said that members can reach out to Bibbo's office when they  
32 can go on the site walk.

33

34 Engineer Lamontagne said that will work and just let his office know what  
35 works for the Board.

36

37 There being no further business, on motion by Chair Currie, seconded by  
38 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 8:40  
39 P.M. The Chair announced that the next Planning Board meeting will be



1 held on Wednesday, December 14, 2016 at 7:30 P.M. at the Somers Town  
2 House.

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Respectfully submitted,

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10

Marilyn Murphy  
Planning Board Secretary

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