

PLANNING BOARD

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

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SOMERS PLANNING BOARD MINUTES REMOTE MEETING HELD VIA ZOOM MAY 12, 2021

ROLL

PLANNING BOARD MEMBERS PRESENT: Chairman John Currie, Vicky Gannon, Nancy Gerbino, Jack Mattes, Dennis McNamara, Bruce Prince, Christopher Zaberto

ALSO PRESENT: David Smith, Consulting Town Planner, Planning & Development Advisors; Steve Robbins, Consulting Town Engineer, Woodard & Curran; Jennifer Martinez, Assistant Consulting Town Engineer Woodard & Curran; Planning Board Attorney Joseph Eriole

ABSENT: None

MEETING COMMENCEMENT

The remote meeting commenced at 7:30pm.

Chairman Currie requested participants to say the Pledge of Allegiance.

Steve Robbins called the Roll and noted the required quorum of four members were present to conduct the business of the Board.

Chairman Currie welcomed Dave Smith, the Town's new Consulting Planner. Mr. Smith started as Junior Planner then progressed to Partner at Saccardi & Schiff, and later VHB. Mr. Smith is currently a sole practitioner in his own planning firm. He has several municipal clients throughout the Hudson Valley and Westchester County and prior experience working alongside Woodard & Curran.

MINUTES

Minutes for the April Planning Board Meeting will be available for review and approval for the June Meeting.

PUBLIC HEARING

**32 Mohawk Lane: TM 16.13-1-14, R40 Residence District
Fullerton Wetland and Watercourse Protection Permit Application**

Application of Eileen Fullerton for installation of an inground pool, patio, and relocation of septic tank.

Andrew Chung, AC Engineering, joined the Meeting.

Andrew Cheung. acknowledged receipt of comments pertaining to limit of disturbance, stormwater infiltration system to replace bioretention, and direct roof leaders to the infiltration system from Woodard & Curran.

Consulting Town Engineer Steve Robbins confirmed the stormwater management and wetland mitigation and that subsurface infiltration rates would need to be confirmed during construction. This will be addressed in the resolution being drafted by the Engineering Department. There are no further comments on the application provided on behalf of the applicant.

Chairman Currie inquired as to the public notice. Consulting Town Engineer Steve Robbins confirmed that a notice was published on April 29, 2021 and adjacent landowners were notified by mail on April 30, 2021.

Chairman Currie moved to open the Public Hearing. Member Nancy Gerbino seconded the motion. The Public Hearing is open.

Member Vicky Gannon confirmed no relevant messages on the Town cell phone related to this Public Hearing. There was a message asking if the Planning Board Meetings would be in person at a future date.

The landowner, Eileen Fullerton, was admitted from the virtual waiting room.

Chairman Currie moved to adjourn the Public Hearing. Member Nancy Gerbino seconded the motion. All in favor. So moved, the Public Hearing is closed.

Consulting Town Engineer Steve Robbins confirmed that the Resolution prepared by Engineering Department Staff and found adequate.

Member Vicky Gannon moved to make an edit on page 3 of the Resolution to remove the second "12" in the following sentence "The conditional authorization for issuance of the Wetland Permit and Stormwater Management and Erosion and Sediment Control shall expire if

compliance with the conditions noted below is not demonstrated prior to February 12 12, 2022...”

Chairman Currie moves to approve Resolution 2021-05 as amended to grant conditional approval for a Wetland Permit and Stormwater Management and Erosion and Sediment Control Permit for the installation of a inground pool and patio and relocation of a septic tank.

Member Chris Zaberto seconds. All in favor. Resolution passes.

PROJECT REVIEW

Property Along Route 100: TM 28.14-25-1 NYC DEP Wetland and Watercourse Protection Permit Application

Application from the DEP to apply herbicidal treatment for invasive aquatic plant control.

Meredith Taylor from DEP gave a PowerPoint presentation on hydrilla, as summarized below:

Hydrilla is a federally listed noxious weed with high reproductive potential, can remain dormant for years, can survive drying and freezing, low light and low nutrient conditions, at up to 30 feet deep. Concerned that fragments can spread regionally, block intakes, affect drinking water quality and treatment processes, economic consequences (treatment costs increase), protect native species, protect Croton System.

DEP solicited an expert review in 2015 and funded a workshop and review in 2017, and the results agree that fluridone treatment is safe and effective for New Croton Reservoir, and conducted two pilot treatments in Yorktown in 2018 through 2020. DEP found very little movement of fluridone outside of the treatment areas.

Planning to use three different products:

Sonar H4C granular product is the primary product, stays localized at the base of the plant and is safe to use within a quarter of a mile of drinking water.

Sonar ONE is slightly larger pellet for high flow and high exchange conditions.

Sonar Genesis is a liquid product used to bump up target concentration.

Chairman Currie asked if DEP is required to take the lowest bid.

Ms. Taylor says yes, but they only received one proposal.

Chairman Currie inquired why the application says that the public does not have access to the waterbody. Ms. Taylor clarified that access to DEP waterbodies is by permit only, there's no restrictions on fishing or other water uses. There is no known fish toxicity with the products.

Chairman Currie inquired about the timeline, as DEP stated they would like to begin in early May. Ms. Taylor responded that they are still well within their target treatment period, though it will require concentrations to treat the larger plants.

Member Zaberto stated that invasive aquatic plants makes it difficult for fishermen to navigate waterways.

Member Gannon inquired if the inactivated hydrilla is removed.

Ms. Taylor explained that because the treatment prevents photosynthesis it drops the growth rate and associated biomass slowly.

Ms. Gannon further inquired if repeat applications will be required.

Ms. Taylor responded that this is at least a three-year abatement program with the goal of functional eradication.

Ms. Gannon further inquired how the public will be notified of the application.

Ms. Taylor responded that notifications will be posted at all boat access areas, outreach to boat permit holders, and the largest boat storage areas. Generally access is by boat, not shoreline fishing, in this area.

Chairman Currie asked Consulting Town Engineer Steve Robbins if Somers approval has a functional impact on the hydrilla treatment program.

Mr. Robbins said that the Town needs to issue a Wetlands Permit. Woodard & Curran had a Senior Ecologist review the DEP application materials and that Woodard & Curran found that the application was complete and appropriate for the need.

DEP completed an internal SEQR Review, revealing the primary concerns are nesting bald eagles but no other significant impacts.

Ms. Gannon asked Mr. Robbins about how often the finished water is tested, monitored, and reported.

Ms. Taylor explained that this is a condition of the DEC Article 15 application, which requires a monitoring and reporting plan, including testing by a laboratory independent of the applicator. The application program is seven applications, so there's opportunity for DEP to adjust the dosage rate if needed over the application period to maintain the appropriate target concentration. The applicator will also conduct their own sampling.

Chairman Currie asked Mr. Robbins what the next steps are. Mr. Robbins responded that a public hearing is required by Chapter 167 of the Town Code. Chairman Currie is concerned about notification of adjacent landowners, a potentially very large number of residents. Town

Counsel Joseph Eriole responded that he will send a Memo to the Planning Board outlining the notification process.

Ms. Gannon noted that the other adjacent Towns that DEP is proposing hydrilla treatment in will probably also need to notify residents and that their Planning Departments could be contacted to inquire about their processes.

Ms. Taylor offered that in Yorktown they did not require a Public Hearing subsequent to their initial approval before the Town Board.

Mr. Zaberto moves to hold a Public Hearing in June. Member Jack Mattes seconds. All in favor. Motion passes.

DISCUSSION

259 Route 100: TM 28-06-1-15

Londondery Group, Inc. Future Site Plan Application Project Update Review

Presentation of updates to project and proposed site plan in advance of Site Plan Application.

Rick Dinardo (Londondery Group) and Steve Wrabel (applicant's legal representation) joined the meeting.

Mr. Wrabel shared an updated conceptual site plan associated with a Zoning Amendment, which is before the Town Board as well as a SEQR Review. Once Zoning is in place, the Applicant will retain a landscape architect to provide a detailed planting plan.

There will be 2 12-unit buildings.

Member Gerbino inquired about the number of affordable units and the Applicant's assertion that it's not likely to have an impact on the schools (school-age children). Mr. Dinardo clarified that the assertion is based on occupancy and use of their other property in Somers, but the development is not age restricted.

Member Zaberto asked what the building footprint is. Mr. Dinardo replied it is 3,600 square feet, and the two buildings are basically identical.

Member Bruce Prince asked if a landscape concept was considered so that the buildings looked out onto green space rather than parking.

Mr. Dinardo said yes, they had a total of three layouts, but that the Town Board preferred an orientation that had the narrow side of the buildings face the road.

Mr. Prince asked if the Town Board can make that decision. The Planning Board is part of the SEQRA process and can voice this concern.

Member Gerbino raised the issue of room for both drinking water wells and septic, which further restricts the layout.

Member McNamara asked if the buildings had elevators and are accessible.

Mr. Dinardo confirmed that there are elevators.

Member Gannon and Member Zaberto suggested some additional options to improve green space and reduce and relocate parking and impervious surface.

Consulting Planner Dave Smith explained that this will come back before the Planning Board during site plan approval, and the Planning Board can raise these concerns again outside of the Zoning Amendment.

Mr. Prince clarified that he has no problem with the Zoning change, only the site plan aesthetics, and he'd like to see layout alternatives.

Member McNamara pointed out that if Building 2 is rotated it could encroach on the site line setback. Mr. Zaberto suggested that a Zoning Variance could be used.

Mr. Wrabel asserted that if they're going to get a Zoning change, they do not want to present a non-compliant site plan that requires a variance.

Mr. Dinardo offers that there is still green space in the rear of the lot, over the septic, on the site available for activities.

Ms. Gannon and Mr. Prince both note that Building 1 has a long length that doesn't overlook parking but Building 2 does not have a long length that does not face parking, so Building 1 is advantaged.

Ms. Gannon further reminded that Planning generally avoids parking in the front of buildings, and so this is not consistent with an overall Town Planning philosophy.

**100 Route 202: TM 27.07-1-1.1
Anglebrook Golf Club Proposed Patio Expansion**

Pre-application informational presentation.

Andrew Tung of Divney, Tung, & Schwalbe, representative of Anglebrook Golf Club, joined the meeting. Mr. Tung made a presentation of the proposed expansion of a patio with awning.

The Clubhouse faces southwest. There is an existing narrow bluestone terrace along the rear of the Clubhouse. The majority of the terrace is under the overhang of the roof, with a small bump out in the center.

The proposal is to extend the middle bump out to be in line with an existing bluestone strip in the lawn, and with a building-mounted awning covering the expanded patio. Gravel strips on either side of the expansion will receive the runoff from the additional impervious surface and direct into a drywell. In the future, the Applicant may want to add new patio space on either side of the expansion that will be coming before the Planning Board at the next meeting.

The Applicant would like to construct and open this dining terrace for summer use.

Consulting Town Engineer Steve Robbins asked Mr. Tung what their plans for stormwater management will include.

Mr. Tung replied that a dry well will be used.

Mr. Robbins inquired if the Applicant should include this expansion as well as the two additional side patios so they do not need to come before the Planning Board again.

Member Prince inquired if the patio slope might be too much for walking.

Mr. Tung clarified it will be about a 1 percent slope and have a small step/ledge.

Mr. Tung indicated that they are planning to submit their Application for the next meeting, and asked if the Planning Board would waive the Public Hearing for a minor site plan change given the small scope and scale of the proposed modifications.

Mr. Robbins and Town Attorney Joseph Eriole agree that it is a reasonable request, but they need to see the submission first.

Electric Vehicle Charging Stations

Consideration of commercial electric vehicle charging stations in general as permitted accessory uses within the Town of Somers.

Consulting Planner Dave Smith asked if this is for commercial only or is there a residential aspect for this change. Mr. Smith provided a photo of an electric vehicle charging station in his neighborhood to the Board previously in the day.

Member McNamara said he'd rather see the charging post in a side or rear yard, not in the front.

Member Zaberto said this is really about a Code alteration, parking space competition and appropriate ratios, increased popularity, and demand for charging stations.

Consulting Town Engineer Steve Robbins said the Town Board has permit applications for the addition of charging stations by commercial applicants.

Mr. Zaberto asserted that restricting residential applications is a Building Department issue, not a Planning Board matter.

Member Gannon asked if multi-family housing applicant should also consider EV charging stations in their site plans. Mr. Zaberto agrees; it's easier to access the infrastructure in a new build rather than a retrofit.

Mr. Smith will focus his research on the commercial side.

MEETING ADJOURNMENT

Chairman Currie reminded the members that the next Planning Board Meeting is June 9, 2021.

Chairman Currie made the motion to close the meeting. Ms. Gerbino seconds. All in favor. Meeting adjourned at 8:57pm.

Respectfully submitted,



Janelle Robbins, Transcriber

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