

PLANNING BOARD

John Currie, *Chairman*
Vicky Gannon
Bruce A. Prince
Christopher Zaberto
Jack Mattes
Anthony Sutton
Michael Coughlin

Town of Somers
WESTCHESTER COUNTY, N.Y.



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SOMERS PLANNING BOARD MINUTES October 9, 2024 7:30PM

ROLL

MEMBERS PRESENT: John Currie, Anthony Sutton, Jack Mattes, Christopher Zaberto,
Michael Coughlin

PLANNING BOARD Bruce Prince
BY ZOOM:

ABSENT: Vicky Gannon

ALSO PRESENT: David Smith, Consulting Town Planner, Michael Towey,
Planning Board Attorney, Steven Robbins, Consulting Town
Engineer, Woodard & Curran

ALSO PRESENT
BY ZOOM:

MEETING COMMENCEMENT

The meeting commenced at 7:30 p.m.

Chairman John Currie requests participants say the Pledge of Allegiance.

Mr. Currie introduces the new member of the Planning Board, Mr. Michael Coughlin.

Consulting Town Engineer, Mr. Steven Robbins calls the Roll.

MINUTES

Regarding the meeting minutes for the September 11, 2024 Planning Board Meeting, Mr. Sutton moves to accept the meeting minutes as they are presented in front of the Board. Mr. Jack Mattes seconds. All in favor. Motion passes.

TIME EXTENSION**1. GRANITE POINTE RE-GRANT OF FINAL SUBDIVISION APPROVAL, STEEP SLOPES, TREE PRESERVATION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS.**

Request for the 29th 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 October 12, 2024 up to and including January 10, 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.

Mr. Anthony Sutton moves to grant the time extension. Mr. Christopher Zaberto seconds. All in favor. Motion passes.

2. NYS POLICE HEADQUARTER – SOMERS FIRE DISTRICT 295 ROUTE 100 SUBDIVISION – RESOLUTION NO. 2024-05 TM: 17.18-1-1.2

Request from Somers Fire District Board of Commissioners for a 90-day time-extension from November 4, 2024 to February 2, 2025 for approved Preliminary Plat signature by the Planning Board Chairman to meet the conditions of approval, Resolution No. 2024-05 in accordance with Town Code Section 150-12.M.

Consulting Town Engineer, Mr. Steve Robbins, explains that the extension needs to be granted since the subdivision cannot be filed without willingness to serve letters from Veolia for water and sewer services to the site. The Town of Somers has requested the willingness to serve letters and is following up to obtain the letters.

Mr. Zaberto moves to grant the 90-day time extension. Mr. Currie seconds. All in favor. Motion passes.

PUBLIC HEARING**3. KENNEDY CATHOLIC PREP SCHOOL FIELD HOUSE APPLICATION FOR SITE PLAN APPROVAL TM: 28.15-1-8, 9, 10**

1 The Applicant is proposing a new 3,150 square foot field house adjacent to the sports field
2 for exercise equipment to support the existing student population located in the center of the
3 property at the southeast corner of the main athletic field. The property is located at 554
4 Route 138 and is in an R-120 Zoning District.

5
6 Mr. Robbins states that legal notice was published in The Somers Record on September 26,
7 2024. The adjoining property owners were notified via mail on September 25, 2024. A sign
8 stating the date and location of the Public Hearing was posted on the site on September 24,
9 2024.

10
11 Mr. Paul Checco presents before the Board. Mr. Checco states that the Applicant's civil
12 engineer has been in coordination with Woodard & Curran and is currently working through
13 the final remaining comments.

14
15 Consulting Town Planner, Mr. David Smith, asks Mr. Checco to give detail to an
16 outstanding issue with the Bureau of Fire Prevention regarding an access road to the
17 proposed building.

18
19 Mr. Checco explains that the proposed building is 3,150 square feet and is an athletic center
20 meant to serve the existing school population. The proposed building would be used mostly
21 during the sports seasons. The comment from the Bureau of Fire Prevention was to provide
22 an access road to the proposed building in accordance with NFPA. There are two proposed
23 locations that both comply with the Bureau of Fire Prevention's requirements. They are both
24 20-foot-wide roads within 50 feet of an exit. Since the length of these roads are less than
25 150 feet, no turn around is required. One of the locations has room for a K-turn if the
26 Bureau of Fire Prevention would like a K-turn. The road would be made of grass-ring
27 pavers which is permeable and allows grass to grow. The road can be plowed and cleared in
28 the winter season. He states the electrical plan is updated with smoke detections, exit
29 lighting, and emergency lighting.

30
31 Mr. Robbins states that Woodard & Curran has provided a comment letter to the Applicant,
32 and the Applicant has provided supplemental materials. There have been coordination calls
33 with the Applicant to resolve open questions with the Applicant. He states the remainder of
34 his comments have been addressed with material that has not been reviewed yet.
35 Coordination with the Applicant will continue to make sure all comments are resolved, but
36 there are no major outstanding comments currently.

37
38 Mr. Currie asks if there is anyone from the Public who would like to present before the
39 Board.

40
41 No one from the Public presents before the Board.

42
43 Mr. Smith suggests that Board not close the Public Hearing this meeting since there is still
44 an outstanding comment from the Bureau of Fire Prevention. The Board could direct Staff to
45 prepare a resolution for the November Planning Board meeting.

1 Mr. Currie moves to direct Staff to prepare a conditional resolution pending resolution of the
2 remaining outstanding comments. Mr. Jack Mattes seconds. All in favor. Motion passes.

3
4 **PROJECT REVIEW**

5
6 **4. WRIGHT'S COURT SITE PLAN – CHANGE OF USE 339 ROUTE 202 TM: 17.11-1-
7 5&18**

8
9 The Applicant submitted a site plan application for a proposed change of use to convert two
10 separate levels in Building A-1 located at 339 Route 202 that were previously used as a
11 martial arts training studio to proposed office uses. The property is located at 339 Route 202
12 and is in the Business Historic Preservation (BHP) District.

13
14 Mr. William Besharat presents for the Applicant before the Board. He explains that the first
15 and second floor of the building are currently used for martial arts. He states that these
16 floors were originally approved to be office spaces. Since the building is in the BHP
17 District, a change of use requires Planning Board approval.

18
19 Mr. Smith states that the property is located in the BHP District. Therefore, the Applicant
20 must meet with the BHP technical committee, and then the site plan application is given to
21 the Open Space Committee, the Architectural Review Board, and the Town Board. All of
22 these entities have reviewed the site plan, and none have objections to the proposed use. He
23 states, if the Planning Board chooses, they can waive site plan requirements and the public
24 hearing. The Board can also direct staff to prepare a confirmatory resolution.

25
26 Mr. Zaberto asks if there will be any changes to the exterior of the building.

27
28 Mr. Besharat explains that all the work will be done to the interior of the building.

29
30 Mr. Bruce Prince asks if the requirements for parking are still met with the proposed use.

31
32 Mr. Besharat explains that since office use was the original approved use, the parking will
33 be in compliance with requirements for parking.

34
35 Mr. Currie moves to waive the Public Hearing and to direct staff to prepare a confirmatory
36 resolution. Mr. Zaberto seconds. All in favor. Motion passes.

37
38 **5. NEW CINGULAR WIRELESS PCS, LLC (“AT&T”) RENEWAL OF SPECIAL USE
39 PERMIT – SOMERS COMMONS SHOPPING CENTER, 80 ROUTE 6 TM: 4.20-1-
40 11**

41
42 The Applicant is applying for the renewal of their Special Use Permit for its existing co-
43 located wireless telecommunications antenna located at 80 Route 6 (Somers Commons
44 Shopping Center), which was last renewed by the Planning Board via a Resolution filed
45 April 18, 2019.
46

1 Ms. Jessica Zalin, with Cuddy & Feder, presents for the Applicant before the Board.

2
3 Mr. Zaberto asks if there would be any changes to the current configuration of antennas.

4
5 Ms. Zalin states there are no proposed changes by the Applicant currently. She states this is
6 a request to renew the existing special use permit.

7
8 Mr. Currie asks if an Engineer needs to assess the antenna.

9
10 Mr. Robbins states an Engineer does need to assess the antenna. He states he has not had a
11 chance to review the structural report and inspections but will do so.

12
13 Mr. Coughlin states that this Application seems straightforward since there are no changes
14 to the existing structure.

15
16 Ms. Zalin confirms this is correct. The documents submitted to the Board are the same
17 document submitted to the Board during the modification of the antenna in 2019. A letter
18 dated July 30, 2024 from a structural engineer stating the condition of the facility is safe and
19 appropriate is also included.

20
21 Mr. Currie moves to schedule a Public Hearing for the November Planning Board meeting.
22 Mr. Zaberto seconds. All in favor. Motion passes.

23
24 Mr. Currie moves to instruct Staff to prepare a draft resolution pending the outcome of the
25 engineering report. Mr. Zaberto seconds. All in favor. Motion passes.

26
27 **6. LACKNER WETLAND AND WATERCOURSE AND STORMWATER**
28 **MANAGEMENT AND EROSION AND SEDIMENT CONTROL APPLICATION 11**
29 **VALLEY DRIVE TM: 26.15-1-42**
30

31 The Applicant is proposing to construct an in-ground swimming pool, spa and related site
32 work within a wetland buffer area. The property is located at 11 Valley Drive and is in an R-
33 40 Zoning District.

34
35 Mr. John Petroccione presents for the Applicant before the Board. He states the Applicant is
36 looking to install a 25-foot by 42-foot swimming pool on the property. There is a DEC
37 classified wetland on the adjacent property. The location of the pool would fall within the
38 100-foot buffer of the wetland. Alternative locations were looked at but due to setbacks and
39 existing septic system, the proposed location is the only viable location. The project requires
40 a town wetland permit. The Applicant is in possession of a NYSDEC permit for
41 construction. A lot coverage variance is also required for this project.

42
43 Mr. Robbins states this is an initial submittal and is currently under review at his office. He
44 appreciates the Applicant has already obtained the NYSDEC permit. His office will review
45 the submittal for minimization and mitigation of work within the wetland buffer and
46 additional stormwater management.

1
2 Mr. Zaberto states that he saw in the Application that there were proposed open-flame fire
3 pits. He asks how the fire pits will be fueled.

4
5 Mr. Petroccione states he believes they will be fueled with propane but will have to verify.

6
7 Mr. Zaberto asks if each fire pit would have its own tank.

8
9 Mr. Petroccione states there would be a common fuel tank with a distribution line.

10
11 Mr. Prince asks for more details regarding the proposed spa.

12
13 Mr. Petroccione states it will be a hot tub that is set inside of the swimming pool perimeter.

14
15 Mr. Zaberto states that the swimming pool application seems straightforward. However, he
16 suggests that the application be sent to the Bureau of Fire Prevention due to the propane
17 tank and open flame.

18
19 Mr. Prince states that the spa is probably also heated with propane.

20
21 Mr. Petroccione states this is correct.

22
23 Mr. Currie states that the Board has approved pools in other applications that have been
24 heated with propane.

25
26 Mr. Zaberto clarifies that it isn't the fact that the pool is heated with propane, but there are
27 multiple open fire pits fueled with propane.

28
29 Mr. Currie asks if the Board thinks a site walk is necessary.

30
31 The Board agrees a site walk is not necessary.

32
33 Mr. Prince asks how far the proposed pool enters the wetland buffer.

34
35 Mr. Petroccione states the biggest encroachment is approximately 45-feet into the 100-foot
36 buffer.

37
38 Mr. Robbins states that he will look for some remediation measures from the Applicant.
39 Typically, he will ask the Applicant to install roof leaders, rain gardens, or similar
40 installations to mitigate wetland buffer disturbance.

41
42 Mr. Petroccione states they are currently proposing some rainwater collection and
43 infiltration to accommodate recharge.

44
45 Mr. Currie moves to schedule a Public Hearing for the November Planning Board meeting.
46 Mr. Mattes seconds. All in favor. Motion passes.

1
2 Mr. Sutton asks if the proposed plan is to install an utility building for the pool equipment.

3
4 Mr. Petroccione clarifies that the plan is to install a slab, not a full enclosure.

5
6 Mr. Sutton asks if this is where the propane tank would be located.

7
8 Mr. Petroccione states he will verify with the propane company where they think the best
9 place for the propane tank would be.

10
11 Mr. Zaberto asks if the Applicant could enclose the pool equipment if they wanted to, since
12 it would be on a slab.

13
14 Mr. Petroccione states physically the Applicant could, but he is not sure about any
15 additional permitting.

16 17 **DISCUSSION**

18 19 **7. DISCUSSION – HARNEY PRELIMINARY SUBDIVISION APPLICATION 10** 20 **KEYREL LANE TM: 16.07-1-3**

21
22 Application for Preliminary Subdivision for property located at 10 Keyrel Lane to subdivide
23 the existing property creating two (2) residential lots. The property is located in an R-40
24 Zoning District. Applicant will be requesting the application of Town Law 280-a.

25
26 Ms. Jamie Spillane, with Hogan, Rossi & Ligouri, and Mr. Tim Allen, with Bibbo
27 Associates, present for the Applicant before the Board. She explains that this application is
28 for a two-lot subdivision in a residential zoning district. The existing lot has enough area for
29 two 40,000 square foot lots. The existing lot is on Keyrel Lane which is a Highway by Use
30 road which means it has been treated as a Town Road for over 10 years and is maintained by
31 the Highway Department, but it is not shown on the Town's official highway map. This
32 means the Applicant would need to acquire a variance from the Town Board before any
33 building permits could be acquired. All other elements of the lot would meet subdivision,
34 setback, and lot area requirements for two residential lots. Ms. Spillane asks the Board to
35 consider giving a positive recommendation to the Zoning Board regarding the street issue.

36
37 Planning Board Attorney, Mr. Michael Towey, states he has looked into the street issue. He
38 states, pending confirmation from the Highway Department, he believes Keyrel Lane is a
39 Highway by Use. He recommends that the Board refer the application to the Zoning Board.

40
41 Mr. Allen states that he read the Town Code, and he found that the requirement for frontage
42 does not necessarily have to be on a Town road. He states the Town Code talks about
43 frontage on a street line. Mr. Allen adds that this property used to be two separate lots and
44 have since been merged.
45

1 Mr. Towey states that from his reading of the Town Code, he isn't convinced that the
2 Applicant is required to get a variance. He states he will look into the issue more. He states
3 that the Town has no record of a certificate of dedication or a deed or dedication. He states
4 the easiest course of action would be for the Town to add Keyrel Lane onto the official map.

5
6 Ms. Spillane agrees that adding Keyrel Lane to the official map would be best.

7
8 Mr. Currie asks if the Applicant is looking for the Planning Board to refer the Applicant to
9 the Zoning Board.

10
11 Ms. Spillane states it would be better if the Planning Board's council looked into adding
12 Keyrel Lane to the official map before the Applicant is sent to the Zoning Board.

13
14 Mr. Prince asks about the effects to the other properties on Keyrel Lane if the road is added
15 to the official map.

16
17 Mr. Allen states the road ends in a makeshift cul-de-sac. He states there is no intention of
18 extending the road. There are common driveways beyond this property.

19
20 Mr. Coughlin states that this is a road that has been plowed by the Town for over 20 years.
21 He states he doesn't necessarily see the reason that the lot needs to be on the official map
22 and that this seems straightforward.

23
24 Ms. Spillane clarifies that the lot can be subdivided without being a Town road. However,
25 New York State Town Law states that a building permit cannot be obtained unless it is a
26 highway as shown on the official map or plan.

27
28 Mr. Towey states that the Board does have the option to require that the Applicant improve
29 the road and bring it up to standard. He suggests that the Town add Keyrel Lane to the
30 official map, so that there are no additional requirements for the Applicant.

31
32 Mr. Sutton asks if adding Keyrel Lane to the official map would make the entire road
33 official, or if the official road would stop at some point.

34
35 Ms. Spillane clarifies that the Town has been maintaining the road through the cul-de-sac.
36 The Applicant.

37
38 Mr. Allen explains that the road is on an existing Right-of-Way, but the cul-de-sac itself is
39 on private property. He adds that the Town has most likely been maintaining the cul-de-sac
40 as well, but that would have to be looked into more.

41
42 Ms. Spillane adds that the driveway for 10 Keyrel Lane is before the cul-de-sac.

43
44 **8. 2025 PLANNING BOARD CALENDAR**
45

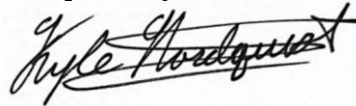
1 Mr. Currie moves to accept the calendar as proposed from the planning office for 2025. Mr.
2 Sutton seconds. All in favor. Motion passes.
3

4 **MEETING ADJOURNMENT**
5

6 Mr. Currie states that the next Planning Board Meeting is scheduled for October 9, 2024 at
7 7:30 p.m.
8

9 Mr. Currie makes a motion to adjourn the meeting. Mr. Zaberto seconds. All in favor.
10 Motion passes.
11
12
13
14

15 Respectfully submitted,
16

17 
18

19 _____
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