

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

PLANNING BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
TEL (914) 277-5366
FAX (914) 277-4093

EMAIL:
PLANNINGBOARD@SOMERSNY.COM



SOMERS PLANNING BOARD MINUTES
DECEMBER 12, 2018
7:00PM

ROLL:

PLANNING BOARD Chairman Currie, Ms. Corning, Mr. Prince
MEMBERS PRESENT: Mr. Goldenberg, Ms. Gerbino, Mr. McNamara and
Ms. Gannon

ALSO PRESENT: Director of Planning Syrette Dym
Planning Board Secretary, Barbara J. Sherry
Consulting Town Engineer Joseph Barbagallo
Town Attorney, Joseph Eriole

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

PUBLIC HEARINGS:

MANTEAU WETLAND PERMIT: TM: 48.13-1-27

Chairman Currie stated this is a Public Hearing for a Wetland Permit and Stormwater Management and Erosion and Sediment Control Permit by Peter Gregory, P.E. for owner Phillippe Manteau for the installation of an 18' x 40' in-ground pool in a wetland buffer. The property is located at 76 Moseman Avenue and is in an R80 Zone.

39 Chairman Currie asked Planning Board Secretary Barbara Sherry if the legal notice
40 was published for this Public Hearing and that the adjoining property owners
41 notified.

42

43 Secretary Sherry stated the Public Notice was published in the Somers Record on
44 November 29, 2018 and notices to the adjoining property owners were mailed on
45 November 28, 2018.

46

47 Chairman Currie invited the applicants Engineer, Mr. Peter Gregory from Keane
48 Coppleman & Gregory and Mr. Kenneth Thompsen from Bedford Poolscales Inc.
49 to give a brief synopsis of the application.

50

51 Engineer Gregory stated they are looking to construct an 18' x 40' inground pool
52 behind an existing detached garage and barn entirely within the wetlands area. One
53 of the concerns of the application were the two large maple trees located to the rear
54 of the pool. They have been identified on the plan with the canopy and drip edge
55 and have been able to demonstrate that they can keep all the disturbance away
56 from the trees.

57

58 Engineer Gregory added, in terms of the Stormwater runoff, they are prepared to
59 install a rain garden which will be adjacent and a bit downhill in elevation of the
60 pool area. Additionally what they are also looking to do is to capture some of the
61 roof runoff from the existing garage and want to come up with a comparable area
62 with the barn to offset what the impervious surface associated with the pool will
63 be. That will be captured and treated downhill to the east of the area.

64

65 All excavation of the site, for the most part, will be used to spread to fill in and
66 build up the area around the pool. Any excess material will be taken off the site.
67 We are not looking to spread anywhere else on the property, just working within
68 our area of disturbance.

69

70 The other concern was the drainage easement; there is a stormwater easement that
71 is capturing and treating runoff from Moseman Avenue. On the current plan, the
72 easement area is shown, and a larger area in the front is a sediment basin which is
73 capturing the water initially off the road, and then the ten foot wide easement is
74 running to the rear of the site and piped to a treatment area located to the rear of
75 the property.

76

77 Ms. Corning asked to be reminded of the construction of the walls that surround
78 the pool area.

79 Engineer Gregory stated the grade/elevation just behind the barn is about two to
80 three feet higher than area of the proposed pool. The intention is to install a row of
81 boulders along the outline as shown on the plans, which will be filled up against to
82 keep the elevation up high.

83

84 Ms. Corning stated that there is no excavation down for footings, you are just
85 going on top of the existing grade.

86

87 Engineer Gregory stated that is correct.

88

89 Consulting Town Engineer Barbagallo asked where the boulders will come from.

90

91 Engineer Thompsen stated probably from Lawton Adams as they try to get native
92 stone that is similar in color to those that would be used locally.

93

94 Chairman Currie asked Director of Planning Dym and CTE Barbagallo if they had
95 any further comments.

96

97 CTE Barbagallo stated his comments were about the rain garden and the
98 modification of the easement. Although he has not seen the revision, and because
99 this has been presented to the public, he would be comfortable with the Board
100 closing the Public Hearing, but he would want to spend some time going over the
101 final details before the Board votes on the Resolution. Maybe the Board could
102 issue the stormwater and easement, and now understanding the wall, CTE
103 Barbagallo stated he would like to see the detail of that.

104

105 Engineer Gregory stated that can be provided. Engineer Gregory added they did
106 not make any modifications to the easement. What you are looking at now is what
107 was filed and on record.

108

109 CTE Barbagallo stated there were two things: one is to make certain the Town can
110 access the easement without having to destroy the applicant's property and second,
111 if the easement is going to be modified the applicant would like to plant on the top.

112

113 Engineer Gregory stated the easement does not exactly follow the property line; it
114 is set in a little bit, so there is some area to get some of the plantings in and not
115 compromise the access to the back.

116

117 Discussion ensued regarding the easement, the well location within the easement,
118 the dense growth and better access in the future and stormwater.

119 Chairman Currie asked if there were any other Board member comments, there
120 were none.

121

122 Chairman Currie asked if there were any comments from the public.

123

124 Ms. Francois Stine asked how far into the buffer the applicant is going.

125

126 Engineer Gregory stated this is entirely in the buffer.

127

128 CTE Barbagallo added, in addition to the necessary mitigation, Engineer Gregory
129 was speaking about, additional mitigation is required because this application is
130 inside the wetland buffer area. The mitigation will include the roof area that will
131 be placed into a rain garden.

132

133 Ms. Stine reminded the Board that when the rules and codes were set up for
134 wetlands and buffers, they were intended to protect the wetlands and any intrusion
135 into the buffers would become an issue.

136

137 Chairman Currie stated that is why we have mitigation.

138

139 Ms. Gerbino added that there are other elements here, where the Town has an
140 easement across this property to maintain its roads and other elements of the Town
141 that are below this property. This property owner is doing a lot of mitigation that
142 is over and above what is going on here.

143

144 Mr. Prince stated when he was on the site walk, there did not seem to be any
145 possibility to get access for the easement; there is a big basin and trees.

146

147 CTE Barbagallo stated the basin and trees are not supposed to be there, that is the
148 piece that has to be cleaned up. The maintenance has to come off the road and we
149 have to look at where the basin and trees are to ensure they draw those easement
150 lines so Highway can get across.

151

152 Discussion ensued regarding the access and easements.

153

154 On a motion by Chairman Currie, seconded by Mr. McNamara, and unanimously
155 approved, the Public Hearing was closed.

156

157 Chairman Currie asked how the Board felt about working on a resolution with the
158 caveat that CTE Barbagallo and Engineer Gregory and Mr. Thompsen add how the
159 easement is to be handled.

160

161 CTE Barbagallo suggested that the Board approve the project for signature of the
162 Chairman upon concurrence from the Consulting Town Engineer Barbagallo that
163 all issues have been addressed.

164

165 On a motion by Chairman Currie, seconded by Mr. McNamara, and unanimously
166 carried, the Board moved to approve the Manteau Wetland Permit upon
167 concurrence from the Consulting Town Engineer Barbagallo that all issues have
168 been addressed

169

170 **NORTH COUNTY HOMES, INC. – CARDINAL WAY: TM: 16.17-2-7&4**

171

172 Chairman Currie stated this is a Public Hearing for a proposed re-subdivision of
173 two (2) existing lots, one containing an existing single family house and the second
174 lot being a vacant land-locked lot, and Stormwater Management and Erosion and
175 Sediment Control, Steep Slopes and Tree Preservation Permits. The existing single
176 house is proposed to be removed and two new houses are proposed to be
177 constructed. The homes will be served by public water and private septic systems.
178 The lots are located at 3 Cardinal Way and are in an R-40 Zoning District.

179

180 Chairman Currie stated memos were received from the Open Space Committee and
181 resident Ms. Margaret Smith.

182

183 Engineer John Karrell approached the Board and stated that most of Consulting
184 Town Engineer (CTE) Barbagallo's concerns have previously been addressed. The
185 most recent comment was the stormwater treatment off the driveways of the
186 houses. The Open Space Committee has commented about having rain gardens.
187 He stated they intended to do a combination of infiltrators and rain gardens. The
188 Westchester County Health Department (WCHD) is in the middle of conducting
189 inspections of the deep holes and perc tests. The soils of the deep holes were fine
190 and the septic systems will be tested tomorrow.

191

192 Engineer Karrell stated the Open Space letter makes mention of Paxton Soil.
193 There is Paxton Soil as defined in the United States Department of Agricultural,
194 Natural Resources Conservation Service Web Soil Survey. The deep holes are all
195 sandy loam which is good soil and he does not expect to see any problems with the
196 soils.

197 Chairman Currie asked Director of Planning Dym and CTE Barbagallo if they had
198 any further comments.

199

200 CTE Barbagallo stated there have been no additional submittals since the last time
201 the Board met and Engineer Karrell's comments would be consistent with the last
202 meeting regarding the soils and controlling the limited disturbance area.

203

204 CTE Barbagallo added he has no additional comments, but the ones that have been
205 laid out are those that remain to be addressed.

206

207 Director of Planning Dym had no additional comments.

208

209 Chairman Currie asked if there was any audience comments.

210

211 Mr. Jess Weiner, 4 Cardinal Way, approached the Board and stated he is a
212 neighbor and fully supports this project, as do all the neighbors who are also here
213 this evening.

214

215 CTE Barbagallo stated how nice it was to see people here in support of this
216 application.

217

218 Chairman Currie asked if there were any Board member comments, there were
219 none.

220

221 On a motion by Chairman Currie, seconded by Ms. Gannon, and unanimously
222 approved, the Public Hearing was closed.

223

224 On a motion by Chairman Currie, seconded by Ms. Corning, and unanimously
225 carried, the Board directed staff to prepare a resolution for consideration at the next
226 meeting.

227

228 **TIME EXTENSION:**

229

230 **MERRITT PARK ESTATES: TM: 5.20-1-14**

231

232 Chairman Currie stated this is a request for the thirteenth (13th) 90-day time
233 extension of the Amended Conditional Final Subdivision Plan, Tree Preservation,
234 Steep Slopes and Wetland Permits from December 4, 2018 up to and including
235 March 4, 2019 pursuant to Town Law Section 276(7)(c) and Section 150-13.M of
236 the Code of the Town of Somers. The property is located on the easterly side of

237 Lovell Street with access to the subdivision from a new street off Robert Martin
238 Blvd.

239 Chairman Currie asked Director of Planning Dym if the Principal Engineering
240 Technician Steve Woelfle is going out to the site making regular visits.

241

242 Director of Planning stated yes, and there has been no change on the site.

243

244 Consulting Town Engineer Barbagallo asked about the thirteen extensions, it is
245 really about the filing of the plat.

246

247 Mr. John Mancini, applicant, stated there were a few problems: the surveyor
248 passed away and Heritage Hills wanted an easement and discussion ensued about
249 whose property it would be on.

250

251 On a motion by Chairman Currie, seconded by Ms. Corning, and unanimously
252 carried, the Board moved to approve the thirteenth (13th) 90-day time extension of
253 the Amended Conditional Final Subdivision Plan, Tree Preservation, Steep Slopes
254 and Wetland Permits from December 4, 2018 up to and including March 4, 2019
255 pursuant to Town Law Section 276(7)(c) and Section 150-13.M of the Code of the
256 Town of Somers. The property is located on the easterly side of Lovell Street with
257 access to the subdivision from a new street off Robert Martin Blvd.

258

259 **TAMARACK & VINE FINAL SUBDIVISION RE-GRANT: TM 16.07-1-1**

260

261 Chairman Currie stated this is a request for a third 90-day time extension of the
262 Final Subdivision Re-Grant from December 10, 2018 up to and including March 9,
263 2019 pursuant to Town Law Section 276 (c) and Town Code Section 150-13M.
264 The property is located on the westerly side of Lovell Street and is in an R-40
265 Zone.

266

267 Chairman Currie asked Director of Planning Dym if Principal Engineering
268 Technician Steve Woelfle is going out to the site making regular visits.

269

270 Director of Planning stated yes, and there has been no change on the site.

271

272 Ms. Gerbino added that Tamarack & Vine was a difficult subdivision, it is almost
273 up against the northern end of the Lincoln Hall properties, and 300 acres of the
274 Lincoln Hall property is being considered for sale.

275

276 Consulting Town Engineer Barbagallo asked when that happened.

277 Ms. Gerbino stated that is what was in the minutes from the Open Space
278 Committee (OSC) wherein the OSC expressed interest in the Rail Road right-of-
279 way that goes through there.

280

281 On a motion by Chairman Currie, seconded by Ms. Corning, and unanimously
282 carried, the request for a third 90-day time extension of the Final Subdivision Re-
283 Grant from December 10, 2018 up to and including March 9, 2019 pursuant to
284 Town Law Section 276 (c) and Town Code Section 150-13M. The property is
285 located on the westerly side of Lovell Street and is in an R-40 Zone was approved.

286

287 **GARY & ANN MITCHELL – 4 LOT CONSERVATION SUBDIVISION**

288 **RE-GRANT: TM: 16.09-1-9**

289

290 Chairman Currie stated this is a request for a second 90-day time extension to the
291 Re-Grant of a 4-lot Conservation Subdivision, three of which are new building lots
292 and one existing lot on a 7.1 acre parcel from December 20, 2018 up to and
293 including March 19, 2019 in accordance with §150-13.M of the Code of the Town
294 of Somers. Each lot is to be served by individual wells and septic systems. The
295 subject property is located on the west side of Tomahawk Street, Route 118 in the
296 residential R-40 Zoning District.

297

298 Consulting Town Engineer Barbagallo asked Engineer Timothy Allen, applicant's
299 Engineer, what is holding up this application.

300

301 Engineer Allen stated a structure is being built and it is a matter of filing the plat
302 after the fact.

303

304 Mr. McNamara added the curbs are in, the drainage is in, the sub base on the road
305 is in but it is not paved yet.

306

307 CTE Barbagallo stated it is a similar issue as the Merritt Park Subdivision where
308 the roads were put in as if it were a single lot and then you file the plat.

309

310 On a motion by Chairman Currie, seconded by Ms. Gannon and unanimously
311 carried, the request for a second 90-day time extension to the Re-Grant of a 4-lot
312 Conservation Subdivision, three of which are new building lots and one existing lot
313 on a 7.1 acre parcel from December 20, 2018 up to and including March 19, 2019
314 in accordance with §150-13.M of the Code of the Town of Somers. Each lot is to
315 be served by individual wells and septic systems. The subject property is located

316 on the west side of Tomahawk Street, Route 118 in the residential R-40 Zoning
317 District was approved.

318

319 **XENIA STEPHENS SUBDIVISION: TM: 28.07-1-1**

320

321 Chairman Currie stated this is a request for a fifth 90-day time extension of
322 the Conditional Final Subdivision Approval and Stormwater Management
323 and Erosion and Sediment Control Permit from December 11, 2018 up to
324 and including March 10, 2019 in accordance with §150-13.M of the Code of
325 the Town of Somers. The property is located at the corner of Route 100 &
326 Route 138 and is in the R-80 Zoning District.

327

328 Chairman Currie asked Director of Planning Dym if the Principal Engineering
329 Technician is out there on regular visits.

330

331 Director of Planning stated yes, and there has been no change on the site.

332

333 Consulting Town Engineer Barbagallo asked Engineer Timothy Allen, applicant's
334 Engineer, what is the status on this application.

335

336 Engineer Allen stated they are waiting on the plat, the previous Engineer
337 passed away and a new plat is being prepared.

338

339 On a motion by Chairman Currie, seconded by Ms. Gannon, and
340 unanimously carried, the fifth 90-day time extension of the Conditional Final
341 Subdivision Approval and Stormwater Management and Erosion and
342 Sediment Control Permit from December 11, 2018 up to and including
343 March 10, 2019 in accordance with §150-13.M of the Code of the Town of
344 Somers. The subject property, located at the corner of Route 100 & Route
345 138 and is in an R-80 Zoning District was approved.

346

347 **INFORMAL APPLICATION:**

348

349 **SOMERS ANIMAL HOSPITAL: TM: 17.11-2-5**

350

350 Chairman Currie stated this is an informal appearance for a rear access door,
351 stairs and dormer for attic storage. The property is located at 352 Route 202
352 and is in the Business Historic Preservation (B-HP) District.

353

354 Mr. Steve Grgecic, Architect and Dr. Martin Randall, owner of Somers Veterinary
355 Clinic/Hospital approached the Board.

356

357 Mr. Grgecic, Architect stated the applicant is looking for attic storage in the
358 building. Currently to access the attic they must pull down a ladder in one of the
359 exam rooms. This provides for the only allowable storage in the center of the
360 building due to the trusses on either side of the building. The proposed plan is for
361 the back of the building, to put up a dormer with access via a set of stairs and small
362 deck, thereby providing dormer access into the attic for storage.

363

364 Chairman Currie stated this application will have to go in front of the Architectural
365 Review Board (ARB).

366

367 Architect Grgecic stated they have already been in front of the ARB and have been
368 approved.

369

370 Ms. Gerbino asked if this application should be reviewed by the Historical Society.

371

372 Director of Planning Dym referred to her memo to the Board stating this is in the
373 Business Historic Preservation District (BHP) and the Code is very clear that
374 anything like this requires Site Plan approval, as minimal as it is. Town Code
375 Chapter 144 Section 144-2 gives the Board the opportunity, in some cases, to make
376 an adjustment of regulations. The Board needs to determine how they want to
377 handle this within the BHP District. The applicant is adding to the existing
378 building and it is not visually changing the environment, as the proposal is in the
379 back of the building.

380

381 The Board asked to see what the visual changes are.

382

383 Architect Grgecic stated currently in the back of the building is a flat roof with the
384 existing HVAC unit going across the back. Surrounding the back of the property is
385 a twelve foot (12') lawn area then trees, there is no way from the parking lot or
386 from any other building on this lot to see in the back. The proposal is to place a
387 simple dormer, come up on some deck and stairs, which will be composite material
388 of some type that will match the existing conditions that are on building. Basically
389 it is a dormer with a door. The dormer will not be finished or heated, and this is
390 just a means of easier access to use the storage area.

391

392 Ms. Corning asked if the back of the property is sloped or flat.

393

394 Architect Grgecic stated where the building is located it is flat for about twelve feet
395 (12') and then it goes up as a slope, currently there are drains there within the 12'
396 area. The proposal is to add two (2) twelve inch (12") diameter footings and make
397 a small deck off the back of that.

398

399 Mr. McNamara stated a staircase and a platform, not a deck.

400

401 Consulting Town Engineer Barbagallo asked how big the platform is proposed to
402 be.

403

404 Architect Grgecic stated that it will be seven feet by five feet (7' x 5'), and there is
405 also a gravel access path proposed.

406

407 Ms. Gerbino stated you are making a safe way to get to the storage area.

408

409 Architect Grgecic responded yes.

410

411 Ms. Gannon asked if there will be ground treatment between the new door and the
412 bottom of the platform.

413

414 Mr. Prince asked if a concrete platform is needed at the bottom of the stairs.

415

416 CTE Barbagallo stated it would be a good idea to have something more than just
417 gravel, it could be pavers.

418

419 Architect Grgecic stated as per code, he is putting in a 36 inch (36') concrete slab.

420

421 Ms. Gerbino stated she sees this as a health, safety and welfare issue and does not
422 see why the Planning Board is involved.

423

424 Mr. McNamara added there are no structural changes.

425

426 Ms. Gerbino asked if you are losing a parking spot.

427

428 Dr. Randall stated no.

429

430 On a motion by Chairman Currie, seconded by Mr. McNamara, and unanimously
431 carried, the Board approved to find, because of special of circumstances of this
432 particular case that extraordinary hardship may result from strict compliance of the

433 regulations of the BHP District for Site Plan approval and that the Planning Board
434 is adjusting the regulations so no Site Plan approval is required.

435

436 Attorney Eriole spoke to the Board about the merits of Chapter 144 Section 144-2
437 of the Code and how the Board could ask an applicant for more information on one
438 aspect of the plan where you wanted greater detail without having to recreate the
439 entire application.

440

441 With the business of the Board complete, Chairman Currie stated Ms. Gerbino had
442 a statement she wanted to make for the record.

443

444 Ms. Gerbino stated that when IBM was in front of the Planning Board 35 years ago
445 the only people around at that time were Mr. McNamara, who was Chairman of the
446 Planning Board for part of this application, and myself.

447

448 What I came across concerned me a bit. In October 1983, I assume it was a Town
449 Board Meeting, IBM had already received their zoning change and had their plans
450 submitted for what we now have, the 4, five story buildings and the single three
451 story building that totaled 200,000 square foot office buildings, and the three story
452 280,000 square foot building for a total of 2,700 employees and that is what got
453 built. What caught my eye and what upset the then Town Board, and never made
454 the press in a big way, was the following, *“the site would be developed that way
455 with the view towards the ability to have a future expansion of 820,000 square feet
456 of office space that would allow an additional 2,300 employees”*

457

458 Consulting Town Engineer Barbagallo stated he remembers there was a
459 requirement at the time to put an extra exit and there were easements off Route
460 684; he opined that these two things may be connected. If they had wanted to
461 proceed in this direction he wondered if that would trigger the requirement to put
462 in the off ramp, which, in fact, was never built.

463

464 Mr. McNamara stated yes.

465

466 CTE Barbagallo continued stating, given that the easement lands associated with
467 the ability to create the off ramp, he understands that they have either been
468 disbursed or sold by IBM and that opportunity may have been lost.

469

470 Discussion about this prior future development potential ensued. Ms. Gerbino also
471 stated her concern and interest in the rehabilitation and re-opening of the now

472 closed Plum Brook Bridge as a means to absorb additional traffic that might be
473 generated in the future.

474

475 Chairman Currie stated unfortunately, at this time, we must say good bye to Jan
476 Corning, as she has resigned from the Planning Board. Jan has been an asset to
477 this Board and to the Town of Somers and she will be difficult to replace

478

479 There being no further business, on a motion by Chairman Currie, seconded by
480 Ms. Gerbino, and unanimously carried, the meeting was adjourned at 8:20pm. The
481 Chairman announced that the next Planning Board meeting will be on January 9,
482 2019.

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492

493

Respectfully Submitted,



Barbara J. Sherry

Planning Board Secretary

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1/18/2019 1:28 PM