

John Currie, *Chairman*
Jan Corning
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara
Bruce Prince

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Town of Somers
WESTCHESTER COUNTY, N.Y.

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SOMERS PLANNING BOARD MINUTES
JUNE 13, 2018

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13 **ROLL:**

14

15 **PLANNING BOARD**
16 **MEMBERS PRESENT:**

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

17

18 **ALSO PRESENT:**

Director of Planning Syrette Dym
Town Attorney Joseph Eriole
Mr. Steven Robbins, P.E, LEED AP
Project Manager/Associate Principal
Woodard & Curran
Intermediate Clerk, Barbara Sherry

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25 **ABSENT:**

Mr. Goldenberg and Consultant Town Engineer
Joseph Barbagallo

26

27

28 The meeting commenced at 7:30pm. Intermediate Clerk Barbara Sherry called the
29 roll and noted that the required quorum of four members was present in order to
30 conduct the business of the Board.

31 Discussion ensued about the length of the minutes for the Board's approval. Mr.
32 McNamara asked why the minutes cannot be topical versus verbatim. With the
33 advent of tapes and DVD's that are on file for review and/or investigation, the
34 minutes do not need to be so inclusive of the discussions. An overview of the
35 discussion can be included in the minutes as to the topic of the discussion.

36 Town Attorney Eriole asked how long the tapes are kept, adding what should be in
37 the minutes is a representation of any discussions and positions held by the Board
38 and applicant.

39 After further discussion Chairman Currie stated, for the record, the consensus of
40 the Board is to have the minutes condensed.

41 Chairman Currie asked if there were any comments or questions from the Board on
42 the draft minutes of March 14, 2018; there were none.

43

44 On motion by Chairman Currie, seconded by Ms. Corning, and unanimously
45 carried, the minutes of March 14, 2018 were approved.

46

47 **MERRITT PARK ESTATES SUBDIVISION: (TM: 5-20-1-1)**

48

49 Chairman Currie stated this is the eleventh request for a 90-day time extension of
50 the Amended Conditional Final Subdivision Plan, Tree Preservation, Steep Slopes
51 and Wetland Permits from June 5, 2018 up to and including September 3, 2018
52 pursuant to Town Law Section 276(7)(c) and Section 150-13.M of the Code of the
53 Town of Somers. The property is located on the easterly side of Lovell Street with
54 access to the subdivision from a new street off Robert Martin Blvd.

55

56 On a motion by Chairman Currie, seconded by Mr. McNamara, and unanimously
57 carried, the Board moved to grant the eleventh 90-day time extension of the
58 Amended Conditional Final Subdivision Plan, Tree Preservation, Steep Slopes and
59 Wetland Permits from June 5, 2018 up to and including September 3, 2018.

60

61 **TAMARACK & VINE SUBDIVISION: (TM 16.07-1-1)**

62

63 Chairman Currie stated this is the first request for a 90 day time extension of the
64 Re-Grant of Conditional Final Conservation Subdivision Approval and Stormwater
65 Management and Erosion and Sediment Control, Tree and Steep Slopes Permits,
66 pursuant to Section 150-12.N of the Code of the Town of Somers, effective June
67 12, 2018 up to and including September 9, 2018.

68

69 On a motion by Chairman Currie, seconded by Ms. Gerbino, and unanimously
70 carried, the Board moved to grant the first request for a 90-day time extension of
71 the Re-Grant of Conditional Final Conservation Subdivision Approval and
72 Stormwater Management and Erosion and Sediment Control, Tree and Steep

73 Slopes Permits, pursuant to Section 150-12.N of the Code of the Town of Somers,
74 effective June 12, 2018 up to and including September 9, 2018.

75

76 **HIDDEN MEADOW: (TM 15.07-1-6)**

77

78 Chairman Currie asked Director of Planning Dym to explain this matter to the
79 Board.

80

81 Director of Planning Dym stated, in addition to the requested time extension, there
82 is a need to make modifications to the conditions of approval as they relate to the
83 Intermunicipal Agreement with Westchester County and the Water Loop.

84

85 Consultant Town Engineer, Steven Robbins of Woodard and Curran Engineering,
86 stated there has been a change in the timing of the funds paid to the Town. He
87 explained the dollar amount will stay the same, the difference is only to change
88 when the monies are due to the Town; from prior to approval of the plat, instead
89 shifting that to prior to approval of the building permit.

90

91 Consultant Town Engineer Robbins explained that this was a publicly bid project
92 for municipal infrastructure and given the bid conditions and process that came in,
93 the Town Board made a recommendation to make this shift as the developer
94 needed to post additional funds to escrow to cover the bid price.

95

96 Mr. Richard Williams, Insite Engineering applicant's Engineer approached the
97 Board with an update on the Crossroads project. The senior affordable housing
98 buildings have Certificates of Occupancy and are beginning to be occupied, the
99 non-age restricted building will hopefully start to be occupied within the next
100 month and the commercial building is partially leased with a lot of interest in the
101 other offices. He added all the sidewalk infrastructure is complete from Mahopac
102 Avenue to the Shopping Center, with the gravity sewer line installed and
103 completed.

104

105 Mr. McNamara asked which item does the Board vote on first; changing of the
106 resolution or the time extension.

107

108 Town Attorney Eriole stated the extension should be done first, then the Board will
109 codify what is extended.

110

111 On a motion by Chairman Currie, seconded by Mr. McNamara, and unanimously
112 carried, the Board approved the request for a second 90-day time extension of the
113 Re-Grant of Conditional Final Subdivision Approval for Hidden Meadow
114 Subdivision from June 12, 2018 up to and including September 9, 2018 pursuant to
115 Section 150-13.M of the Code of the Town of Somers. The property is located on
116 the south side of Route 6 west of Mahopac Avenue.

117

118 Mr. McNamara stated he is in receipt of a memo from the Town Board explaining
119 the rationale of the requested change and that he concurs with.

120

121 Ms. Gerbino and Ms. Gannon agreed with Mr. McNamara.

122

123 Ms. Gannon stated this is extremely beneficial to the Town, and by allowing the
124 developer to change the timing of the monies, it helps him, helps us.

125

126 Engineer Williams stated there are several unique factors to this project:

127 1 – This is done through an Intermunicipal Developer Agreement with
128 Westchester County and that goes hand in hand with the Affordable Housing
129 component.

130 2 – There are all the municipal improvements that are being completed i.e.
131 the water and sewer, which is a district wide benefit.

132

133 On a motion by Mr. McNamara, seconded by Ms. Corning, and unanimously
134 carried, the Board moved to approve Resolution 2018-07 as submitted.

135

136 **THE SOMERS GROUP COMMERCIAL BUILDING (TM:4.20-1-6)**

137 Chairman Currie stated that this is an application for informal appearance for the
138 demolition of the existing building and construction of a two story mixed use
139 commercial/residential building. The 1.656 acres property is located on the north
140 side of Route 6, east of Mahopac Avenue and is in the NS Neighborhood Shopping
141 District.

142

143 Mr. Izzy Albanese approached the Board and introduced his partner Mr. Ralph
144 Herd. Mr. Albanese stated their other partner is Mr. Ugi Succi.

145

146 Mr. Albanese gave a brief history of their property since purchasing the property in
147 in 2001.

148

149 Mr. Albanese stated their concept is that once the sewer line is in they would like
150 to expand their business by increasing the size of the building allowing for
151 commercial use and residential unit(s) on a second floor.

152

153 Mr. Albanese added he had a discussion with Director of Planning Dym regarding
154 the use of office space or residential space and his feeling is that residential is
155 needed more than office space.

156

157 Mr. Albanese introduced Mr. Peter Gregory, Architect and Engineer with Keane
158 Coppleman of Mt. Kisco, NY who has developed this plan. Mr. Albanese stated
159 the proposed building will be two stories; 6,000 square feet on the first floor and
160 6,500 square feet on the second floor. Mr. Albanese likened his proposal to that of
161 the Crossroads project with a mixture of commercial and residential, adding that he
162 hopes the property owners going north on Route 6 up to PJ's take advantage of this
163 opportunity to expand and beautify the area.

164

165 Mr. Peter Gregory approached the Board and showed the Board the existing layout
166 of the parcel as it exists right now. He explained that it is on the north side of Route
167 6 east of Mahopac Avenue. The property is 1.65 acres located in the NS,
168 Neighborhood Shopping District. The current building has a 2,500 square foot
169 footprint, a brick patio with an asphalt parking area/driveway along the eastern side
170 of the building. The topography descends from Route 6 in a northerly direction
171 and there is a gravel driveway and parking area that accesses the rear of the
172 building. There is a State regulated wetlands that also coincides with Town
173 regulated wetlands. The area to the north and west of the property is undeveloped
174 and it is in a wooded condition. The wetlands were flagged and validated by the
175 State in September and October 2017.

176

177 Mr. Gregory said they would like to demolish the existing building and develop a
178 new mixed use 13,000 square foot building with commercial use on the first floor
179 and 6 residential units on the second floor. Taking advantage of the descending
180 elevation of the topography, they will utilize a 24 foot wide access driveway that
181 would allow them to access indoor parking in the lower level of the building for
182 the residential units. Parking for the commercial use will be partially in the rear of
183 the building with 24 parking spaces on the west side of the building.

184

185 The existing septic, currently in the rear of the building, will be abandoned for the
186 future connection to the sewer line. They will also study further, but are looking to
187 designate an area to the west for Stormwater mitigation to capture and treat any
188 runoff being generated by their impervious surface.

189 Mr. Gregory added that the improvements to the sidewalks along Route 6 have
190 been stalled and this plan does not reflect that, but as part of the ongoing work, the
191 survey will be updated to reflect improvements and try to coordinate and work
192 with the access coming into the property. In this configuration there is not any
193 provision for parking along the front. The idea is to keep the building as close to
194 the front as possible and create some landscaping there, but that will be further
195 studied.

196 Mr. Gregory stated the size (footprint) of the building will comply with the Zoning
197 Code, setbacks, coverages and parking requirements considering the commercial
198 and residential use.

199 Chairman Currie asked about the size of the six apartments.

200 Mr. Gregory stated that has not been determined at this time. Albanese added they
201 will probably be one or two bedrooms.

202 Ms. Gerbino asked about the 6 apartments, with parking underneath; how will you
203 access the commercial business and where do you envision the front.

204 Mr. Albanese replied there will be a walkway from the back to the entrance.

205 A short discussion ensued regarding access to the commercial business and the 43
206 parking spaces.

207 Ms. Corning asked for a description of some of the lines on the drawings.

208 Mr. Albanese responded that they represent slopes on the property and a fill pad.
209 He told the Board that as the process continues topography will be included to
210 better define that area.

211 Director of Planning Dym stated a typical strategy in this type of development is
212 for each parcel to consider the opportunity for some type of cross access easements
213 that would allow an inter access between the adjacent properties so that patrons do
214 not have to keep going in and out of Route 6 to access other businesses. This is a
215 strategy that has been utilized in many locations, though I am not saying that it
216 works on all properties, but we would want to look to see if there is an opportunity
217 here.

218 Ms. Corning added, while we are looking at this opportunity we should not
219 penalize the first applicant by saying you have to wait until there are more

220 applications and we can figure it all out. Yes, it is important to look at the
221 opportunity and factor them in but at the same time not stymie this application.

222 Director of Planning Dym stated, regarding commercial uses in a line such as this,
223 there are often connectors between properties and people are directed to go around
224 back and exit at a signalized intersection to make their turning movements.

225 Mr. Prince stated the planning concept is sound, but following that concept you
226 would be placing restrictions on the development of the next site and I do not know
227 if that is allowable.

228 Town Attorney Eriole stated all you are asking is can the applicant achieve what
229 you are trying to do in a compliant way by utilizing a sound planning principal that
230 in the future might work. It is allowing the site to be developed in such a way, if
231 another neighboring parcel develops you would not have to redesign sites to make
232 it work. If it does not work the applicant would let you know.

233 Ms. Gannon stated you are looking at the eastern and western boundaries of the
234 property, looking at what seems to be, without going onto other properties that are
235 not before the Planning Board, what visually seem to be the environmental
236 constraints on those properties at the approximate areas where you would create
237 these easements for access to try to get a calculus of that. Meanwhile this
238 applicant can still go forward and retain a curb cut into their property and they do
239 not lose that. Because at some point as you start to get more applications along
240 this strip who does not get a curb cut onto Route 6.

241 Town Attorney Eriole stated the idea is that you are not asking individual
242 applicants to put such easements in place, you cannot make neighbors do anything,
243 all you are doing is asking them if it is possible to achieve their ends for this site,
244 with their curb cut, could it be designed in such a way that future connectivity was
245 possible. If it is, you would just be allowing people to make that choice. All it is,
246 is examining whether the planning principal can be employed on this site. You are
247 not forcing the applicant to do anything and you are not asking them to wait for
248 neighbors to do anything either.

249 Director of Planning Dym gave an example of a residential subdivision where at
250 the end of a property sometimes there is a cul-de-sac that is created, but it is also
251 shown with a road as a potential future connector to the next property, should that
252 get developed in the future, so there is access. This is a similar type of a concept
253 within a commercial environment.

254 Mr. McNamara asked the applicant, if the turnaround area, could be shown with a
255 possible future connection location, not to be built now, but available for the
256 future.

257 Mr. Prince stated, looking at your plan, you would offer a connection to the
258 property to your west through your parking lot and also an access on the east
259 through the back parking lot. By doing this you are setting in motion a concept,
260 but if the Board accepts this concept and someone else comes in here, aren't we
261 obligated to start putting restrictions on this development. It is nice for us to say
262 we would really like for you to do something like this, but are our suggestions
263 more of a taking of property.

264 Town Attorney Eriole stated the applicant is being asked to investigate this
265 possibility, what they are trying to accomplish is a counterbalance. In other words
266 if they were to come back and say yes, the site would allow us to do that , but if we
267 did it we could only build a building half as big, or if we did it we could not
268 accommodate all the parking, they would certainly tell the Board this and then you
269 would get into the territory of asking for sort of a quid pro quo, but I think if all
270 you are asking is to investigate their ends within the code and allow for this
271 potential connectivity I think it is actually the kind of planning principal that the
272 zoning contemplated, the idea of sidewalks.

273 Mr. McNamara asked if this was also done with Hidden Meadows with the Town
274 property.

275 Town Attorney Eriole stated yes, adding what the Board should be on the lookout
276 for is if the applicant comes back and expresses some sort of hardship as a result of
277 trying to accommodate that planning concept, then I think you have to take the site
278 as you find it. But asking them to look at it is perfectly acceptable and they will
279 tell the Board the results of this.

280 Chairman Currie stated, taking this a step further, if the applicant does proceed
281 with the exits on the east and west side of the property and the next applicant
282 comes in and says this is not something the really want to do, this Board cannot
283 stop their process.

284 Mr. Albanese asked about parking in the front as that would work better for the
285 connectivity between lots.

286 Town Attorney Eriole stated that is your decision.

287 Mr. Albanese stated if the landscaping is in front it would look a lot nicer, there
288 could be tables there, making walk through traffic desirable. The parking in the
289 front is better for the connectivity.

290 Mr. Prince opined the connectivity is a good idea and it could work either behind
291 or in front of the buildings, if you already have the pavement of Rte. 6, it would be
292 nice to have a landscape area between Rte. 6 and the building. To see a building
293 with cars parked in front right along Route 6 is not a charming environment. There
294 are a lot of developments that I have seen, especially on things like shopping
295 centers, in order to get to certain parts of a shopping center you have to drive
296 connect to other places from the rear.

297 Ms. Corning added there is also the complicated matter of the wetlands.

298 Ms. Gannon asked if it is fair to say the connectivity is theoretical and hypothetical
299 at this point. It really should not drive the design in a way that you feel is
300 detrimental to the design and intent of how you can maximize the enjoyment for
301 you and the customers of your parcel.

302 Director of Planning Dym asked Mr. Gregory if there are traffic engineers on staff
303 at his firm, adding the Board learned a lot during the DeCicco's plan. This has a
304 similar configuration with the parking lot along the side and the driveway going in
305 of how to create a safer pedestrian crossing from a parking lot to a building. I
306 would suggest that you review what was done for the DeCicco's plan to create a
307 safer pedestrian crossing. There were different types of tables, traffic calming
308 issues to address, I think might help to alleviate the issue of people coming in off
309 Rte. 6 and people crossing the parking lot into the building.

310 Mr. Albanese asked how the town feels about a drive-thru.

311 Director of Planning Dym stated they are not allowed in the NS District.

312 Discussion ensued regarding property to the west where the applicant asked for a
313 second curb cut, for a potential leaser who wanted a drive thru, which was granted.
314 The issue was existing businesses that already had two curb cuts.

315 Town Attorney Eriole stated the issue with a drive thru tends to be more about
316 queuing rather than just curb cuts. In this instance the ordinance would have to be
317 looked at.

318 Consultant Town Engineer Steven Robbins added from an engineering perspective,
319 making sure we are clear with water and sewer connections, wetland encroachment

320 and any other necessary mitigation and also the accessibility support spaces,
321 dumpster's, deliveries and making certain they make sense with the site layout, in
322 addition to other points the Planning Board made.

323 Ms. Gannon asked about the rental rates. Would they be market rate, affordable or
324 mixed?

325 Mr. Albanese stated he believes that 10% has to be affordable, so that would
326 equate to one apartment.

327 Director of Planning Dym stated there is a requirement in the NS Zone if you do
328 residential on the second floor it is 10% or 15%.

329 Chairman Currie asked if there were any other Board member questions or
330 comments. There were none.

331 There being no further business, on a motion by Chairman Currie, seconded by
332 Ms. Gannon, and unanimously carried, the meeting was adjourned at 8:45pm. The
333 Chairman announced the next Planning Board meeting will be held on Wednesday
334 August 8, 2018 beginning at 7:30pm.

335 Respectfully submitted,

336

337 Barbara J. Sherry
338 Intermediate Clerk, Somers
339 Planning Board

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