

John Currie, *Chairman*  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
Dennis McNamara  
Bruce A. Prince  
Christopher Zaberto

**PLANNING BOARD**

**Town of Somers**

WESTCHESTER COUNTY, N.Y.

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**SOMERS PLANNING BOARD MINUTES  
REMOTE MEETING HELD VIA ZOOM  
JUNE 10, 2020**

**ROLL:**

**PLANNING BOARD**

**MEMBERS PRESENT:** Chairman Currie, Ms. Gannon, Mr. McNamara,  
Mr. Prince and Mr. Zaberto

**ALSO PRESENT:** Director of Planning Syrette Dym  
Consulting Town Engineer Joseph Barbagallo  
Planning Board Town Attorney Joseph Eriole

**ABSENT:** Ms. Gerbino and Mr. Goldenberg

The meeting commenced at 7:30 p.m. Chairman Currie asked everyone to stand for the Pledge of Allegiance.

Director of Planning Syrette Dym called the roll and noted that a required quorum of four members was present in order to conduct the business of the Board.

**PROJECT REVIEW**

**COBBLING ROCK ESTATES SUBDIVISION TM: 37.19-1-1**

Chairman Currie explained that the application is for a 9-lot Conservation Subdivision, Steep Slope Protection, Stormwater Management and Erosion and Sediment Control and Tree Removal Permits with construction of two (2) Town Roads and a Preliminary Subdivision. He noted that the property is located on the south side of Cobbling Rock Drive and Dr. Tony's Road and is located in an R-120 Zoning District.

Matthew Gironda of Bibbo Associates, applicant's engineer, explained that there have been several iterations prior to arriving at the current plan and that the plans have been revised to address the majority of the Consultant Town Engineer's comments with the exception of some legal documentation. He explained that one of the main issues recently resolved at the Town Board was the amendment of the Town Zoning code to allow Deed Restrictions to preserve land and conservation as a method for applying conservation zoning. Engineer Gironda stated that he reviewed the draft Preliminary Resolution and he would like to discuss a couple of condition with the Planning Board.

Consulting Town Engineer Joseph Barbagallo of Woodard and Curran asked the applicant to discuss the meeting the applicant had with the Bureau of Fire Prevention.

Engineer Gironda stated that the Bureau of Fire Prevention commented about the diameter of the cul-de-sac and the width relative to a 96-foot diameter specification based on the State Fire Code. He noted that the applicant contacted the Building Inspector and the head of the Bureau of Fire Prevention to discuss the issue and then provided to the Planning Board and the Bureau of Fire Prevention a truck turning analysis to confirm that the Town of Somers 48-foot ladder truck can maneuver within a 96-foot cul-de-sac. He stated that the Bureau of Fire Prevention confirmed that the 90-foot diameter cul-de sac was acceptable and is in conformance with the Town regulations.

Chairman Currie asked Director of Planning Dym and Consulting Town Engineer Barbagallo if they had any comments.

Consulting Town Engineer Barbagallo stated that he reviewed the Bureau of Fire Prevention minutes and confirmed their acceptance. He noted that their exact language was *“A letter was received from Bibbo Associates indicating that the cul-de-sacs would be 90’ in diameter as required by the Town code. All agreed that although the extra 6’ would be helpful, 90’ would suffice.”* Consulting Town Engineer Barbagallo stated that he agreed that the turning analysis was acceptable. He noted that the truck used in the analysis was 6-inches shorter than the actual Town fire truck, however he opined that it is relatively consistent enough that the turning analysis is acceptable as completed. Consulting Town Engineer Barbagallo stated that he is comfortable with the Planning Board proceeding with the approval of Preliminary Subdivision with the conditions outlined.

Director of Planning Dym stated that there are several actions that the Planning Board needs to take prior to consideration of the Resolution. She noted that one of the first things that needed to be addressed was now that the Town Board made an amendment to the text for Conservation Subdivisions which allows the Board to move forward on the Conservation Subdivision as proposed by this applicant, the Planning Board also needed to make a determination that it meets certain criterion of Sections 170-13.1 and 170-13.3 of the Somers Town Code, as follows:

- Reduce the length of new Town roads between the conventional and conservation subdivision by approximately 245 linear feet from 1,672 linear feet to 1,427 linear feet; and
- Reduction of impervious surface areas between conventional and conservation subdivision including 12,200 square feet less impervious surfaces from 2.64-acres to 2.36-acres; and
- Creation of a 3.90-acre deed restricted area to be located within Lot 1 consisting of steep slopes that form a buffer to adjacent lands of the City of New York to the east; and
- Creation of a 13.22-acre deed restricted area to be located within Lot 5 consisting of wetlands, wetland buffers and steep slopes that are environmentally sensitive areas that will be preserved in their natural state and are adjacent to environmentally sensitive areas that continue on lands owned by New York City Department of Environmental Conservation to the south; and
- Creation of lots whose sizes are consistent with lot sizes of those in the adjacent subdivision to the north, thereby protecting Somers’ existing aesthetic qualities; and

- A total of 10.3-acres of deed restricted land out of a total of 39.4-acres.

On motion by Chairman Currie, seconded by Mr. McNamara, and unanimously carried, the Board determined that the plan meets the criteria of Section 170-13.1 and 170-13.3 of the Somers Town Code for the reasons stated above by Director of Planning Dym.

Director of Planning Dym explained that the Board needed to vote to approve the reduced width at front lot line of Lot 4 to 91-feet and Lot 8 to 99-feet rather than 150 feet that is required in this zone. She explained that the zoning ordinance permits a reduction on a permanent turnaround because the reduction result in a width that is not less than one-third the required width and the minimum width is met at the front yard setback line.

On motion by Mr. Zaberto, seconded by Mr. McNamara, and unanimously carried, the Board approved the reduced width for a front lot line for Lots 4 and 8, as stated above by Director of Planning Dym.

Director of Planning Dym explained that she provided the Planning Board with the EAF Part 2 and Negative Declaration for their review. She explained that the Negative Declaration goes through items that may have potential for some type of impact, as follows: land, not a significant adverse impact; surface water and ground water, items that were incorporated into Stormwater Pollution and Prevention Plan (SWPPP) to make sure that was not a significant adverse impact on surface water and groundwater; and a detailed analysis of the impact on the Agricultural Resource. She noted that due to the adjacent Westchester County Lasdon Park, the County confirmed that there would be no significant impact on the park as a result of this project. Director of Planning Dym stated that one of the conditions of the preliminary subdivision approval is that there does need to be a note placed on the plan, as follows:

*FARM NOTE: Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State certified Agricultural Districts unless it can be shown that the public health or safety is threatened.*

Director of Planning Dym noted that there is no significant impact on archaeological resources and no significant impact on critical environmental areas.

On motion by Mr. Zaberto, seconded by Ms. Gannon, and unanimously carried, the Board moved that the 9-Lot Cobbling Rock Preliminary Subdivision does not have a significant adverse effect on the environment and approved the Negative Declaration under SEQRA for the above noted reasons.

Engineer Gironda noted he had an opportunity to review the draft Preliminary Subdivision Resolution and stated the two concerns he had within the draft Resolution were 4.c. and 4.f which pertain to landscaping and lighting plans. He stated 4.c reads:

*4.c. The applicant shall provide a landscaping plan for initial construction activities within the right-of-way.*

Engineer Gironda stated that the intention for the road is to preserve as many trees as possible, which will be determined when the tree survey is prepared. He noted that there are a couple of scenarios where within the Town Code it can be contradictory; one being that this is a town road and within the right away will be town property and to his understanding, town highway departments are not in favor of maintaining significant amounts of landscaping or trees. He noted that another item in the code is the dedication checklist for town roads where they identify road shoulders to be topsoiled, seeded and maintained as grass, which is what is typical of Dr. Tony's Road and Cobbling Rock Drive currently. He stated that if the Board wants the applicant to provide a landscaping plan, they will, however it's not something they have done in the past.

Consulting Town Engineer Barbagallo explained that the Board and staff have not seen the final tree survey and opined that once the survey is reviewed, they may suggest planting some supplemental trees. He noted that it is a condition to carry over to final subdivision approval, which can be eliminated. He noted that when the houses are to be built on each individual lot, the engineer needs to work with the Engineering Department to discuss the placement of each house and if any specific trees on each lot can be preserved.

Engineer Gironda agreed with Consulting Town Engineer Barbagallo.

Engineer Gironda mentioned condition 4.f. of the draft Resolution:

*4.f. Prior to issuance of a building permit for an individual lot, the Applicant shall provide lighting plans and specifications for review.*

Engineer Gironda questioned who would the individual lot owner provide the lighting plan to. He noted that it's typical that part of building permit plans for any residential lot, residential lighting fixtures would be included.

Consulting Town Engineer Barbagallo stated he is okay striking that comment if the Planning Board agrees. He opined that this comment can be handled by putting a note on the drawings at final, such as *"All lights on individual lot development need to meet dark-sky requirements."*

Consulting Town Engineer Barbagallo also suggested, as part of this preliminary subdivision approval, to put a note on the plat that says *"The applicant shall add note on the drawing indicating lighting requirements and specifications for each individual lot."*

Engineer Gironda and the Board all agreed with Consulting Town Barbagallo's suggestions of placing a note on the plan.

Consulting Town Engineer Barbagallo suggested that the draft Preliminary Subdivision Resolution be left as is and address the lighting issue as part of Final.

Mr. Prince asked how electricity will get to the sites.

Engineer Gironda explained that there is existing power in the street and would be trenched underground in the shoulder of the road and there will be one or multiple transformers for the conduit to connect to throughout the subdivision.

Mr. Zaberto asked if there will be lighting on the cul-de-sac.

Engineer Gironda stated there will not be any lighting on the cul-de-sac.

Ms. Gannon agreed that a lighting plan should be provided.

Chairman Currie stated that he was very impressed how quickly and accurately Engineer Gironda responded to Woodard & Curran's comments.

Consulting Town Engineer Barbagallo agreed stating Engineer Gironda was very easy to work with and he appreciated the approach and partnership with Bibbo's office.

Engineer Gironda stated he also appreciated the feedback and open communication with both the Town and Woodard & Curran.

Mr. Prince opined that the final layout is excellent and would be proud to use this subdivision as an example of how the Planning Board could work well with developers.

Mr. Zaberto suggested that with regards to the width of the roads, that the Bureau of Fire Prevention petition the Town Board to change the Town Code to be in sync with an industry standard.

Director of Planning Dym stated that from a Planning point of view the less blacktop the better and suggested that Woodard & Curran's office look into the difference between the 90-feet and 96-feet for a cul-de-sac, advise the Planning Board and if the Planning Board feels 90-feet is sufficient for this Town, then they can make that recommendation.

Consulting Town Engineer Barbagallo responded that his office would look into the issue and provide the Planning Board with comments on whether the Town Code should be modified.

Ms. Gannon asked Counsel if the Town can create a rule that is less restrictive, puts less of a burden for safety on the applicant then the rule already articulated by the State.

Engineer Gironda stated that there is a provision in the Fire Code for a local official to make the ultimate determination on what is necessary.

Town Attorney Eriole agreed with Engineer Gironda stating that it is built into the code to have some local discretion in this particular instance.

On motion by Chairman Currie, seconded by Mr. Prince, and unanimously carried, the Board moved to approve a Preliminary 9-Lot Conservation Subdivision in accordance with the New York State Town Law Section 276 and Section 278, Article IIIA. Conservation Zoning and Section 150-12M. "Planning Board Action" of the Code of the Town of Somers in light of approval of amended legislation for Section 170.13-3 of the Zoning Ordinance, as approved by the Town Board, Planning Board Resolution 2020-03.

## **PROJECT REVIEW**

### **HANFORD WETLAND AND WATERCOURSE PROTECTION PERMIT TM: 17.09-3-3**

Chairman Currie announced that the Hanford application is for a Wetland and Watercourse Protection Permit for the construction of an inground pool and patio at 4 Boniello Drive on the east side of Boniello Drive, 200 feet from the intersection of Londonderry Lane. He noted that the project is located in an R-40 Zoning District.

William Besharat, architect, applicant's representative, explained that this is a proposal for a 16-foot by 36-foot one-piece fiberglass inground swimming pool near the house on the west side of the property. He noted the proposed patio around the pool will be permeable pavers. He stated that it is impossible to locate the proposed inground pool anywhere else on the property without being in the wetland buffer. Mr. Besharat noted that the construction time and disturbance is minimal since the pool is one unit; the whole is dug, the pool is placed and filled with water all in the same day. He noted the project is under the 5,000 square foot limit of disturbance; the area of disturbance is actually 4,500 square feet; 112 cubic yards of earth will be moved, some of it trucked away, the rest will be used to level the area around the swimming pool.

Mr. Besharat noted that Roy Fredriksen, the applicant's engineer, was on the phone with him since he was not able to participate in the Zoom meeting.

Consulting Town Engineer Barbagallo stated that he reviewed the plan and noted that the applicant has requested a waiver of the wetland and reverification of the wetland boundary and noted that is within the Board's discretion to do. He stated



he would like to look at the property first but expects what the applicant is saying makes sense and it is very clear where the line is and doesn't think that a delineation is going to change the fact that most of the house that exists is within 100-feet of the watercourse and, as a result, he opined that it doesn't change the work of the Planning Board. He noted that he would be supportive of the Board waiving that requirement. Consulting Town Engineer Barbagallo stated it is a relatively simple project, that some stormwater will have to be managed and sediment will have to be controlled. He wanted to address the Board and applicant about the precedence that has been established for similar projects. He noted that any impervious surfaces or any disturbance inside the buffer, stormwater quality and quantity will be required. He noted a pre and post analysis will be required on the water quantity and quality treatment for the new disturbed areas. Consulting Town Engineer Barbagallo stated a mitigation plan will have to be addressed and that the existing impervious surfaces will have to be taken into account as well. He noted that staff and Board are flexible and they will work with the applicant, that they just want the applicant to improve the situation by doing a water quality element for something that exists as the mitigation.

Mr. Besharat responded that they will try to do a best fit with what works best without creating a major project out of this situation.

Consulting Town Engineer Barbagallo stated that the applicant should be conscious of the winter drawdown of the swimming pool.

Mr. Besharat responded that this type of pool does not have a drawdown of water. He noted that water will only be added to it and there's no reason to backwash it since the pool will not be drained for normal wintering in the winter.

Mr. Zaberto asked how much disturbance there will be and stated he is fine with not visiting the site.

Mr. Besharat responded there will be 4,500 square feet of disturbance, total.

Mr. Prince opined that the project is clear and simple and doesn't necessitate a site walk by the Board. He asked how the pool unit gets to the site.

Mr. Besharat explained that the unit will be delivered by a tractor trailer and then a crane places the unit in the proposed pool location.

Ms. Gannon stated she would be fine with Consulting Town Engineer Barbagallo to deal directly with the applicant and not visit the site. She opined it seems like a straight forward project.

Mr. McNamara stated that aesthetically it's better to have a pool location behind the house, rather than on the side of the house.

Consulting Town Engineer Barbagallo stated he would coordinate with Mr. Besharat and the applicant to schedule a site walk and that the Board was comfortable not participating.

There being no further business, on motion by Chairman Currie, seconded by Ms. Gannon, and unanimously carried, the meeting adjourned at 8:20 p.m. The Chairman announced that the next Planning Board meeting will be held on Wednesday, July 8, 2020 at 7:30 P.M.

Respectfully submitted,



Wendy Getting  
Senior Office Assistant