

Telephone 1  
(914) 277-5366<sub>2</sub>

FAX  
(914) 277-4093

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  
JUNE 22, 2016**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

11

12

13

14 **ABSENT:**

Mrs. DeLucia

15

16 **ALSO PRESENT:**

Director of Planning Syrette Dym  
Assistant Consultant Town Engineer Wasp  
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 **DISCUSSION**

26

27 **REFERRAL FROM TOWN BOARD**

28

29 Chairman Currie said that this is a referral from the Town Board to  
30 comment on the Bureau of Fire Prevention suggestion that any road  
31 servicing thee or more houses be assigned a road name by the Town for  
32 easily identifiable vehicle access.

1 Chair Curie asked the attending member of the Bureau of Fire Prevention  
2 to explain the referral to the Board.

3  
4 Robert Russell, Deputy Chief of the Fire Prevention Bureau, said that he is  
5 present to answer any questions the Board may have. He said that there  
6 has been difficulty identifying certain houses. Deputy Chief Russell noted  
7 that the Town Code states that all houses have numbers on them but many  
8 do not comply. He explained that it is difficult when a driveway services  
9 three homes as more often than not the homes are not visible from the  
10 roadway. He said this creates a problem when you are responding to a call  
11 at night and you cannot see the driveways. Deputy Chief Russell said that  
12 there must be a way to make this easier for the Fire Prevention Bureau and  
13 the neighbors. He stressed that if there is a fire or a medical emergency  
14 you do not want it to be difficult for the Fire Department to find you. Deputy  
15 Chief Russell said that rather than coming up with legislation or a Code  
16 change that says that these will not be private roadways and may affect  
17 easements he suggested a street sign with a common place name, such as  
18 Lincoln Commons, Angus Commons.

19  
20 Mr. McNamara said that you could use the name of the original subdivision.

21  
22 Ms. Gerbino said when there are homes off a common driveway the  
23 Planning Board has to have an agreement where the homeowners  
24 maintain the road sign. She said that the Code states that you have to put  
25 up house numbers and that relates to Health, Safety and Welfare. She  
26 mentioned that there are fines to the homeowner if they do not put up the  
27 numbers on their home.

28  
29 Ms. Gerbino asked who enforces the house numbers being put up on  
30 homes.

31  
32 Deputy Chief Russell said that the Code Enforcement Officer will enforce  
33 the Code.

34  
35 Mr. Goldenberg asked if the maps will be changed to recognize the new  
36 street signs.

37  
38 Deputy Chief Russell noted that the map roll happens quarterly at the  
39 County.

40

1 Ms. Gerbino said that her suggestion that the numbering system be  
2 enforced be part of the recommendation to the Town Board.

3  
4 Ms. Gannon noted that you start with community outreach and explain why  
5 the numbering of homes has to be done.

6  
7 Chair Currie said that the Planning Board agrees with the Fire Prevention  
8 Bureau and Ms. Gerbino's suggestion for more aggressive enforcement of  
9 the numbering system and will make a recommendation stating that to the  
10 Town Board.

11

12 **PROJECT REVIEW**

13

14 **CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**

15

16 Chairman Currie said that this is the application for Site Plan Approval for  
17 property located on Route 6. He noted that the proposal is for a mixed use  
18 development consisting of a two-story 24,000 s.f. building with 12,000 s.f.  
19 of retail and 12,000 s.f. of professional office and 64 residential units. He  
20 mentioned that the Board will consider the reaffirming of the previous  
21 issued Negative Declaration for The Green at Somers.

22

23 The Chair asked the applicant's representative to update the Board and the  
24 public on the project.

25

26 Richard Williams, the applicant's engineer, said that he has not submitted  
27 new materials because at the last meeting the Town's consultants were still  
28 working on the Negative Declaration (Neg Dec). He explained that the Neg  
29 Dec is finished and he reviewed it and is present to discuss it with the  
30 Planning Board. Engineer Williams asked the Board to schedule a Public  
31 Hearing for the July meeting. He mentioned that he would like to discuss  
32 the Zoning Text Amendment that the Town Board forwarded to the  
33 Planning Board for comments.

34

35 Consultant Town Planner Sarah Brown of Frederick P. Clark noted that the  
36 applicant, his attorney and his engineer have reviewed the Neg Dec. She  
37 said that they have comments and additions they want to make to the Neg  
38 Dec. She noted that the Town Attorney and Woodard & Curran reviewed  
39 their comments and suggested changes.

40

1 Ms. Brown mentioned that the word **Amended** Negative Declaration was  
2 added to the title. She said that at the bottom of Page 1 a paragraph was  
3 added, *As identified in the FEAF, the Proposed Action requires Site Plan,*  
4 *Stormwater Management and Erosion and Sediment Control and Wetland*  
5 *and Watercourse approvals by the Planning Board. The Proposed Action*  
6 *also requires approvals from the NYCDEP and NYSDEC. As further*  
7 *identified in the FEAF, Proposed Action also requires a text change to the*  
8 *Neighborhood Shopping (NS) Zoning District by the Town Board. The*  
9 *Town Board referred the Petition of the Applicant Kenneth Kearney Realty*  
10 *and Development Group Inc. to the Planning Board by resolution adopted*  
11 *March 3, 2016. The Planning Board has retained its Lead Agency status*  
12 *established in connection with its review of a similar but more intensive*  
13 *project proposed on the Site which such project was known as “The Green*  
14 *at Somers.”*

15  
16 Ms. Gannon said that the previous Negative Declaration should be  
17 changed to the **prior** Negative Declaration on Page 2. The Board agreed  
18 to the change.

19  
20 Planning Board Town Attorney Eriole said that the original sentence on  
21 Page 2, second paragraph should not be changed and should read, *The*  
22 *previous project initially studied was more intense in use than the current*  
23 *proposed Action.* The Board agreed to the change.

24  
25 Ms. Brown said that the applicant wanted to clarify this paragraph on Page  
26 2 by adding *All of the age-restricted and 6 of the non-age restricted units*  
27 *are proposed to qualify as “affordable”. Of the six remaining units, 4 will be*  
28 *affordable at 90% of Westchester County Average Median Income and the*  
29 *remaining 2 units will be market rate units.*

30  
31 Ms. Brown said that the applicant added wording to paragraphs 3 on Page  
32 3, *The Code requires 220 parking spaces pursuant to Somers Town Code*  
33 *Section 170-33. The Applicant is proposing the joint use of 23 parking*  
34 *spaces of the 197 shared spaces as allowed by Section 170-12.D. (5) (b)*  
35 *of the Somers Town Code. The Board agreed to the changes.*

36  
37 Engineer Williams explained that when you get into Senior Affordable  
38 Housing parking requirements tend to be around .8 to 1 space per unit. He  
39 mentioned that there is ample parking at Mews 1 and Mews 2. He noted  
40 for safety reasons the 1.2 spaces per unit was added. Engineer Williams

1 said that the 197 parking spaces is more than what actually is needed. He  
2 mentioned that there will be retail and professional offices on this site and  
3 with 197 spaces he is confident that is enough to supply the site. Engineer  
4 Williams stated that the Code does not address senior affordable housing  
5 in regard to parking spaces.

6  
7 Chair Currie asked Engineer Williams to explain the meaning of joint use.

8  
9 Engineer Williams explained that when there are two uses on a property  
10 where the demand for parking does not occur at the same time that is joint  
11 use.

12  
13 Engineer Williams mentioned the fourth paragraph on Page 3 and  
14 suggested the wording *Proposed Action* be used instead of proposed  
15 development, as well as the future needs of other properties along the  
16 north side of U.S. Route 6 from the site to Mahopac Avenue on the west,  
17 *identified in the Petition to extend the Somers Sewer No. 1 to be submitted*  
18 *to the Town Board.* A separate gravity sewer collection system is proposed  
19 to be constructed along the shoulder of U.S. Route 6 to allow for  
20 connection of *certain properties to the east of the site.* He said the last  
21 sentence in that paragraph should read, *Such certain properties will be*  
22 *identified in the Petition to the Town Board.* The Board agreed to the  
23 change.

24  
25 Kenneth Kearney, applicant, said that the properties to the east the  
26 restaurant, Grand Central Deli and the Naclerio property want to connect to  
27 the gravity sewer collection system. He noted that the next two properties  
28 owned by Kevin Dwyer also want to connect. Mr. Kearney said that the  
29 Shell Station is not sure if they want to connect to the sewer line. He said  
30 that there is a by-in fee. He said that the plan is to run a connection point  
31 from the Baldwin farm stand to the corner of Mahopac Avenue. Mr.  
32 Kearney said that the disconnect could be if the gas station doesn't want to  
33 connect.

34  
35 Ms. Brown added language to the Paragraph on Page 4, Reasons  
36 Supporting this Determination should read *Based upon a review of Parts 1,*  
37 *2 and 3 of the Full Environmental Assessment Form (EAF), the information*  
38 *reviewed and analyzed by the Board in connection with The Green at*  
39 *Somers as hereinabove referred to, the Comparative Analysis, and all*  
40 *other application materials that were submitted in support of the Proposed*

1 *Action, the Planning Board makes the following findings and, in so doing,*  
2 *modifies the Negative Declaration adopted by this Board in connection with*  
3 *its review of the Green at Somers and, as modified, reaffirms said prior*  
4 *Negative Declaration.*

5  
6 Ms. Brown said that she clarified the last paragraph on Page 4 by adding  
7 the sentence *While each of the aforementioned areas contain slopes*  
8 *greater than 15%, they are not regulated steep slopes as defined in*  
9 *Chapter 148 of the Code of the Town of Somers.*

10  
11 Ms. Brown added language to the paragraph on Page 5, Construction on  
12 land where the depth to water table is less than 3 feet, *The potential for the*  
13 *existence of environmental contamination in a limited area of the Site was*  
14 *identified during the review of The Green at Somers. As a consequence of*  
15 *recent testing the Applicant has identified and reported to NYSDEC the*  
16 *existence of what appears to be localized contamination within the south*  
17 *eastern corner of the Site and a remediation contractor engaged by the*  
18 *property owner will coordinate with the NYSDEC so as to agree upon a*  
19 *remediation plan in accordance with NYSDEC's requirements.*

20  
21 Ms. Brown said the change on the paragraph Impact on Water on Page 7 is  
22 being made because only one pipe is being modified. *The applicant is*  
23 *proposing to modify one existing drainage pipe that is located in the 100-*  
24 *foot buffer of the State regulated wetland (identified as NYSDEC Wetland*  
25 *"ML-12") and presently conveys untreated runoff from the existing*  
26 *development and runoff from the Somers Realty Planned Hamlet. The pipe*  
27 *currently discharges within the State regulated wetland boundary and runs*  
28 *through the center of the Site. The pipe that is located through the center*  
29 *of the parcel is proposed to be replaced and enlarged to allow for increased*  
30 *drainage flow capacity. It was determined as part of the Somers Realty*  
31 *Planned Hamlet application that the existing pipe does not meet minimum*  
32 *sizing standards established by NYSDOT. The improvement to this pipe*  
33 *will not only bring the size into conformance with NYSDOT standards but*  
34 *will also result in treatment of runoff from the site and Route 6 which is*  
35 *currently untreated.*

36  
37 Ms. Brown said that on the bottom of Page 10 the name of the Reservoir  
38 has been corrected to Amawalk Reservoir.

39

1 Engineer Williams changed the wording on Page 10 under Proposed Action  
2 would use water in excess of 20,000 gallons per day to omit project  
3 consumption to *projected design flow*.

4  
5 Ms. Brown changed the wording on Page 11, Proposed Action *may* require  
6 the storage of petroleum or chemical products greater than 1,000 gallons.  
7 The Proposed Action may require the use of Bioxide for odor control as  
8 part of the operation of the proposed Sewage Pump Station but the amount  
9 of Bioxide to be stored on the Site will be less than 1,100 gallons. *If*  
10 *determined to be necessary by the Town Water and Sewer Department in*  
11 *consultation with the Consulting Town Engineer*, Bioxide will be handled  
12 and stored in accordance with “Recommended Standards for Wastewater  
13 Facilities 2004 Edition, published by the Great Lakes-Upper Mississippi  
14 River Board of State and Provincial Public Health and Environmental  
15 Managers , “10 States Standards Wastewater Design Manual“ and with  
16 *New York State Design Standards for Intermediate Sized Wastewater*  
17 *treatment Systems dated March 5, 2014.*

18  
19 Ms. Brown mentioned on Page 13 under the paragraph The Proposed  
20 Action will alter drainage flow or patterns, or surface water run-off that the  
21 requirement of **twice** weekly erosion and sediment control site inspections  
22 by a Qualified Inspector as defined by the NYSDEC SPDES General  
23 Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)  
24 has been changed from once to twice weekly. Ms. Brown noted that the  
25 sixth bullet, Preparation of a land disturbance phasing plan that maintains  
26 no greater than 5 acres of land area to be disturbed at any one time,  
27 ***unless otherwise authorized by the MS4.***

28  
29 Engineer Williams asked that the wording on Page 13, under Impact on  
30 Open Space and Recreation, that the term Applicant be changed to  
31 ***Property Owner.***

32  
33 Ms. Brown explained that **The Green at Somers** on Page 14 under the  
34 Proposed Action will affect the existing transportation systems will be used  
35 instead of the Applicant for more accuracy.

36  
37 Ms. Brown said that she updated Part 3 of the EAF by putting the title of the  
38 project in the document.

39

1 Ms. Brown said that Part 2 of the Full Environmental Assessment Form  
2 (FEAS) reflects the previous Neg Dec.

3  
4 Ms. Gerbino read from the minutes on The Green at Somers where Mrs.  
5 DeLucia said *the Neg Dec states that there will be no significant adverse*  
6 *impacts.*

7  
8 On motion by Mr. Goldenberg, seconded by Ms. Gerbino, and unanimously  
9 carried, the Board moved to adopt the Negative Declaration for the  
10 Crossroads at Baldwin Place, as amended, and circulate it to the Involved  
11 and Interested Agencies.

12  
13 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
14 carried, the Board scheduled the Public Hearing for July 13, 2016 for the  
15 Crossroads at Baldwin Place.

16  
17 Engineer Williams said that text amendments are straightforward and he  
18 added Section 170-20.4.C. of the Code of the Town of Somers:

19  
20 C. A mixed commercial and affordable residential development  
21 project may be located on any lot within Neighborhood Shopping (NS)  
22 zoning district provided that the following conditions are met by the lot and  
23 the proposed project:

- 24
- 25 1. The lot shall have a minimum lot size of eight (8) acres;
  - 26 2. The lot shall have frontage of less than 500 lineal feet on a major  
27 road;
  - 28 3. The lot shall be serviced by public water and sewer;
  - 29 4. The minimum ratio of commercial floor area to residential floor  
30 area shall be 0.27;
  - 31 5. With respect to the residential component of the mixed commercial  
32 and affordable development project, the project shall include, at a  
33 minimum, residential units where at least 50% of the total number  
34 of residential units are considered affordable dwelling units as  
35 defined in Section 170-3 of this chapter;
  - 36 6. The maximum building footprint shall be 12,500 square feet;
  - 37 7. Where a previously developed parcel is proposed to be  
38 redeveloped for a mixed commercial and affordable residential  
39 development project meeting the requirements set forth above, the  
40 setback referred to in Section 170-20.3H may be reduced by the



1 applicant to coincide with the previously existing front yard setback  
2 but may not be reduced beyond existing conditions or 5 feet,  
3 whichever is greater;

4 8. Except as modified herein, the dimensional standards applicable  
5 to a mixed commercial and affordable residential development  
6 project shall be governed by the provision of Section 170-2-.3.

7  
8 Ms. Corning said that there is no reference to timing and she wants to see  
9 the buildings developed concurrently.

10  
11 Ms. Brown said that the Board agreed that the mixed commercial and  
12 affordable residential buildings be developed concurrently, as part of a  
13 single project and should be in the Planning Board's recommendation to  
14 the Town Board.

15  
16 Engineer Williams explained that now the Zoning Code states that the  
17 residential use has to be above the commercial use. He opined that this  
18 makes it difficult for this site and renders the commercial building  
19 unmarketable. He mentioned that senior assisted development wants  
20 apartments on the first floor.

21  
22 Ms. Brown said that before the normally applicable provisions of the NS  
23 District could be modified and replaced with the supplementary zoning  
24 provisions, the approval authority would also be required to make a specific  
25 finding that non-residential uses located in the rear portion of the  
26 development site would not be marketable.

27  
28 Applicant Kenneth Kearney said if he had to build the three buildings in the  
29 back of the project with commercial on the ground floor and apartments  
30 above he would not take the risk. He noted that if he built the buildings on  
31 Route 6 the visibility would be better.

32  
33 Linda Whitehead, attorney for the property owner, said that the Board  
34 should support the Local Law to amend the provisions of the Zoning Code,  
35 Chapter 170, relating to the NS District as part of the Crossroads at  
36 Baldwin Place, because it believes that commercial uses are not  
37 marketable in the rear of the property.

38

1 Ms. Brown said she will draft the letter to the Town Board supporting the  
2 amendment because the Planning Board believes that commercial uses  
3 are not marketable in the rear of the property.

4  
5 There being no further business, on motion by Chair Currie, seconded by  
6 Ms. Gerbino, and unanimously carried, the meeting adjourned at 9:10 P.M.  
7 The Chair announced that the next Planning Board meeting will be held on  
8 Wednesday, July 13, 2016 at 7:30 P.M. at the Somers Town House.

9

10

11

12

Respectfully submitted,

13

14

15

Marilyn Murphy  
Planning Board Secretary

16

17

18