

PLANNING BOARD

John Currie, *Chairman*
Paul W. Ciavardini
Vicky Gannon
Jack Mattes
Bruce A. Prince
Anthony Sutton
Christopher Zaberto

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WESTCHESTER COUNTY, N.Y.



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SOMERS PLANNING BOARD MINUTES June 11, 2025 7:30PM

ROLL

MEMBERS PRESENT: Chairman John Currie, Paul Ciavardini, Vicky Gannon, Jack Mattes, Bruce Prince, Anthony Sutton, Christopher Zaberto

ALSO PRESENT: David Smith- Consulting Town Planner, Steven Robbins- Consulting Town Engineer, Michael Towey-Planning Board Attorney, Nicole Montesano-Planning Board Secretary

MEETING COMMENCEMENT

The meeting commenced at 7:30 p.m.

Chairman John Currie welcomed everyone to the meeting and then requested participants say the Pledge of Allegiance.

Planning Board Secretary, Ms. Nicole Montesano, called the Roll.

MINUTES

Chairman John Currie stated the first item on the agenda is the May 14, 2025, draft minutes for approval. Jack Mattes made a motion to accept the minutes as submitted. Ms. Vicky Gannon seconded. All in favor. Motion passes.

TIME EXTENSION REQUEST**1. GRANITE POINTE RE-GRANT OF FINAL SUBDIVISION APPROVAL, STEEP SLOPES, TREE PRESERVATION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS
TM: 27.05-3-2&5**

Chairman Currie stated for the record that this is a request for the 32nd 90-day time extension for Granite Pointe Subdivision, Re-Grant of Final Subdivision Approval, Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits, as per Resolution 2017-10, from July 9, 2025 up to and including October 6, 2025 as per Town Law Section 276 (7) (c) and Town Code Section 150-13M. The property is located on the east side of Route 118/202, adjacent to the Amawalk Reservoir and is located in an R-40 Zoning District for the development of 23 lots in a Cluster Subdivision.

Chairman Currie made a motion to grant the time extension. Mr. Christopher Zaberto asked if the Applicant was present. Chairman Currie responded no and asked if there was a second. Both Mr. Anthony Sutton and Mr. Paul Ciavardini seconded. All in favor. Motion passes.

PUBLIC HEARING**2. 23 & 25 HILLTOP ROAD
APPLICATION FOR STEEP SLOPE PROTECTION, WETLAND AND WATERCOURSE PROTECTION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL AND TREE REMOVAL PERMITS
TM: 37.11-1-1.1&1.2**

For the record Chairman Currie stated that the project proposes the construction of two single-family homes with septic and well and to extend the common driveway (portion previously installed) as approved under Resolution No. 91-6 and related stormwater improvements and remaining individual driveways. The properties are located at 23 and 25 Hilltop Road and are in an R-80 Zoning District.

Mr. Sean Peters, P.E., from H2M Architects and Engineers came forward and introduced himself and indicated he was here on behalf of Martin Parenti, the Applicant, who was also in attendance. Mr. Peters stated that as this is a Public Hearing, he can give a high-level overview of the project and then touch on some minor changes that have been made to the plan since their last appearance. He indicated that the project proposes the development of two residential homes in the R-80 Zoning District, and those homes are going to be developed on a previously approved subdivision, that was approved in 1991. He noted that they are here before the Planning Board for several environmental permits, including Tree Removals, Steep Slopes, Wetland and Watercourses, Stormwater Management and Erosion and Sediment Control. He indicated that the two residential homes will share a common driveway, which is going to be extended from an existing asphalt driveway that was

installed during the work of the previously approved subdivision. The driveway will continue up as a shared easement and then split to the two homes. The project is also proposing a number of plantings for wetland mitigations, as well as a riprap area, which will allow for some slowing of flows and reduction of erosion before entering an adjacent stream which generally flows through the center of the property. The project also proposes a series of stormwater management treatment practices such as a forebay, a bioretention area and a detention pond for providing water quality as well as reducing the 110-year and 100-year storm events. Otherwise, there is on site septic and wells that will serve the project. Mr. Peters added that just so the Board is aware, they only made two very minor changes to the plan based on comments from the Town Engineer. The first was to clearly identify the setback areas and label them- so those were added. The second was the detail for the concrete washout, which will be used during the Erosion and Sediment Control phase. As far as the Erosion and Sediment Control plans and phasing, the project is laid out in a manner to reduce and mitigate any potential impacts. While referencing the plans Mr. Peters stated that the area that you see in orange is going to be the work done in phase one. This area will primarily involve the initial installation of Erosion and Sediment Control, the cutting in of the road and tree clearing, and then the installation of a swale that will direct any runoff from disturbed areas down into a sediment trap. Once work in this area is completed and the areas are stabilized, work will continue with the development of the residential homes and the on-site utilities. Mr. Peters then stated that the other updates he wanted to give to the Board were based on some of the discussion that they had at the last meeting. First, the telephone easement. As the Board may remember, that was an AT&T easement and after doing some homework on it they found out that it was currently owned by Verizon. After some additional back and forth, it was determined that Verizon no longer maintains lines through that area. So, he believes that comment has been addressed. The next thing Mr. Peters wanted to mention, which they just received confirmation on today, so it was not something the Board had yet received, was in terms of the New York State Department of Environmental Conservation (DEC) and the wetland permit. They did hear back from the DEC, and they have no outstanding comments. However, as part of the permitting process approval, there will be a notice in the paper and a time for public comment. Mr. Peters indicated that typically, they have not really received comments from the public on stuff like this when it comes through the wetland process, but there is a 15-day public comment period. But on the DEC side, they have no outstanding comments, and they said that, assuming no comments are issued, the permit will be issued shortly thereafter.

Chairman Currie then asked Staff if there were any questions and/or comments. Consulting Town Planner, Mr. David Smith had none. Consulting Town Engineer, Mr. Steven Robbins stated that the applicant has substantially addressed the majority of our comments from a technical standpoint. He stated that the items he wanted to bring to the Board's attention were first, that he did not believe the Applicant has located any records of a trail easement through the property and that during the site walk it was observed that there is a marked trail running through there, but it doesn't appear that is recorded as part of the deed research that the applicant has done. So, there is a question of what happens to that moving forward? In addition, Mr. Robbins stated that he knows the Open Space Committee (OSC) had some comments, and he would just ask the Applicant to address what their coordination has been with the OSC, and what their comments are, and how they are addressing them. Chairman Currie then asked is it too simple to say that the trail could have just developed by people making the trail cutting through? Mr. Robbins replied yes, his understanding from the Applicant is that since there is no part of the deed that has a trail access easement through there, that is not a given

that it would. Chairman Currie responded so there never was one. Mr. Robbins replied yes, it is there, and someone put up a sign saying that there is a trail, but it is a trail through private property, and he thinks as part of the plan that the Board should know what the Applicant intends to do with that. Chairman Currie asked the Board Members for comments and/or question. Mr. Anthony Sutton asked if there was a memo from the Fire Prevention Board (FPB). Mr. Robbins said thank you and that was the other item. He indicated that he had some coordination that afternoon with the Building Department Head, Mr. Tom Tooma and the Town's Engineering Technician, Mr. Steven Woelfle on that issue. He indicated that this one is a little bit unique, since the subdivision approval predates some of the State and some of the Town requirements in the Fire Code for Access, especially along long driveways. There are provisions in there that if the approved driveway has not been modified from the approval, then it is grandfathered in, and you do not have to adjust it to meet the new requirements. The extent of modifications to the approved site plan really are around the areas of the residences themselves. And so there's a little bit of review of threshold criteria there for whether the change in the size of the building from the original approval, therefore, kind of cascades through and meaningfully are impacted by any of the fire code requirements and we are likely to request some interpretation from the Town Attorney to make sure that we're following the correct procedure and handling this one correctly, given that the original approvals date back to 1991 and we want to make sure that we're not applying any code requirements that shouldn't apply, but also that we are applying code requirements that should. He then asked if Mr. Peters wanted to comment on either the OSC or that coordination. Mr. Peters responded, yes and that they have not received any additional comments from the OSC and that he knows the comments Mr. Robbins' is referring to are from the second comment letter that we received and were discussed at the last Planning Board meeting. He indicated that he believed the primary two comments that were discussed and outstanding related to endangered or protected species existing within the site. At the last Board meeting, he mentioned that we have no documentation from OSC that there are any existing threatened or endangered species on the site. We did say that if we received anything from the DEC in terms of mitigation measures that they were looking for us to incorporate, that we would certainly incorporate them. We have not, the DEC had no further comment on their end. So, he is not sure really, what other steps this Board is looking for us to do, because there has not been any documentation indicating that there's species on there. He understands that this is a forested site, but the typical process anytime they have gone to a site plan approval is everything is based off of DEC records or Environmental Assessment Form (EAF) Mappers, and neither of those documentations have indications of endangered or protected species. Mr. Peters, then stated the second one, was on whether or not this was an archeological area. He noted the OSC made note of some other application that had archeological sites, but again, stated that generally, the DEC relies on the Cultural Resources Information System (CRIS) mapper to identify any archeological sites, unless there is any other historic evidence that would indicate that there is an archeological assessment needed. He reiterated that again, there was nothing in the mapper and they have not seen any documentation that has indicated that this is an archeological site and so, similar to the first comment, he felt like on their end, they have done their due diligence and haven't received anything from the OSC or any other agency indicating that there is something that requires further assessment. Mr. Peters then addressed the trail access. He indicated that in speaking with Mr. Parenti, he thought that their original understanding was that there was some sort of permanent easement that would allow the public to use this space, and based on that we discussed being willing to allow that and potentially putting signage in. However, they think if there is not an existing easement here, it opens up Mr. Parenti or potential homeowners to risk if somebody were to get

injured there on the trail. So, at this point, that is something that they would look to not be utilized by the public on private property. Mr. Peters noted that on the last item fire access, he did speak to Mr. Tooma, and they received his memo on the 29th, which unfortunately, was after we had already resubmitted plans, so we did not get a chance to make any modifications. He indicated that when he spoke to Mr. Tooma about this and what you are referencing in the code for fire, he just wanted to understand where he felt the difference was because the driveway widths are similar. While referencing the plan, Mr. Peters stated that as Mr. Robbins mentioned, there is modifications because of the change in the footprint of these buildings – so right around these buildings is the only area that the fire access is changing. He noted that in his opinion, that does not change anything with the access itself, the continuous width is still exactly how it was on that approved subdivision in 1991 until you get to the building, which is where there would be response. Mr. Peters said that he is not sure if your counsel or anyone else interprets that differently, but that was their initial interpretation that we were looking to hear from Mr. Tooma on. Planning Board Attorney, Mr. Michael Towey stated that he was going to look into whether the change in the originally approved site plan versus the originally approved subdivision, removes the grandfathering of the then dated fire code this week. Mr. Towey also advised Chairman Currie that he knows he had asked him last time to look into the trail crossing and whether it had actually been recorded and he has a reminder to call the Angle Fly Preserve and the Somers Land Trust and see if they have any documents, because otherwise it would be a full title report. He indicated that he was not sure if the Applicant prepared a full title report or has one that goes back all the way to the original subdivision or prior to it. He indicated that he would do his best to get that to the Chairman as soon as possible.

Chairman Currie asked if there were any other Board Member questions and/or comments. He then asked if Mr. Robbins could clarify whether or not the fact that the DEC does not list anything on the site takes care of our responsibility. Mr. Robbins indicated that we rely as well on the the DEC's Environmental Resources Mapper to provide guidance on what exists on the site. The OSC provided comment, as they do on any application based on their knowledge of the Town and their knowledge of the site, and they provided commentary to the Board around their concern. But as the Applicant presented there is no other information that documents that. Chairman Currie then stated that if there are no other Board Member questions and/or comments he would open up the Public Hearing. Mr. Anthony Sutton said he wanted to explore the driveway issue again for the fire apparatus. He stated he respects the fact that when it was first approved those were the rules. However, having walked that site and seeing it and being on enough emergency sites to realize apparatus will pile in that driveway and if it is a winter night, and there is no place to actually turn, backing out is a little hazardous, and if you are backing out an apparatus that is over a million dollars, sliding into the woods is not something you want to see happen. So, if there are any accommodations or provisions that could be made during construction, it might be something we should consider. Mr. Robbins responded that the approach is that we would want to take in a situation like this is first address what is the regulatory requirement, and make sure that the Applicant is meeting that regulatory requirement work, and if the regular regulatory requirement does not require the Applicant to improve something, then we would hope to work with the Applicant to make sure that they are getting as close as possible, of their own accord to it, because it's in their best interest to be able to have an emergency apparatus access this site, they are the owner. This is where we are- determining what is required and then what can be done. Mr. Sutton responded and that is why he brought it up and what he understands. Mr. Peters responded that he also agrees, and he thinks Mr. Parenti understands the importance of

providing emergency response. Mr. Peters stated that he knows they received comments after submission as well as other comments this afternoon regarding potential turn around and pull off area, so he did have one more plan that he wanted to quickly share because he believes that this application is getting close to conditional approval. He also added that he thought that this is not going to substantially change the plan. While referencing the plan, Mr. Peters stated that Mr. Robbins had identified to them in his correspondence that they typically look for a turn pull off area 12-feet-wide by 50-feet-long every 500 feet, which is indicated here in pink. We identified this area over here and this area over here – they are spaced at 500 feet from the site entrance to here and then to here. Mr. Peters then indicated that the distances to these two accesses are less than 500 feet, with this one being a little under 300 feet. In order to accommodate a turnaround, we felt that the best place to do that without substantially impacting the site, because those turnaround areas are fairly bulky, would be to provide a turnaround here, which is what you see in this diagram here- this is a 40-foot fire truck, which he believes was indicated in the correspondence. As you know, per the code, that is typically what is looked at for pull off areas. While pointing to the plan, he stated that they also did an analysis of that here and that the areas that they are seeing in different colors. The orange area is what the current plan that you are reviewing shows for the edge of the pavement. These small yellow areas here along the bottom, and then right here, and here would be new impervious area that we would be adding to provide enough width and length to accommodate this vehicle turnaround that you are seeing right here. In doing that, we would be reducing the impervious area on the site by 65 square feet. So, the pervious area is actually going to be reduced. We will provide a turnaround area, and we would not be increasing the disturbance area. Mr. Peters stated he thought maybe there is a corner of this that is going to be new disturbance, maybe 15 square feet or so on this corner, but otherwise there would be no changes. There are no additional trees that would need to be cleared, and again, he understand that Mr. Robbins has not had a chance to review this drawing and the drawing itself still needs to show grading and a little bit more detail, but he thought there was enough content here that their request would be that if the Board does end up moving forward with a conditional approval, that their approval be conditioned on complying with a review from the Town Engineer and from the Bureau of Fire Prevention, because he does feel like this is a small enough site change that it is not impacting what we're here for, which is for wetlands, steep slopes and tree removal. Mr. Robbins then asked if the area at the bridge that is highlighted red, or pink was another pull off area. Mr. Peters responded yes, that would be the first pull off area, and then the second area will be here. He indicated that he knows it is hard to see here, but this is a 50-foot-wide area that would allow for a pull off, but it can also serve as a turnaround area. We tried to utilize that space for both surfaces to minimize pervious area on this site. Mr. Robbins responded that he thought Mr. Peters was thoughtful about the way that he did this, since he appreciated that are both of those pink areas are within the limit of disturbance that you previously had on the project. He added that he knew Mr. Peters said there is a de minimis amount at one of the corners, but that is not within the wetland buffer. Mr. Peters responded, yes, this area actually is where we are already proposing that gravel riprap so that area is already incorporated within the limits of disturbance, and this area also is where the swale continues to run along this lower area and that he thought they only added a foot or two to widen it, just to give enough room for these vehicles to turn around and provide that 50 by 24 area. Mr. Robbins responded that he appreciated the quick turnaround and thoughtfulness on this, given the fact that Mr. Peters might have only had two hours from that comment. Chairman Currie stated that if there were no other comments we would open the Public Hearing. He then asked Planning Board Secretary, Ms. Nicole Montesano about the publishing and posting. Ms. Montesano

stated that the legal notice was published in the Journal News on May 29, 2025, and the adjoining property owners were notified on May 27, 2025. No one came forward from the public for comment.

Chairman Currie suggested to keep the Public Hearing open for one more meeting as he knows that the Board has not received the final plan that was just shared and that the Applicant just heard from the DEC today. Mr. Robbins stated that he thinks that the DEC's comment were a key unknown for this Board and that the Applicant has provided their response to the Open Space Committee who will be meeting again later this week and have the opportunity to provide any further comment if they want. He also noted that the modifications that the Applicant presented are substantially within the environmental impact and the limits that they previously disclosed. He added that while we hope that these modifications do resolve the OSC comments, he might suggest that the Board leave the Public Hearing open and also direct staff to prepare a Confirmatory Resolution so that they can close and move on at the next meeting, but we left it open in case the plan does need to change further that can be disclosed to the public and they have an opportunity to comment. Chairman Currie then asked how the Board felt on that recommendation? Several members noted their agreement. Chairman Currie then told the Applicant it was a pleasure to work with him and that he went above and beyond. Chairman Currie then made a motion to direct staff to prepare a Resolution for the next meeting, and to keep the Public Hearing open for one more month. Mr. Sutton seconded the motion. All in favor. Motion passes.

**3. 99 TOMAHAWK STREET
APPLICATION FOR WETLAND AND WATERCOURSE PROTECTION AND
STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL
PERMITS
TM: 27.13-1-25.1**

For the record Chairman John Currie stated the project proposes the removal of an existing bridge and replacement with a new culvert and temporary access road to serve an existing house. The property is located at 99 Tomahawk Street and is in an R-40 Zoning District. He then asked Planning Board Secretary, Ms. Nicole Montesano to advise on the public notices. Ms. Montesano stated that the legal notice was published in the Journal News on May 29, 2025, and the adjoining property owners were notified on May 27, 2025, via mail.

Mr. Matt Sorrell, P.E., with Sorrell Engineering came forward and stated that he is representing the property owner, Mr. Robert Manners. He indicated they were here today for their Public Hearing and that he would provide a brief recap of the project. He stated the owner recently purchased the property and that there is a several 100-foot-long driveway leading from Route 202 up to the house, which crosses an intermittent stream. There is an existing bridge carrying that driveway over the intermittent stream, and that bridge is in a state of disrepair. As part of the improvements the owner is making to the property, they have looked at the bridge, inspected it, and after further discussions, it does not make sense to repair the bridge and they have elected to remove the bridge and replace the structure with a 30- inch diameter culvert to carry that intermittent stream beneath the driveway. For reference, there is also a culvert that the New York State Department of Transportation (DOT) maintains under Route 202, just downstream of this proposed culvert, which is also about the same size – it is also a 30-inch culvert. The process of removing the bridge and replacing it with a culvert,

will disturb just over 5,000 square feet, and the integrated stream itself is considered a wetland. It is on the National Wetlands Inventory (NWI). Per their latest information, the New York State Department of Environmental Conservation (DEC) does not consider it a regulated wetland at this time. He further stated that the project would disturb about 5,000 square feet, and they would place about 80 yards of material in the wetland area and the buffer as part of the construction of the culvert. Mr. Sorrell stated the Staff had the opportunity to walk the site, and we went through the project with them out there and he believed extensive photographs of the site were provided to the Planning Board. He indicated that is where they are. They submitted a jurisdictional determination to the DEC on April 15, 2025, and he checked back with them about a month later, and there was no progress made on that determination. The response he received from his DEC contact was kind of - it is out of my hands, do not ask anymore as they cannot do anything about it. Mr. Sorrell stated his understanding is that the wetland regulations recently changed, and he is sure there is probably a bit of a scramble, and they are trying to figure out if this is their jurisdiction or not. He indicated that it has been about two months since they have submitted the jurisdictional determination request, and about a month since his last correspondence with the DEC which he believed staff was copied on. Consulting Town Engineer, Mr. Steve Robbins responded that he did not recall. Mr. Sorrell continued and stated that they are more or less in a holding pattern waiting for the DEC jurisdictional determination and that once they receive it, he believed he would get the Wetland Permit from the Town, file the Notice of Intent (NOI) with DEC and commence construction. He said their biggest concern is regarding emergency vehicle access over the existing bridge and that they have been in contact with the Fire Chief of the Town as well as the Building Department and they share the same concern.

Chairman Currie asked Mr. Robbins what can the Applicant do? Mr. Robbins responded and stated that unfortunately the DEC is estimating that their review and feedback timeline is about 90 days on these. Based on that, Mr. Robbins said his question to Mr. Sorrell, is - is this bridge that you have stated that needs to be repaired – is it an emergency, or do we have 30 days? Mr. Robbins followed by saying that he understands the unfairness of the question, we cannot predict the future, but is it? This is work that he thinks makes sense to do and he thinks the question for this Board is, and for you, the Applicant, is whether it can move forward reasonably to close the Public Hearing and prepare a Resolution or wait for feedback from the DEC for working in this wetland. Mr. Robbins indicated that it may be prudent to approach this in the same way that we did the last agenda item- you as a Board would need to approve the approval, and that is coming back next month anyway. We can have that ready to go and hopefully, the DEC replies in the next month, the Public Hearing is left open in case the DEC does have comment, and if not, hopefully we have DEC comment resolved next meeting, and you have a Resolution that you can take action on next meeting. That would be his recommendation, unless the Board feels that there is an emergency that everyone is concerned about, but no one has said you should do this now, regardless. Mr. Sorrell responded that is a loaded question, of course, but he appreciates Mr. Robbins acknowledging that for sure, but the bridge needs to be replaced – there is no question of that. As far as the timeline, he cannot predict. He stated that one of his first supervisors used to say he bet on horses, not on bridges, and he thinks that applies here. Mr. Robbins stated it is important for the Board to hear. Mr. Sorrell stated that he would not hazard a guess, nor would he condemn the bridge tonight, but this work does need to move forward.

Chairman Currie then asked if the Board had any questions and/or comments before the Public Hearing gets opened. Mr. Anthony Sutton asked if on a visual inspection if there are any structural

members that you can put your fingers through or any structural members missing. Mr. Sorrell responded that the steel is rusted through the bottom flanges, particularly the pencil flanges, they are very much delaminated. There is loss of section in the steel. The saving grace is the fact that the bridge was quite over designed when it was initially installed – it has always been a source of amusement to him, why they put such large girders in there. But we are into that safety factor now, for sure, the fact that the bridge is much more robust than it needed to be is the reason it is still standing. Chairman Currie then opened the Public Hearing and asked if there was anyone present who wanted to speak on this issue. No one came forward. Chairman Currie then made a motion to keep the Public Hearing open for another month, and to direct staff to prepare a resolution for the next meeting. Ms. Vicky Gannon seconded the motion. All in favor. Motion passes.

Mr. Christopher Zaberto asked when the DEC made the changes. Mr. Robbins responded the changes were effective in January of this year. Mr. Zaberto asked if that was like a due process thing. Planning Board Attorney, Mr. Michael Towey stated that he thought they just imposed a timeline so that it does not become endless and that he has applications in New York City that have been there for six months. He noted it is a very large grab by the state. But in the same instance, it limited itself to a time period, which is nice. Mr. Zaberto then asked when the Applicant initially filed. Mr. Robbins stated they filed in April - about the same time that the previous agenda item put forward that same filing, and they have heard back from the DEC.

PROJECT REVIEW

4. 3 CATHERINE COURT

APPLICATION FOR WETLAND AND WATERCOURSE PROTECTION, AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL TM: 27.18-1-24

For the record Chairman John Currie stated the project proposes an in-ground pool, patio and rain garden. The property is located at 3 Catherine Place and is located in an R-80 Zoning District.

Mr. Andy Cheung, P.E., from AC Engineering, PLLC came forward and introduced himself. He stated that based on some recommendations from the Planning Board and the Open Space Committee (OSC) he has made some revisions to the plans since he last presented. While referencing the plan, Mr. Cheung pointed out 3 Catherine Place and where the house, existing septic system, backyard and side yard are located. He noted that literally the only location where they could place a patio was on the side piece of the property. He pointed out an existing watercourse that runs south to north, right here and then pointed out a line that represented the 100-foot stream set back. He indicated that as seen all of the work that will be done is inside the 100-foot stream buffer. He noted that one change that they had done since the last meeting was there's approximately 830-square feet of paver, patios and pool to be proposed in this location, they added approximately 830-square feet of wetland type plantings along the slope here to offset that. After that was done, Mr. Cheung indicated they received a memo from Consulting Town Engineer, Mr. Steve Robbins' office and that the plan he was sharing actually addresses those comments, including some additional grading for the rain garden. There was some discussion last time about the location of the existing shed that was to be moved. He indicated

that to accommodate some of those comments, they ended up moving the shed further away from the edge of the slope. They actually moved it about seven feet away from the edge of the slope, just to provide a flat area so they did not have to do any grading that could potentially go off to the side of the slope. They also did deep test pits in the area of the rain garden that went down to the required depth which did not hit any bedrock or groundwater. In addition, they enhanced the stormwater. There will be a trench grade around the perimeter of the patio, which will route stormwater to a catch basin, and from the catch basin piping down the hill to a proposed rain garden. One of the comments from the Open Space Committee talked about the open grate of the catch basin as the junction point. So, in our details, we decided to remove the open grate and replace it with a solid grate to prevent anything from getting in there. It is not collecting any surface water it is really mainly used as a junction box for the trench grades to flow into. So, we were able to accommodate that comment from the Open Space Committee. Mr. Cheung concluded by stating that this is the latest round of the drawings that addresses Mr. Robbins' office team's comments. So, just to clarify, Mr. Robbins asked for confirmation that this drawing that Mr. Cheung presented has not yet been officially submitted to the Town, but it is responsive to the comments from our last memo, correct. Mr. Cheung responded correct. Mr. Robbins stated that the Applicant provided this plan, he thinks substantially whole to Woodard and Curran last week prior to this meeting to get our feedback on whether this addresses our comments. It does address our comments, and so obviously it needs to be submitted to the Planning Board for your review, but as part of the Applicant's review and our input, they're showing that they can address our comments, and we need to conduct our final official review and provide an updated memo to the Board and to the Applicant, but they have substantially addressed our concerns. Chairman Currie stated that the Board has not seen these plans yet but asked the Board if they had any questions and/or comments. There were none. Mr. Robbins indicated that the next step on this would be for the Board to schedule a Public Hearing. Chairman Currie stated at which point we will have the plans and your written comments. Mr. Robbins indicated yes. Chairman Currie made a motion to schedule a Public Hearing for the July 9, 2025, Planning Board Meeting. Ms. Vicky Gannon seconded the motion. All in favor. Motion passed.

**5. TRAILSIDE ESTATES AT SOMERS
SITE PLAN APPLICATION & PRELIMINARY SUBDIVISION APPLICATION
REYNOLDS DRIVE
TM: 4.20-1-12 & 15.08-1-4**

Chairman Currie stated that the Applicant is proposing construction of an 81-unit townhouse community with associated appurtenances. Five of the 81 units will be sponsor provided, and target households at or below the 120% AMI. The project also proposes the construction of a Community Center and dog park to be located on a separate parcel which will be dedicated to the Town of Somers. The property is accessed through Somers Realty Planned Hamlet via Reynolds Drive and is located in a Multi Family Residence Baldwin Place (MFR-BP) Zoning District.

Chairman Currie indicted that the Applicant has requested being adjourned from this meeting.

REFERRAL**6. REFERRAL BY THE SOMERS TOWN BOARD - ZONING TEXT-AMENDMENT RELATED TO THE PROVISION OF AFFORDABLE HOUSING**

For the record Chairman Currie stated that after he reads the summary, he will have Consulting Town Planner, Mr. David Smith explain it. He indicated the Town Board of the Town of Somers, Westchester County, New York has initiated the zoning text amendment process to amend certain sections of the zoning code regulations related to affordable housing and has issued a Notice of Intent to be Lead Agency with regard to the zoning text amendments under the procedures and requirements of the State Environmental Quality Review Act (SEQRA) and Chapter 92 of the Somers Town Code.

Mr. David Smith advised the Chairman that this is some slight zoning text amendments that looked at adding to the definition of affordable dwelling units. The text that reads, all affordable units shall be marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan. So essentially, because the County was part of the lawsuit to provide for additional affordable housing throughout the county, that these units needed to be marketed in a particular way. This did not address management, just the marketing. Mr. Smith indicated that they had talked about this briefly before the meeting and that some communities previously had preferences for Town employees and schoolteachers and things of that nature. As part of the settlement, the marketing of the units needed to be done essentially on a county wide basis and that is why we are proposing to amend the definition-so that all these units are marketed in a particular way that is prescribed as part of the settlement. In addition, the affordable housing component is only allowed or only permitted or required in your multi-family residence districts, and that's primarily up and around the Baldwin Place area, the Business Historic & Preservation District (BHP) allows it and then that you have the Neighborhood Shopping District (NS) where you have a multi-family component that also has the affordability component. That affordability component is currently 15% - the model code for Westchester County requires 10%. So, all the Town is doing is just adjusting the affordable requirement from 15% to 10% which is consistent with the model code that the County promotes throughout Westchester County. So, in essence those are the revisions to the code. The first thing from a State Environmental Quality Review Act (SEQRA) standpoint, they have issued a Notice of Intent to act as Lead Agency. The Town Board is the only agency who can act as a Lead Agency, because they are the only agency who can amend the Zoning Code. Mr. Smith indicated that he is assuming that the Planning Board does not object to the Town Board assuming the Lead Agency role and he noted that the Town Board meets tomorrow night, and if there were no comments or questions, he is going to report back that this Board does not object to the Town Board acting as Lead Agency. But, if there are any comments, the Board can certainly forward them to the Town Board for tomorrow night. Mr. Smith added that there will be a Public Hearing scheduled at some point in the future, perhaps at the July meeting, where the Town Board will have to officially open a Public Hearing on the proposed changes and then consider the matter. Chairman Currie stated that he did not realize, but in the past, you probably will not remember, we could set aside housing for volunteer firefighters, police, and teachers. Mr. Smith responded, no longer. Chairman Currie stated the only way you can do it is if the Town owns the housing and designates it that way. Mr. Smith responded correct and stated as an example that the village of Dobbs Ferry, because they owned property, they developed housing for members of the volunteer fire department - but that is because they own the property, and

they can set those preferences for local residents. Mr. Christopher Zaberto then asked if Somers had an Affordable Housing Board – he thought at one point they did. Mr. Smith responded, yes, they still do. Mr. Zaberto then asked if they are aware of the proposed changes. Mr. Smith replied yes, they have been copied as an interested agency, just like the Planning Board has been copied. They have been provided a copy of the Notice of Intent with all the changes, and they will be made aware of when an official Public Hearing will be scheduled, so they will have an opportunity to comment as well. The Notice of Intent was sent to Westchester County as well as to all the neighboring municipalities. Mr. Smith indicated that we received a response letter earlier this week from Westchester County, and they do not object to the Town Board acting as Lead Agency, and they understand why Town of Somers is adjusting from 15 to 10%. Ms. Vicky Gannon then stated that her recollection is that the 15% affordable housing existed before the lawsuit. Mr. Smith replied, correct. Ms. Gannon indicated she also thought that the Town never adopted the model code for the County and that they did not adopt the text of the model code. Mr. Smith responded no, essentially the Town's Affordable Zoning Ordinance almost mimics the County's model code. He indicated that he did a comparison back and forth, and the one difference was between the 15% to 10%. Ms. Gannon responded okay. Chairman Currie stated from his point of view there is nothing to put in a letter to the Town, because there is nothing they can do about it. He added that he thought it is a big step back and really hurts small towns that want to have affordable housing for their volunteers. Mr. Smith replied, yes unfortunately, that is the way the settlement came down. Mr. Zaberto stated that his understanding of the change was because some folks were taking that to an extreme and because it was not marketed properly, it was never marketed, and it was kind of given to local employees and whatnot, which, in his opinion defeats the whole purpose of establishing affordable housing. He indicated that he wasn't saying that these town employees didn't have some financial issues, but if we are not opening it up to everyone, which is what the whole crux was that this is why now they've had to be specific and exclude towns, correct me if I am wrong, from doing that practice, correct. Mr. Smith responded correct. Mr. Paul Ciavardini asked if the change in percentage was a result of the lawsuit. Mr. Smith responded no, those are two separate things. Chairman Currie asked if Mr. Smith needed a motion from the Board to direct him to write a letter that we support the Town Board as Lead Agency. Mr. Smith responded yes, if you would not mind making a motion that you have no objection to the Town Board as Lead Agency and have no substantive comments on the proposed changes. Chairman Currie made a motion to the same. Ms. Gannon seconded. All in favor. Motion passes.

ADMINISTRATIVE ITEMS

For the record Chairman John Currie stated that what happened at the last meeting was that we had Resolution No. 2025-07, which was the last Resolution number issued, so the two Resolutions at the last meeting should have been 2025-08 and 2025-09 and somehow it got messed up. So, what we need to do is change the resolution numbers. We have already approved these resolutions. He stated that, Resolution No. 2025-09, Granting of a Waiver of the Site Plan Application Procedures and Site Plan Amendment Approval to Gleneida Realty Inc. will be changed to Resolution No. 2025-08. Mr. Christopher Zaberto made a motion to make that change. Ms. Vicky Gannon seconded. All in favor. Motion passes. Chairman Currie then stated that the second one is Resolution No. 2025-10, for Modification and Upgrade of Existing Wireless Facility to T-Mobile Northeast, LLC 37 Route 38

(aka 294 Route 100) will be changed to Resolution No. 2025-09. Ms. Gannon made a motion to make that change. Mr. Zaberto seconded. All in favor. Motion passes.

The final item up for discussion was concerning the scheduling of Public Hearings. Chairman Currie then asked what the scheduling of Public Hearings discussion was about. Consulting Town Planner, Mr. David Smith responded that it was related to the first two agenda items you talked about and asked if he recalled that with regards to 99 Tomahawk Street, you called to have a confirmatory resolution. Mr. Smith indicated that when he started to look into the requirements and in talking to the Town's Principal Engineering Technician, Mr. Steven Woelfle it was brought up that because this project involved a Wetland Permit it would require a Public Hearing. He asked Mr. Woelfle if we were under a time frame where we need to have a Public Hearing scheduled. In addition, as the Planning Board didn't schedule a Public Hearing, Mr. Smith looked into whether or not a Public Hearing could be scheduled administratively and asked the Planning Board Attorney, Mr. Michael Towey to look into New York State Town Law and the Code, to see if the Planning Board did not formally schedule a Public Hearing, could it be done administratively. He did not want to be presumptuous and schedule a Public Hearing, because he did not know what the past practice of your Board has been, and he did not want to step on any toes. Procedurally, Mr. Smith stated that he wanted to make sure that there was a comfort level and wanted to bring this issue to the Board's attention so that in the future, if this issue were to come up, the Board would feel comfortable with the Town administratively scheduling a Public Hearing if it was not formally scheduled. He indicated that is really what had happened and that is what led to the resolution numbering issue - 99 Tomahawk was going to be Resolution No. 2025-08 and then it got pulled, and we had already written the other two resolutions, and they had been approved, and so that's why we had to come back and correct the record on those. Mr. Smith then asked if Mr. Towey could fill in some of the blanks. Ms. Vicky Gannon said that makes sense as she had wondered about the resolution as she was expecting it. Mr. Smith stated that he did not want to tie up a whole lot of time, but he just wanted to bring this issue to the Board's attention that administratively, it could be done if wanted and if things warrant it. He indicated that this is a kind of policy decision as well. On your Board maybe you do not want to have any Public Hearings scheduled unless it is done by a motion and a vote. So, that is why he raised this particular issue. Mr. Towey stated that he does not see an issue with what Mr. Smith proposed. The more important thing with a Public Hearing is that one notice is posted properly, so that people are aware that they have an opportunity to come and speak about something that may affect them on their property. Typically, since he has been with the Board, the Board has always moved to schedule a Public Hearing. If someone moves, they are compelling the Board to act, so the Board must vote. Mr. Towey indicated that he did not really find anything in his research that to schedule a Public Hearing, the Board needed that actual act. However, it has been your policy since he has been here, and he will not interrupt that. But, in instances where things are overlooked, and we want to make sure that there was a 60-day timeline to hold, he wanted to make sure that everything was done appropriately not to disenfranchise the applicant. So based on what Mr. Smith explained and what he was now regurgitating, he thought it was fine. Chairman Currie indicated that he did not have any problems with this but that it probably will not happen again in five years. Mr. Smith responded, it may never happen again. But, if it does happen, procedurally he would bring it to the Board's attention via email, just to advise that was overlooked and it needs to be addressed. We can handle it administratively. Ms. Gannon then stated we would have an offline discussion about it- that being the one stumbling block, right? Mr. Towey responded that we must be careful in convening a quorum

and discussing official matters of the Board, because then it becomes a Public Meeting. Ms. Gannon responded that is what she was saying. Mr. Towey stated so in that instance, say Mr. Smith notified the Board Members that we missed this and we want to correct it, and he is going to schedule it, and then it could be brought up at the next meeting. Ms. Gannon stated it is not a discussion-it has already been done. Mr. Zaberto stated that we are really just looking at a second ability to generate a Public Hearing. Mr. Towey responded that it is a way to fix an issue that happened previously. Mr. Zaberto noted that the Public Hearing would most likely happen if we had voted today for next month, right? Mr. Smith responded right. Mr. Zaberto responded you would alert us of that. Mr. Smith said correct rather than an applicant loses a month. Chairman Currie then stated that Planning Board Secretary, Ms. Nicole Montesano would be instructed to handle the public notice. Mr. Anthony Sutton then stated that there would not be a meeting between the Board for us to confirm that action. Mr. Smith responded no, that is correct, unless you purposely schedule a meeting on the fourth Wednesday of the month. He added that has happened before, where we did not have a quorum on certain matters, where you have scheduled another meeting for the later in the month. Mr. Zaberto stated he thought an extra meeting just to pass a motion to open a Public Hearing was excessive and that he personally does not have an objection to changing the procedure. Chairman Currie indicated that he guessed that it probably will not happen again, but just it is nice to have another tool in the kit. Mr. Towey stated it is a fallback and if anyone had an issue with it, you could say, no we need to reconvene for the emergency meetings and that would be it. Mr. Zaberto asked if this discussion required a motion or anything. Mr. Smith responded no, this is just a discussion, and he thought we all have direction going forward on what the policy is.

MEETING ADJOURNMENT

There being no further business, on motion by Mr. Christopher Zaberto, seconded by Ms. Vicky Gannon, and unanimously carried, the meeting adjourned at 8:26 p.m.

Ms. Gannon noted that the Site Walk that was previously scheduled for June 14, 2025, was cancelled.

Chairman Currie announced that the next Planning Board meeting will be held on Wednesday, July 9, 2025, at 7:30 p.m. at the Somers Town House.

Respectfully submitted,



Nicole Montesano
Planning Board Secretary