

Telephone  
(914) 277-5366

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(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

*Town of Somers*

WESTCHESTER COUNTY, N.Y.



John Currie, Chairman  
Fedora DeLucia  
Christopher Foley  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
John Keane

**SOMERS PLANNING BOARD  
AGENDA  
MARCH 14, 2012  
7:30 P.M.**

**MINUTES** Consideration for approval of Draft Minutes for January 11, 2012 and January 25, 2012

**TIME-EXTENSION**

**1. MERRITT PARK ESTATES SUBDIVISION**

**[TM: 5.20-1-1]**

Request for a 90-day time-extension to the period of Final Subdivision Approval from April 9, 2012 through July 9, 2012. This is the seventh request for a time-extension.

**INFORMAL DISCUSSION**

**2. IPP SOLAR LLC**

Request for an informal discussion to explain the project so a determination can be made as to whether or not a Site Plan application is needed. IPP Solar would like to install an array of solar photovoltaic panels over the roof of the NY Sports Club building at the Somers Commons Shopping Center.

PROJECT REVIEW

**3. THE GREEN AT SOMERS AMENDED SITE PLAN,  
WETLAND, STEEP SLOPES AND STORMWATER  
MANAGEMENT AND EROSION AND SEDIMENT CONTROL  
PERMITS [TM: 4.20-1-3.1]**

Application of National Golfworx/Rick Van Benschoten (owner) for a mixed use development consisting of five buildings with a combination of retail and residential uses. The site is proposed to be serviced by public sewer and water.

The application was last discussed at the December 14, 2011 Planning Board meeting.

Next Planning Board Meeting, April 11, 2012

Agenda information is also available at [www.somersny.com](http://www.somersny.com)

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SOMERS PLANNING BOARD MINUTES  
JANUARY 11, 2012

ROLL:

**PLANNING BOARD**

**MEMBERS PRESENT:**

Chairman Currie, Ms. DeLucia, Mr. Keane,  
Ms. Gerbino, Mr. Foley, Mr. Goldenberg, and  
Ms. Gannon

**ALSO PRESENT:**

Town Planner Sabrina Charney Hull  
Consulting Engineer Joseph Barbagallo  
Town Attorney Joseph Eriele

The meeting commenced at 7:30 p.m. Town Planner Hull called the roll.

Chairman Currie noted that a required quorum of four members was present in order to conduct the business of the Board.

Chairman Currie said that on behalf of the Board and the Town of Somers he would like to thank Fedora for all her years on the Planning Board and especially as Chairman.

**TIME-EXTENSION**

**MERRITT PARK ESTATES SUBDIVISION**

[TM: 5.20-1-1]

1 Chairman Currie asked the applicant's representative to give an explanation  
2 for the request for a time-extension for the Merritt Park Subdivision.

3  
4 Geraldine N. Tortorella, Esq. of the law firm Hocherman, Tortorella &  
5 Wekstein, LLP, the applicant's attorney, explained that she is asking the  
6 Board's consideration for a sixth 90-day time-extension. She explained that  
7 the applicant wanted to start construction for the infrastructure and be able  
8 to accomplish completion of the infrastructure before filing the subdivision  
9 plat. Attorney Tortorella mentioned that this would allow the applicant to  
10 post a lower performance bond. She explained that before construction can  
11 start all of the easements and agreements from off-site property owners  
12 must be secured to allow work on the Lake Lincolndale property. She  
13 mentioned that two basins are being created for stormwater improvement  
14 purposes. Attorney Tortorella stated that the applicant is providing  
15 stormwater improvements on the Condo 29 property in the Heritage Hills  
16 development. She indicated that all but one of the agreements from both  
17 parties, Lake Lincolndale Property Owners Association and Heritage Hills  
18 have been submitted. She explained that those agreements are necessary  
19 before work can take place on their property. Attorney Tortorella stressed  
20 that the applicant is missing one agreement. She noted that for these  
21 reasons the applicant is requesting a 90-day time-extension from January  
22 9, 2012 to and including April 9, 2012. She said that the extension is  
23 allowed by law.

24  
25 The Chair asked Town Planner Hull if she had any objection to the Planning  
26 Board issuing the requested time-extension.

27  
28 Town Planner Hull responded that she had no objection to issuing the  
29 requested time-extension.

30  
31 The Chair asked if there were any comments or questions from members of  
32 the Board.

33  
34 Mr. Keane asked if the Board can grant more than a 90-day time-extension.

35  
36 Attorney Tortorella stated that Town law allows only 90-day time-  
37 extensions.

38  
39 On motion by Ms. DeLucia, seconded by Mr. Goldenberg, and unanimously  
40 carried, the Board moved to grant a sixth 90-day time-extension to Mancini

1 Building Corp for Merritt Park Estates Subdivision to the period of  
2 Conditional Final Subdivision Approval from January 9, 2012 to and  
3 including April 9, 2012.

4  
5 **DECISION**

6  
7 **HOMELAND TOWERS, LLC\NEW CINGULAR WIRELESS PCS,**  
8 **LLC, (AT&T) SITE PLAN APPROVAL, TREE REMOVAL, STEEP**  
9 **SLOPES, WETLAND, AND STORMWATER MANAGEMENT AND**  
10 **EROSION AND SEDIMENT CONTROL PERMITS**  
11 **[SANTARONI PROPERTY] 2580 ROUTE 35 [TM: 37.13-2-3]**

12  
13 Chairman Currie noted that the Planning Board will be reviewing the draft  
14 Resolution of Approval and making a decision on the application of  
15 Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T) for Site  
16 Plan Approval and permits for Tree Preservation, Stormwater Management  
17 and Erosion and Sediment Control, Steep Slopes and Wetlands. He said  
18 that this application was last discussed at the December 14, 2011 Planning  
19 Board meeting whereby the Board directed that the draft resolution be  
20 considered this evening.

21  
22 The Chair asked the applicant's representative to give a brief presentation  
23 regarding this application.

24  
25 Robert Gaudio, the applicant's attorney, said that the Board closed the  
26 Public Hearing but kept open the 10 day written comment period. He noted  
27 that Mr. Ma, an adjoining property owner, had concerns and he answered  
28 his questions. Attorney Gaudio mentioned that he told Mr. Ma that he  
29 can call him with any additional questions. He mentioned that Mr. Ma  
30 reviewed the application at the Planning Office.

31  
32 Attorney Gaudio indicated that he reviewed the draft resolution and had  
33 no comments.

34  
35 The Chair asked Consulting Engineer Barbagallo if he had any comments  
36 on the draft Resolution.

37  
38 Consulting Engineer Barbagallo said that based on discussion at the last  
39 meeting he added a condition of approval prior to the signing of the Site  
40 Plan. He asked that the applicant submit an evaluation by a Wetland

1 Scientist to evaluate the functional equivalence of the wetland buffer  
2 mitigation measures to the undisturbed condition for review and approval  
3 by the Planning and Engineering Departments.  
4

5 Attorney Gaudioso opined that the documents that have been submitted  
6 evaluate the functional equivalence of the wetland buffer but he will provide  
7 an additional letter from Tectonic Engineering detailing the removal of the  
8 invasive species and the stormwater management practices that will be  
9 employed to keep the sediment out of the wetlands.  
10

11 Consulting Engineer Barbagallo said that there was discussion on  
12 minimizing the width of the driveway. He indicated that Tectonic  
13 Engineering provided additional documentation on the redesign of the  
14 driveway. He noted that he spoke to the Department of Transportation  
15 (DOT) regarding the porous asphalt and the narrower driveway and to  
16 minimize the curb cut. Consulting Engineer Barbagallo stated that the DOT  
17 was amenable and appreciated the call.  
18

19 Attorney Gaudioso indicated that the applicant will revise the plan and have  
20 it reviewed by Consulting Engineer Barbagallo before submitting to the  
21 DOT.  
22

23 Ms. DeLucia said that in a letter dated December 16, 2011 the Department  
24 of Environmental Protection (DEP) considered the application complete.  
25

26 Ms. Gerbino suggested that on Page 2, Number 2 of Consulting Engineer  
27 Barbagallo's January 6, 2012 memo it should read *That prior to an*  
28 *application for a Certificate of Occupancy...* Consulting Engineer  
29 Barbagallo agreed to the change.  
30

31 The Chair mentioned that Mr. Ma is not present this evening and no one is  
32 representing Mr. Ma. Chair Currie assumed that Mr. Ma is satisfied with  
33 the information that he received.  
34

35 Attorney Gaudioso indicated that he had a lengthy discussion with Mr. Ma  
36 and responded to Mr. Ma's e-mail that was sent to the Board.  
37

38 Mr. Goldenberg mentioned that the resolution does not mention that the  
39 Board received comments from Mr. Ma which were considered by the  
40 Planning Board. The Board agreed to add an additional Whereas Clause.

1 Ms. Gannon suggested adding the word *practices* on Page 16, Number 2,  
2 of the Resolution to read in accordance with the *practices*...

3  
4 On motion by Ms. DeLucia, seconded by Ms. Gannon, (Mr. Keane voting  
5 nay) and carried, the Board moved to adopt Resolution 2011-11 as  
6 amended, granting of Conditional Site Plan Approval, Steep Slopes  
7 Protection, Wetlands Protection, Tree Preservation and Stormwater  
8 Management and Erosion and Sediment Control Permits to Umberto and  
9 Carol Santaroni and Homeland Towers, LLC and New Cingular Wireless  
10 PCS, LLC ("AT&T") for the Chairman's signature.

11  
12 There being no further business, on motion by Ms. Gannon, seconded by  
13 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 8:00  
14 P.M. and the Chair noted that the next Planning Board meeting will be held  
15 on Wednesday, January 25, 2012 at 7:30 P. M. at the Somers Town  
16 House.

17  
18  
19  
20 Respectfully submitted,

21  
22  
23  
24 Marilyn Murphy  
25 Planning Board Secretary  
26  
27

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John Keane



SOMERS PLANNING BOARD MINUTES  
JANUARY 25, 2012

ROLL:

**PLANNING BOARD**

**MEMBERS PRESENT:**

Chairman Currie, Ms. DeLucia, Mr. Keane,  
Ms. Gerbino, Mr. Foley, Mr. Goldenberg and  
Ms. Gannon

**ALSO PRESENT:**

Consulting Engineer Joseph Barbagallo  
Town Attorney Joseph Eriole  
Planning Board Secretary Marilyn Murphy

The meeting commenced at 7:35 p.m. Planning Board Secretary Marilyn Murphy called the roll. Chairman Currie noted that a required quorum of four members was present in order to conduct the business of the Board.

**PUBLIC HEARING**

**MCENTEGART STEEP SLOPES, TREE PRESERVATION AND  
STORMWATER MANAGEMENT AND EROSION AND SEDIMENT  
CONTROL PERMITS [TM: 36.12-2-6]**

Chairman Currie explained that this is the Public Hearing for the Marino Group, LLC and Patricia McEntegart for the McEntegart Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control permit application. He explained that the property is

1 located on the North side of Amawalk Point Road for the construction of a  
2 residence, driveway, septic system and well within the very steep slopes  
3 category of 25%-35% slopes.

4  
5 The Chair asked Planning Board Secretary Murphy if prior to this Public  
6 Hearing had the legal notice been published and the adjoining property  
7 owners notified of the Public Hearing.

8  
9 Planning Board Secretary Murphy stated that the legal notice was  
10 published in the Journal News on January 15, 2012 and the adjoining  
11 property owners notified via mail on January 15, 2012.

12  
13 The Chair asked the applicant's representative to give a brief presentation  
14 regarding this application.

15  
16 Matt Gironda, the applicant's engineer, explained that the applicant is  
17 proposing to construct a single family residence off of Amawalk Point Road,  
18 which is a privately owned road. He noted that the house will be serviced  
19 by a well, septic system and private driveway. Engineer Gironda stated  
20 that the well and septic system have received approval from the County  
21 Health Department. He mentioned that the stormwater treatment system  
22 has been prepared to capture any runoff generated from the new home and  
23 to prevent any adverse impacts to the drainage along Amawalk Point Road.

24  
25 The Chair asked Consulting Town Engineer Barbagallo if he had any  
26 comments on the application.

27  
28 Consulting Town Engineer Barbagallo indicated that he provided a memo  
29 dated January 20, 2012 on the update of the application. He said that at  
30 the last Planning Board meeting there were outstanding items that had to  
31 be addressed. Consulting Engineer Barbagallo noted that he met with the  
32 applicant's engineer to discuss the outstanding issues which resulted in  
33 modification to the plan. He said that the applicant will provide hydraulic  
34 calculations to size the proposed level spreader which must be provided  
35 prior to the issuance of environmental permits. Consulting Engineer  
36 Barbagallo said that the applicant will provide swale calculations based  
37 upon the 100 year rainfall event. He explained that the applicant agreed to  
38 extend the proposed retaining wall and planter box 20 feet to the north-  
39 east, and utilize segmental concrete blocks or stone to replace the  
40 proposed railroad ties. Consulting Engineer Barbagallo said that the

1 applicant will provide documentation of the Notice of Intent (NOI) filing prior  
2 to the issuance of Environmental Permits. He also asked the applicant to  
3 post a Maintenance Bond for Amawalk Point Road to secure restoration of  
4 damage that may occur during construction activity. He indicated that the  
5 Maintenance Bond shall be at a minimum of \$15,000 and be posted prior to  
6 the issuance of Environmental Permits. Consulting Town Engineer  
7 Barbagallo mentioned that these will all be conditions in the Resolution.

8  
9 Consulting Town Engineer Barbagallo discussed changes to the  
10 Resolution. Some of the important changes were on page 3, the first and  
11 second Resolved clause, that the wording *and the Engineering Department*  
12 *recommended and the Planning Board agreed* be added.

13  
14 Consulting Town Engineer Barbagallo also added in condition 3, page 4, of  
15 the Resolution the wording *in accordance with New York State Standards*  
16 *and Specification for Erosion and Sediment Control and the New York*  
17 *State Design Manual dated August 20, 2010 including all updates and/or*  
18 *revisions.*

19  
20 The Chair acknowledged for the record a letter dated January 25, 2012  
21 from Thomas and Ann Calandrucci of 5 Amawalk Point Road.

22  
23 The Chair asked if anyone present wished to be heard regarding this  
24 application.

25  
26 Ann Calandrucci, adjoining property owner, said that she owns property at  
27 5 Amawalk Point Road. She explained that she came before the Board for  
28 a Steep Slopes and Tree Preservation Permit. She mentioned that there  
29 were many meetings with the Planning Board and Conservation Board and  
30 finally they received approval. Ms. Calandrucci said that a condition of  
31 approval was the building of a 700 foot town road which is 22 foot wide  
32 with detention ponds and catch basins. She explained that she began talks  
33 with the Marino Group for monetary support so the construction of the road  
34 could be shared as they would need access for their proposed home. Ms.  
35 Calandrucci stated that the Marino Group agreed and contributed \$35,000  
36 and if they received approval an additional \$45,000 was to be contributed.  
37 She noted that the Marino Group also agreed to share utility costs so that  
38 the lines that were run would be accessible for them in the future.  
39

1 Ms. Calandrucci stated that construction of the road commenced in 2008  
2 with the final top layer put down in 2010. She said that after the top coat  
3 was finished she received an e-mail stating that "they decided it doesn't  
4 make much sense to make any more voluntary contributions at this time  
5 considering all of the factors at play. If approved in the near future, we do  
6 plan to build and, of course, under those circumstances would consider  
7 future voluntary contributions." Ms. Calandrucci said that she wanted to  
8 make it public record that she is due money for the final phase as well as  
9 the conduit pipe and she is bringing this to the Board's attention because  
10 she is requesting a maintenance bond be posted by the Marino Group for  
11 the maintenance of the road during construction. She asked that the  
12 maintenance bond amount be greater than what is proposed. Ms.  
13 Calandrucci said that the Marino Group has already demonstrated that they  
14 back away from responsibility, if they decide it doesn't make sense to them.  
15

16 Ms. Calandrucci said that before a Certificate of Occupancy (CO) is issued  
17 that the maintenance of the road be signed by all future homeowners and  
18 this condition be added to the Resolution. She mentioned that the original  
19 resolution on file was signed by the Larsens and the Calandruccis.  
20

21 Joe Zuzzolo said that he built Amawalk Point Road and asked the Board to  
22 consider a larger Maintenance Bond. He noted that another problem is the  
23 maintenance of the storm drainage system. Mr. Zuzzolo explained that  
24 when the road was finished all the catch basins and retention pond were  
25 cleaned out and he asked the Board to request a bond for the maintenance  
26 of the storm drainage system. He reiterated that there is a road and storm  
27 drainage maintenance agreement signed by Anita Larsen and Patricia  
28 McEntegart. He said that the agreement on file with the Town and  
29 Westchester County states that any future homeowners have to sign that  
30 agreement. He mentioned that during Planning Board meetings it was  
31 determined that the road had to be built before any other construction could  
32 take place.  
33

34 Mr. Zuzzolo asked how the agreement can be enforced and if it can be  
35 made a condition of the CO.  
36

37 Mr. Foley said that if the agreement states that it has to be signed by future  
38 homeowners it is a valid agreement enforceable in court.  
39

1 Town Attorney Eriole noted that the agreement being referred to is a  
2 Declaration of Covenants, Easements and Restrictions. He stated that the  
3 agreement is filed and runs with and against the title to all properties. Town  
4 Attorney Eriole clarified that the declaration does not require anyone to sign  
5 a Maintenance Agreement but acts on its own as an obligation that runs  
6 with the land.

7  
8 Mr. Foley opined that this is not a planning issue.

9  
10 Consulting Town Engineer Barbagallo said that the third Whereas clause  
11 on page 2 of the Resolution is an exact excerpt of the language.

12  
13 Town Attorney Eriole commented that the posting of an adequate bond is  
14 covered in the Resolution and making sure that future owners can be held  
15 to a maintenance agreement is covered by the Covenant.

16  
17 Mr. Keane opined that two bond issues, road maintenance and stormwater  
18 have to be addressed.

19  
20 Consulting Town Engineer Barbagallo explained that the amount calculated  
21 for the Maintenance Bond assumed that 50 feet beyond the driveway is the  
22 area subject to damage with the calculation being full replacement of the  
23 top course, the curbing on both sides of the driveway, cleaning and final  
24 restoration. He opined that \$15,000 for the bond is sufficient for restoration  
25 activities.

26  
27 Consulting Town Engineer Barbagallo agreed with Mr. Keane that the  
28 amount for the erosion and sediment control bond should be increased.

29  
30 Cliff Ysell, resident of 2523 Route 35, said that Consulting Town Engineer  
31 Barbagallo should be very specific on the amount of the bonds. He said  
32 that when the section is blacktopped for the new residence there will be  
33 heavy machinery on the road. He opined that it will cost more than  
34 \$15,000 to re-blacktop the road. Mr. Ysell opined that the cost for blacktop  
35 will increase by the time the house is built.

36  
37 Consulting Town Engineer Barbagallo disagreed that the amount of  
38 \$15,000 is not sufficient for the maintenance bond. He explained that the  
39 bond covers to the driveway and 15-feet past for the replacement of the top  
40 course.

1 Engineer Gironda indicated that he had discussions with the Consulting  
2 Town Engineer and they agreed to the calculations considering 50 feet  
3 from the driveway would be the potential for any additional disturbance  
4 and considering machinery that will access the site. Engineer Gironda said  
5 that he agrees with the amount for the maintenance bond that was  
6 determined by the Consulting Town Engineer.

7  
8 Chair Currie said that the Planning Board can request that Consulting  
9 Engineer Barbagallo take another look at the amount for the maintenance  
10 bond.

11  
12 Consulting Engineer Barbagallo noted that he can request the applicant to  
13 submit a detailed cost estimate for the maintenance bond.

14  
15 Tim Allen, the applicant's engineer, agreed to provide a line by line item  
16 based on current prices and detailing the cost estimate. He reminded the  
17 Board that the bond is only for damages and repair of the road.

18  
19 Mr. Ysell asked that the road be cleaned of all debris when the construction  
20 crews leave for the day.

21  
22 Mr. Keane mentioned that the applicant has submitted a Stormwater  
23 Management and Erosion Control Plan.

24  
25 Mr. Zuzzolo asked if the Board looked at placing the driveway in another  
26 location.

27  
28 Mr. Keane stated that the Board considered another location for the  
29 driveway but nothing else worked.

30  
31 Patricia McEntegart, applicant, opined that a character issue was  
32 mentioned about money she may owe the Calandrucci's. She mentioned  
33 that she attended a meeting with the Calandrucci's and Mr. Zuzzolo which  
34 resulted in an impasse. Ms. McEntegart stated that nothing was signed  
35 and she decided to pay something if the house was built. She said to  
36 suggest that a pledge was made and was not honored is incorrect.

37  
38 Town Attorney Eriole explained that he reviewed this issue and it is not  
39 appropriate for the Board to comment on private obligations.

40

1 Consulting Town Engineer Barbagallo changed the language on Condition  
2 5, page 4 of the Resolution to read an acceptable maintenance bond shall  
3 be at a minimum of \$15,000, *depending upon a specific estimate to cover*  
4 *the costs of road restoration to include the top course replacement, curb*  
5 *replacement to 50-feet beyond the proposed driveway along with an*  
6 *additional amount to cover restoration of the common stormwater*  
7 *infrastructure.*

8  
9 Mr. Keane opined that the Board must make sure they are using the correct  
10 term and language.

11  
12 Mr. Foley suggested that instead of calling the bond a maintenance bond or  
13 a restoration bond just call it a bond and define what it is protecting against  
14 and set the amount for the bond.

15  
16 Tom Calandrucci, resident of 5 Amawalk Point Road, asked if there is a  
17 proposal by the Marino Group for a second lot.

18  
19 Consulting Town Engineer Barbagallo said that there is no proposal for any  
20 further subdivision by the Marino Group. He mentioned that he asked that  
21 a note be added to the plan stating that there would be no further  
22 subdivision but the applicant reserved their right to research that in the  
23 future.

24  
25 Ms. DeLucia stated that she is concerned that the note stating "no further  
26 subdivision" will not be added to the plan.

27  
28 Cliff Ysell asked if the road and drainage be sized on the idea of two homes  
29 being built.

30  
31 Engineer Gironda noted that if another residence is proposed  
32 environmental permit applications will have to be submitted.

33  
34 Mr. Calandrucci noted that when he applied for his permit to build his home  
35 the Board made him build a road in case more homes were built on  
36 Amawalk Point Road.

37  
38 On motion by Ms. DeLucia, seconded by Mr. Keane, and unanimously  
39 carried, the Board moved that pursuant to 6NYC RR Part 617 of the  
40 implementing regulations pertaining to Article 8 (SEQR) of the

1 Environmental Conservation Law and Chapter 92 of the Town of Somers  
2 Code, the Planning Board hereby determines that the proposed activity is a  
3 Type II Action, and therefore, no further review in accordance with SEQR  
4 was necessary.

5  
6 Mr. Goldenberg asked that *to the satisfaction of the Consulting Town  
7 Engineer* be added to condition 5 and 6 on page 4 of the Resolution.

8  
9 Ms. DeLucia suggested the language on condition 6, page 4, to read *field  
10 changes that would not significantly alter, effect or endanger the steep  
11 slopes.*

12  
13 Consulting Town Engineer Barbagallo changed the language on condition  
14 6, on page 4 of the Resolution to read *that field changes that do not change  
15 the intent of the design or are significant, if required, are approved by the  
16 Principal Engineering Technician and the Consulting Town Engineer prior  
17 to implementation. Significant field changes or those that deviate from the  
18 intent of the Planning Board approval must be approved by the Planning  
19 Board.*

20  
21 Consulting Town Engineer Barbagallo said that he will revise the language  
22 in the Resolution for the February 8, 2012 Planning Board meeting.

23  
24 Discussion ensued with Mr. Keane, Engineers Girona and Allen with  
25 Town Consulting Engineer Barbagallo deciding that the applicant revise  
26 the plans to include a direct connection of the overflow of the stormwater  
27 treatment area to the catch basin at the north-eastern corner of Amawalk  
28 Point Road and Route 35.

29  
30 The Chair asked if there was a consensus to close the Public Hearing.

31  
32 On motion by Chair Currie, seconded by Ms. DeLucia and unanimously  
33 carried, the Board moved to close the Public Hearing on McEntegart Steep  
34 Slopes, Tree Preservation and Stormwater Management and Erosion and  
35 Sediment Control Permits.

36  
37 Consulting Town Engineer Barbagallo directed that the Resolution of  
38 Approval be placed on the February 8, 2012 Planning Board agenda in  
39 order to clarify the language.  
40

1  
2  
3  
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10  
11  
12  
13  
14  
15

There being no further business, on motion by Chair Currie, seconded by Ms. DeLucia, and unanimously carried, the meeting adjourned at 9:00 P.M. and the Chair noted that the next Planning Board meeting will be held on Wednesday, February 8, 2012 at 7:30 P. M. at the Somers Town House.

Respectfully submitted,

Marilyn Murphy  
Planning Board Secretary

10  
TR

HOCHERMAN TORTORELLA & WEKSTEIN, LLP  
ATTORNEYS AT LAW

272

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GERALDINE N. TORTORELLA  
ADAM L. WEKSTEIN  

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HENRY M. HOCHERMAN  
OF COUNSEL

March 9, 2012

*Via Electronic Mail and  
Certified Mail, Return Receipt Requested*

Hon. John Currie, Chairman  
and Members of the Planning Board  
Town of Somers  
Somers Town Hall  
335 Route 202  
Somers, New York 10589



*Re: Merritt Park Estates Subdivision  
Town File No. 767  
Seventh Request for Ninety-Day Extension of Final Subdivision Approval*

Dear Chairman Currie and Members of the Planning Board:

At its meeting on January 11, 2012, the Board granted a sixth 90-day extension of Mancini Building Corp.'s ("Mancini") Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision, to and including April 9, 2012. We are writing to request a seventh 90-day extension pursuant to Town Law Section 276(7)(c), to and including July 9, 2012, the first business day after the ninetieth day which is a Sunday.

The legal instruments for the off-site stormwater improvements on the properties of LLPOA and the Heritage Hills Condo 29 were approved by the Town Board just last night, which our client needed in order to perform the off-site work as planned and approved. As we have discussed in the past, our client's plan is to install as much of the approved infrastructure as practical before filing the plat. Now that the legal instruments are set, it plans to move ahead with construction, which means hiring its contractors, conducting pre-construction meetings, paying inspection fees and the like. We respectfully request that the Board grant an additional 90-day extension of Final Subdivision Approval, to and including July 9, 2012, at which time we will report on the status of the work.

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Hon. John Currie, Chairman  
and Members of the Planning Board  
March 9, 2012  
Page 2

Kindly schedule this matter for the next available Planning Board meeting and let us know if an appearance is required. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

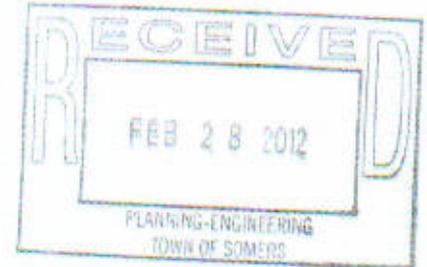
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cc: *(via electronic mail)*  
Ms. Sabrina Charney Hull  
Roland Baroni, Esq.  
Joseph P. Eriole, Esq.  
Mr. Richard Mancini  
Mr. John Mancini  
Joseph Riina, P.E.



February 27, 2012

Ms. Sabrina D. Charney Hull, AICP  
Town Planner  
Town of Somers  
335 Route 202  
Somers, NY 10589



Re: Solar Panel Project (the "Project") at Somers Commons Shopping Center (80  
Route 6, Route 118, Somers, NY 10505)

Dear Ms. Hull,

Further to our recent correspondence, I am writing to request an informal discussion with the Planning Board so that we can explain the Project and a determination can be made as to whether or not a site plan application will need to be undertaken.

By way of summary, IPPsolar is a solar development company interested in pursuing an installation of an array of solar photovoltaic panels over the roof of a building at Somers Commons Shopping Center (the "Site"). Currently, New York Sports Club occupies the building as a tenant. Please also find attached a copy of the Project plans that describe Project in more detail.

The Project involves the installation of 182 Sharp solar modules over the roof of the Site, together with necessary wiring, conduits, meters and an inverter that will be installed on a concrete pad in the back of the building. Each module's dimensions are 39.1" x 64.6" x 1.8" and all of the modules will be placed on the roof. In the aggregate, the Project will utilize approximately 5,000 square feet of roof space.

The installation is 100% ballasted and, therefore, will not involving any roof penetration. The array will also not be visible from the ground or alter any structural elements of the building. The panels are installed at a 10 degree tilt and the highest point at system will be about 2.75 feet (shorter than most HVAC systems). The system will be much lower than the parapet walls and placed far from the building perimeters.

The inverter will be placed against the back wall (away from the parking areas) on a concrete pad measuring 60" x 60" with an 8" thickness. The inverter's dimensions are 67.1" x 44" x 27". Please refer to the Project plan for more details.

We intend to file for all applicable building and electrical permits. The Project will also be fully insured.



I hope this helps to provide a quick overview of the Project.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Paul Jeun,

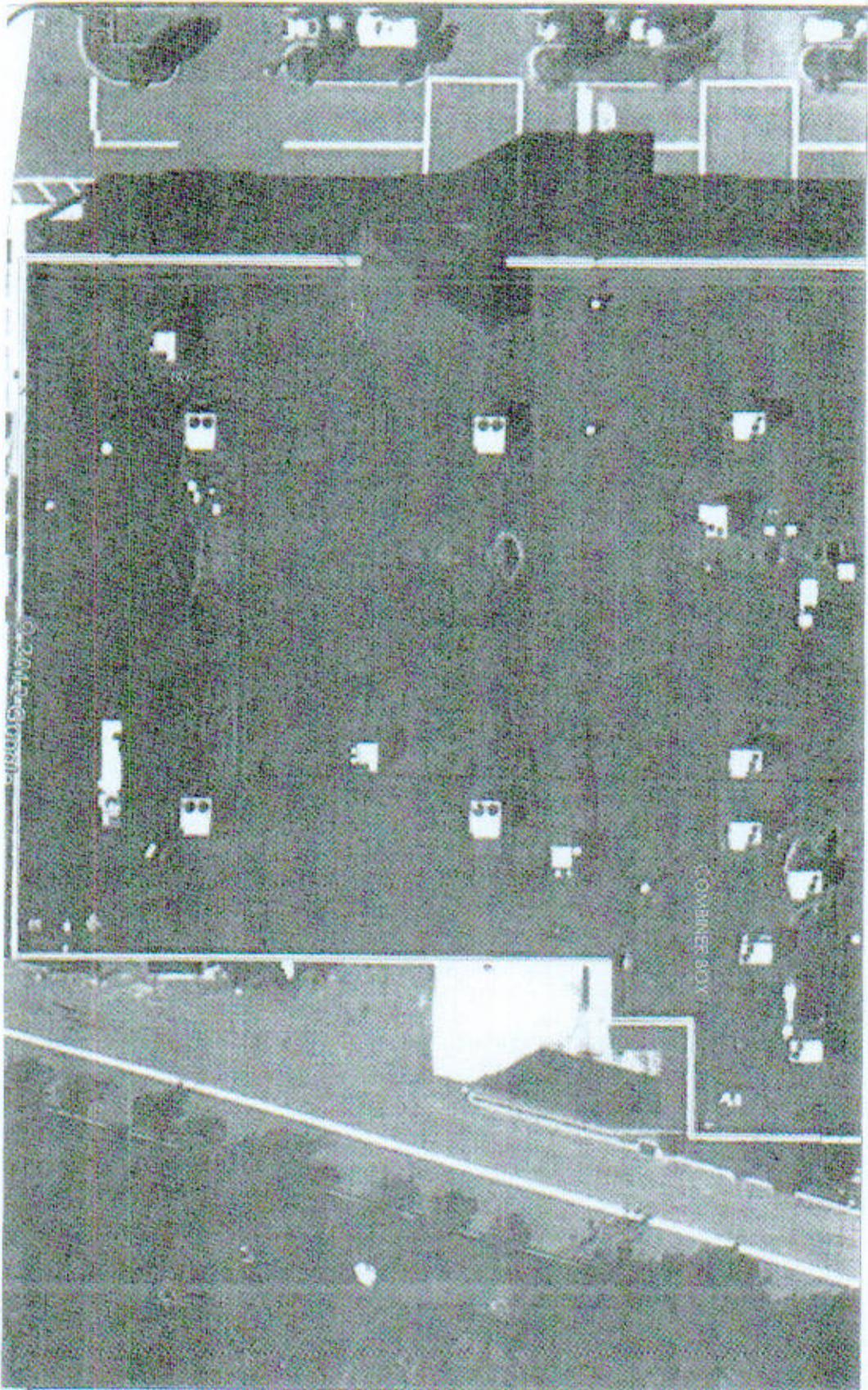
Partner

Email: [paul@ippsolar.com](mailto:paul@ippsolar.com)

Tel: 212-791-2100 (ext. 315)



# 43.68 KW DC STC ROOFTOP SOLAR PHOTOVOLTAIC SYSTEM



COMBINER BOX

0.24M2-Solar



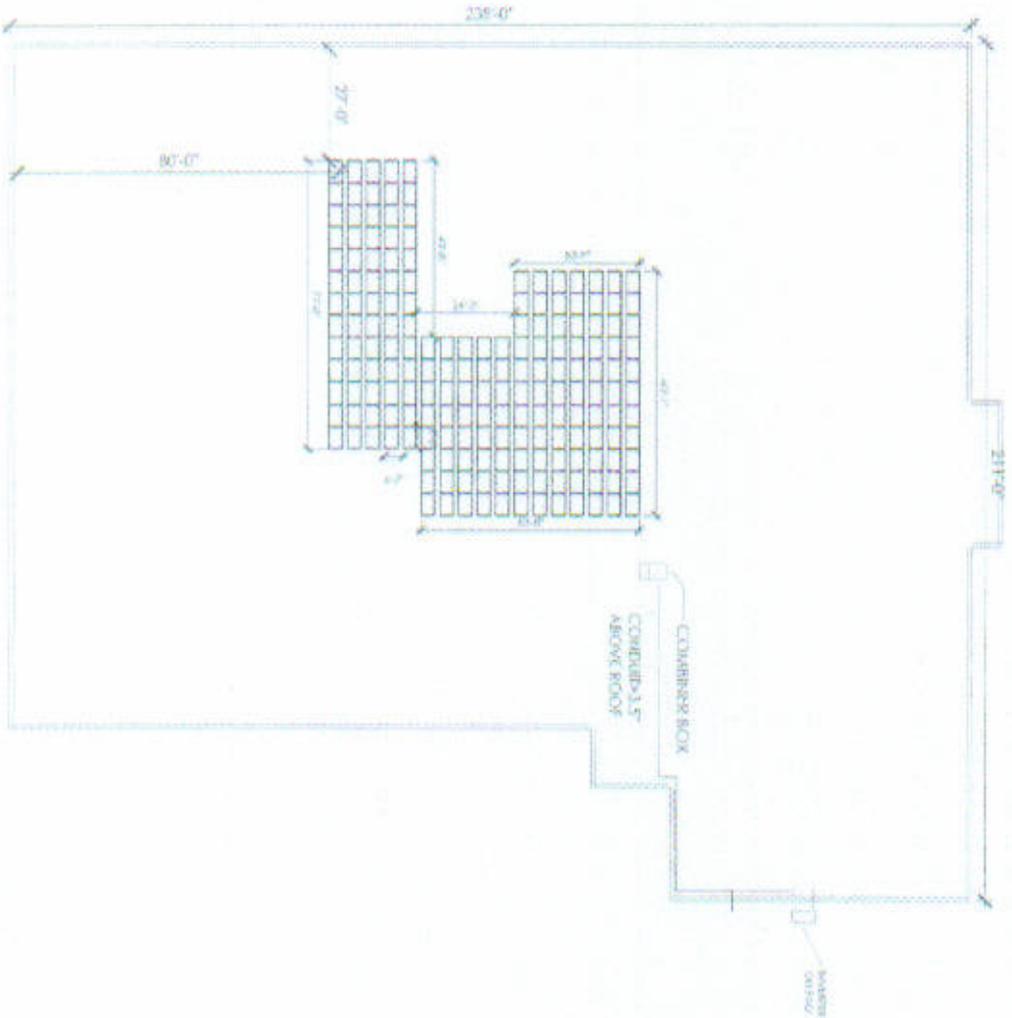
IPP SOLAR  
 384 BROADWAY  
 5TH FLOOR  
 NEW YORK, NY 10013  
 212 791 2110

IPP SOLAR  
 384 BROADWAY  
 5TH FLOOR  
 NEW YORK, NY 10013

SOLARIS COMMERCIAL  
 80 US ROUTE 8  
 BALDWIN PLACE NY 11505

IPP SOLAR	IPP SOLAR
UT/312	IPP SOLAR
NY	IPP SOLAR

# 43.68 KW DC STC ROOFTOP SOLAR PHOTOVOLTAIC SYSTEM



IPP SOLAR  
3rd BROADWAY  
5TH FLOOR  
NEW YORK, NY 10013  
212 791 2100

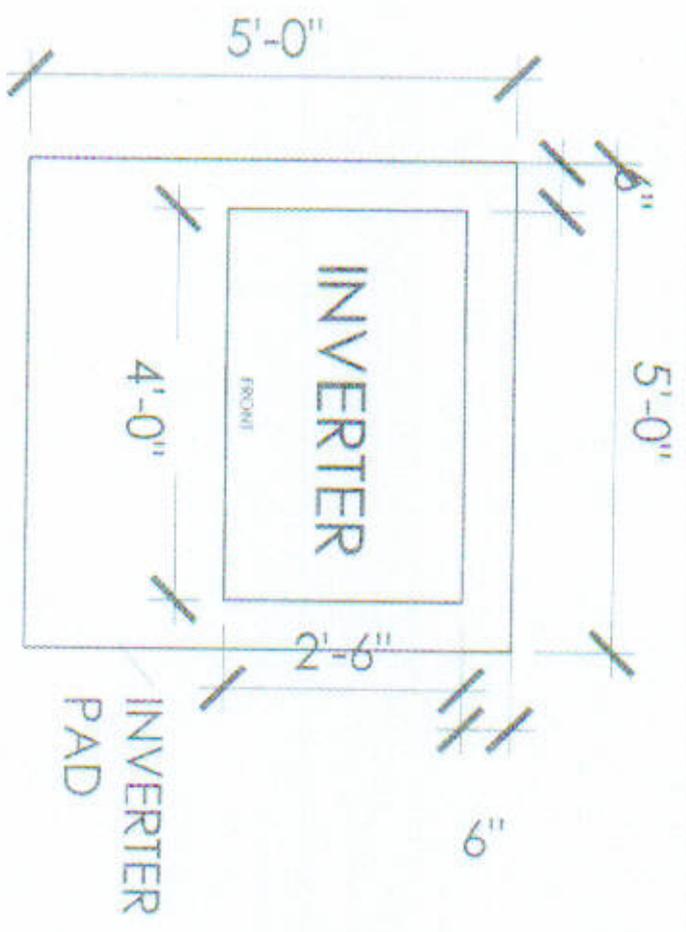
43.68 KW DC STC  
130 PARKS  
210 W 42ND STREET PARCEL  
ADMN/171-113 DEBERG  
TULY 20 DEBERG

IPP SOLAR  
338 BROADWAY  
5TH FLOOR  
NEW YORK, NY 10013

SCHEER COMMON  
80 US ROUTE 8  
BALDWIN HAZELAY 10005

PROJECT/COMPONENT	PV-1
NO.	103432
REV.	N/A

# 43.68 KW DC STC ROOFTOP SOLAR PHOTOVOLTAIC SYSTEM



- CONCRETE PAD NOTES:**
1. THE DESIGN FOR THE CONCRETE PAD FOR THE INVERTER SHALL BE AS FOLLOWS:  
FORMED 50" X 60" CONCRETE PAD, 8" THICK WITH #6 REBAR AT 8" O.C. BOTH WAYS,  
3,000 PSI AIR ENTRAINED CONCRETE PLACED OVER 6" 3/4 CLEAN, COMPACTED GRAVEL,  
MINIMUM TOP ELEVATION OF PAD SHALL BE 2" INCH ABOVE ADJOINING SURFACE  
MINIMUM BURIED DEPTH SHALL BE 8 INCH
  2. PIPE BOLLARDS PROTECTION REQUIRED IF PAD IS <10' FROM DRIVEWAY  
THE DESIGN FOR THE PIPE BOLLARDS WILL BE AS FOLLOWS:
  4. 4-8" LONG 8" DIAMETER PIPE BOLLARDS FILLED WITH  
CONCRETE, BOLLARDS TO BE DRILLED, BURIED (4" BELOW FINISH GRADE) AND GROUTED INTO PLACE  
INCLUDE PATCHING OF DISTURBED SURFACE



2ND FLOOR  
394 BERGWAY  
5TH FLOOR  
NEW YORK, NY 10013  
212 791 2100

43.68 KW DC STC  
182 PANELS  
248 WATT SHARP PANELS  
AZMULTI-1021 ENERGIES  
TILT 20.0 DEGREES

NO.	DESCRIPTION	DATE

100 SCALE  
234 BERGWAY  
5TH FLOOR  
NEW YORK, NY 10013

SCHEMATIC  
80 US ROUTE 5  
MILLER PLACE NY 10916

NO.	DESCRIPTION	DATE
1	PV 2	11/17/13
2		



# 43.68 KW DC STC ROOFTOP SOLAR PHOTOVOLTAIC SYSTEM

Design Data Summary Sheet  
 Made in File: PV

Page 1  
 1.0000

## A. Existing Building Information

1. Existing Building: Best Deck Assoc. Framing Floor - Drawing 5-2-5-1-5-4

## B. Design Loads

### 1. Governing Design Code

Governing Building Code: IBCS Building Code Year: 2010  
 (Exception: Chapter 16 084 (Occupancy))

### 2. Snow Load

Existing (12.7 and 11.2) = 30 pounds per square foot  
 When solar modules are located there will be no roof live load.

### 3. Roof Snow Load

Roof Snow Load with Solar Photovoltaic (PV) modules:  
 Snow Load Coefficient  $s = 1.0$   
 Thermal Factor  $(T) = 1.0$   
 Snow Importance Factor  $(I) = 1.0$   
 Ground Snow Load  $(P_g) = 30$  pounds per square foot (psf)  
 Roof Snow (S<sub>L</sub>) Load  $P_g \cdot 0.1 \cdot C_e \cdot C_d \cdot C_w \cdot C_{dr} \cdot P_g = 18.0$  pounds per square foot (psf)  
 ASCE 7-05 Min. Flat Roof = 30 psf

### 4. Wind Load

Wind Exposure Category: B  
 Wind Velocity Pressure Exposure Coef.  $(K_z) = 0.79$   
 Wind Topographic Coef.  $(K_{zt}) = 1.0$   
 Wind Directionality Factor  $(K_d) = 0.85$   
 Wind Velocity Adjustment Factor  $(K_e) = 1.0$   
 Wind Exposure Factor  $(K_e) = 1.0$   
 Roofing Wind Load  $(q) = 0.0026 \cdot V^2 \cdot K_e \cdot K_d \cdot K_z \cdot K_e \cdot V^2 = 14.37$  psf  
 Wind Pressure (suction) and the design pressures shall be applied per ASCE 7-05

## 5. Dead Load

Existing (20.1) Building System Weight of Roofing, Insulation & Steel Framing and  
 Ceiling Load = 20 psf

Solar PV panel weight = 6 to 8 psf

## 6. Live Load

Live Load combination used to design roof framing structural members

Live  $20.0$  psf + PV  $6$  to  $8$  psf + DL  $20$  psf =  $46$  psf < Existing Capacity =  $70$  psf

Existing:  $11.2$  psf + DL  $20$  psf =  $30$  psf

## 7. Conclusion

The existing building structure is adequate to support the additional 6 - 8 psf of PV system.

Page 2  
 1.0000

James A. Klein, Jr.  
 Professional Engineer  
 NY Professional Engineer License No. 59487

Author: Consulting Service, Inc.



IPP SOLAR  
 394 BROADWAY  
 5TH FLOOR  
 NEW YORK, NY 10013  
 212 761 2100

43.68 KW DC STC  
 140 PANNELS  
 240 WATT SHARP PANNELS  
 2420V/110V/171 DEGREES  
 18.7 = 18 DEGREES

IPP SOLAR  
 394 BROADWAY  
 5TH FLOOR  
 NEW YORK, NY 10013

SCHEMS COMPANY  
 85 US ROUTE 8  
 BALDWIN PLACENY 10295

PROJECT NO.	10021	DATE	1/15
CLIENT	IPP	DESIGNER	SCHEMS
PROJECT	10021	DATE	1/15

# 43.68 KW DC STC ROOFTOP SOLAR PHOTOVOLTAIC SYSTEM

## SCOPE OF WORK

INSTALLATION OF PHOTOVOLTAIC MODULES, INVERTER, ELECTRICAL CONDUIT, DISCONNECTS AND SUPPORT EQUIPMENT ON BALLASTED ROOFTOP LOCATION. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL AND STATE REGULATIONS.

## SHEET LIST

PROJECT SCOPE	PH
DATE PLAN	PH 4
MODULE LAYOUT	PH 1
INVERTER PHOTOGRAPH	PH 2
ELECTRICAL LINE PAGE 1	PH 3
ROOF STRUCTURAL	PH 4

## GENERAL NOTES

- ALL WORK SHALL COMPLY WITH THE NATIONAL ELECTRICAL CODE, STATE AND LOCAL CODES, RULES, ORDINANCES AND ALL MANUFACTURER'S INSTRUCTIONS AND INSTALLATION INSTRUCTIONS.
- ALL EQUIPMENT SHALL BE NEW UNLESS OTHERWISE SPECIFIED AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE AND ALL APPLICABLE LOCAL AND STATE REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE ELECTRICAL PERMITS OF ALL LOCAL JURISDICTIONS. THE ELECTRICAL PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AND SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL AND STATE REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVED DRAWINGS FROM ALL APPLICABLE LOCAL AND STATE REGULATIONS.

## SITE INFORMATION

### PROPERTY INFORMATION

OWNER: THE COMMERCIAL GROUP  
ADDRESS: 100 DULWYN PLACE, NY 10018

### ELECTRICAL INFORMATION

UTILITY COMPANY: NYSEG  
METER SERVICE: NYSEG, METER # 1234  
METER SERVICE ADDRESS: 1234  
METER SERVICE LOCATION: 1234

### PHOTOVOLTAIC INFORMATION

ARRAY AREA: 177 SQ. FT.  
ARRAY TYPE: RIGID 30  
NUMBER OF PANELS: 100 (200 WATT)  
INVERTER LOCATION: TWO INVERTER NEAR FRONT

### LOCATION

ADDRESS: 100 DULWYN PLACE, NY 10018  
N. 41.8832° W. 88.5117°  
N. 41.8832° W. 88.5117°  
ELEV: 100 FT.

## MAJOR EQUIPMENT LIST:

COMPONENT	DESCRIPTION	QTY
MODULE	300W MONOCRYSTALLINE	100
INVERTER	ADVANCED ENERGY 4000VA	1
MONITOR SYSTEM	ENVIRO MONITOR	1
CONCRETE PAD	ADVANCED ENERGY 4000VA	1
AC DISCONNECT	30A 250V 1P	1
PERFORMANCE METER	SHIMANO 6000	1
MONITORING SYSTEM	ADVANCED ENERGY 4000VA	1
WARRANTY	1000 AMP INVERTER SWITCH GEAR	1
STANDS	DC RISE	100
DC CABLES & BONDING	ELECTRICAL WORK	2

## VICINITY MAP



## SITE MAP



100 SQUARE  
304 BROADWAY  
5TH FLOOR  
NEW YORK, NY 10011  
212 791 1300

43.68 KW DC STC  
100 DULWYN PLACE  
NEW YORK, NY 10018  
TEXT - 10 Dwg#s

100 SQUARE  
304 BROADWAY  
5TH FLOOR  
NEW YORK, NY 10011

SCHEMATIC COMMENT  
30 US RIGHTS &  
DULWYN PLACE NY 10018

DATE: 1/11/12  
BY: PAB  
REV: 001

PLANNING AND ENGINEERING DEPARTMENTS

**Town of Somers**

WESTCHESTER COUNTY, N.Y.

Sabrina D. Charney Hull, AICP  
Town Planner  
scharneyhull@somersny.com

Steven Woolfe  
Principal Engineering Technician  
swoolfe@somersny.com



Town House  
335 Route 202  
Somers, N.Y. 10589  
Tele #: 914-277-5356  
FAX #: 914-277-4093  
www.somersny.com

TO: Somers Planning Board

FROM: Sabrina D. Charney Hull, AICP  
Town Planner 

DATE: March 8, 2012

SUBJECT: **IPPsolar @ SOMERS COMMONS [TM; 4.20-1-11]**

---

<b>PROJECT NAME</b>	<b>IPPsolar @ SOMERS COMMONS</b>
<b>TM #</b>	4.20-1-11
<b>OWNER</b>	Urstadt Biddle/ IPPsolar
<b>PROPERTY SIZE</b>	27.7 acres
<b>ZONING DISTRICT</b>	CS (Community Shopping)
<b>APPLICATION FOR</b>	TBD
<b>SEQR CLASSIFICATION</b>	TBD

**Project Description**

IPPsolar is interested in an installation of solar photovoltaic panels on the roof of a building (New York Sports Club) located in Somers Commons. The installation includes 182 solar modules on the roof with associated wiring, conduits, meters and an inverter that will be installed on a concrete pad at the back of the building. The concrete pad is proposed to be 60"x 60" and is proposed to be located to the rear of the building. The project sponsor contacted me to inquire as to the proper procedure to obtain permit approval in the Town. Currently, the *Code of the Town of Somers* does not contain regulations pertaining to the use of solar devices. Rather than directing the applicant to the Architectural Review Board and to the Building Department, I thought it was in the best interest of the Town to have the project sponsor meet with you informally to discuss the project so that you can determine whether or not the project should be reviewed under the site plan approval process.

### **Project Review**

Review of the submitted materials leads me to recommend that the project sponsor further explain whether or not trees/shrubbery will be removed in the location of the proposed concrete pad.

In my opinion, the proposed installation does not rise to the level of requiring site plan approval due to the fact that, as described, there appears to be no visual impact as a result of the project

The applicant should be directed to obtain approval from the Architectural Review Board and pursue the necessary Building Permits.

/sdh

cc: Efrem Citerella, Building Inspector  
Consulting Town Engineer  
Paul Jeun, IPPsolar  
UB Somers, Inc  
ARB

McCULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

10605

TEL (914) 949-8400

FAX (914) 949-2510

WWW.MCGOLDBERGER.COM

FRANK S. McCULLOUGH, JR.  
CHARLES A. GOLDBERGER  
JAMES STAUDT  
LINDA B. WHITEHEAD  
SETH M. MANDELBAUM  
EVAN M. EISLAND

MICHAEL V. CARUSO  
JOANNA C. FELDMAN  
DEBORAH A. GOLDBERGER  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
ALICE D. KONNFELD  
RUTH F.L. POST

FRANK S. McCULLOUGH (1905-1998)  
EVANS V. BREWSTER (1920-2005)

February 29, 2012

Chairman John Currie  
and Members of the Planning Board  
Town of Somers  
335 Route 202  
Somers, New York 10589

RE: The Green at Somers, Route 6, TM: 4.20-1-3.1

Dear Chairman Currie and Members of the Planning Board:

As you will recall, at your December 14, 2011 meeting, you reviewed the items, all affordable housing incentives recently added to the Code, which required Town Board approval and you made a unanimous recommendation to the Town Board recommending approval of these items. This included the addition of the third story, the increase in FAR and the use of shared parking. You also made a recommendation to the Town Board for a further text amendment which would allow the Town Board to authorize the Planning Board to recommend a mix of retail and residential uses on the first floor. This was in response to the concern that there is no market for the retail, particularly in this part of Town.

We appeared before the Town Board at the January work session, where we provided the same presentation that we had given to your Board, and appeared again at the regular Town Board meeting. After discussion, the general consensus of the Town Board was that the request was premature and they were not ready to act at this time. They would like the Planning Board to undertake additional review and proceed further in the SEQRA process for them to have enough information to make a determination on the incentive items. In addition, they were also not prepared to address the recommendation for the zoning amendment regarding the first floor retail.

While we are aware that your Board had hoped to have the Town Board approval of the incentive items prior to undertaking additional review, our client is left with no choice but to come back to the Planning Board for further review. We are therefore submitting revised plans which address several of the comments we have received as described below. We are also submitting the

updated Traffic Study prepared by John Collins Engineering and the updated Wetlands Report prepared by Paul Jaehnig. The traffic study was based upon the September version of the plan which had more retail than currently shown. The reduction in retail space reduces the traffic generation, and therefore the study is conservative in calculating traffic flows. Finally, we are submitting a preliminary stormwater analysis for the revised plan. Note that although the stormwater mitigation area is reduced in size (disturbance), the peak rates in runoff at the design points are still considerably less than that of the pre-developed conditions. Naturally, when submitted the Stormwater Pollution Prevention Plan will provide all necessary details, and calculations in compliance with General Permit #GP-0-10-001 as well as the requirements for development within the East of Hudson watershed while also addressing specific comment raised by Staff. We are also in the process of retaining the services of an engineering firm to conduct soil bearing analyses in the proposed locations of the buildings.

Although we did not have clear direction regarding the issue of the first floor retail, the indications from all marketing experts and brokers we have spoken with indicate a lack of market for the retail space, particularly in light of the large shopping center across the street. As you are aware, there is a small retail portion of the Planned Hamlet across the street, and there has been no market interest in that retail either. This is a good indication of the lack of market. We are therefore still proposing a reduction in the retail space, and, if the Planning Board supports same, we will proceed either to try to get the Town Board approval of the text amendment, or will apply for a variance. The plan has therefore been revised to reduce the extent of retail. The revised plans provide for retail in two of the buildings, Buildings 1 and 2. So as to maintain a store front appearance, the retail space would be located in the front of the structures, across the front of the entire first floor. This addresses some of the visual concerns that some members of the Planning Board and the Town Board had by preserving the visual appearance of a full row of stores. However, the stores will not extend back the entire depth of the first floor. The rear portion of the first floor will be a part of the residential units behind the retail space. With this modification, 25% of the total first floor area, 6,190 square feet out of 24,760 square feet, will be retail. Visually, it will appear that 100% of two buildings has first floor retail.

By reducing the square footage of the retail space, we have been able to reduce the number of required parking spaces from 296 to 234. The current plan now provides a total of 82 residences in addition to the 6,190 square feet of retail; specifically, sixty-six one bedroom units and sixteen two bedroom units. With the reduced retail, we have not provided for any shared parking on this plan.

The reduction in the number of parking spaces has reduced the amount of impervious surfaces, the extent of overall disturbance and coverage, thereby allowing us to reduce the size of the stormwater mitigation practices. A comparison between the current plan and the prior Site Plan dated September 19, 2011 is listed below:

	<u>Current Plan</u>	<u>September 19, 2011 Plan</u>
Number of Residences	82	74
Retail Space	6,190 sf	24,760 sf
Number of Parking Spaces	234	296
Area of Disturbance	255,790 sf	275,200 sf
Impervious Surfaces	103,915 sf	137,495 sf
Site Coverage	137,925 sf	144,900 sf
Open Space	194,746 sf	174,435 sf

Other modifications to the plans include:

- Minor adjustment in the location and orientation of Buildings 1-4
- Reduction in the amount of disturbance to the steep slopes along the easterly side of the property
- Increased separation between Buildings 3 and 4
- A slight rotation of Building 1 which helps to reduce the linear look of the layout
- The proposed location of the stormwater mitigation area in the rear is shifted further south thereby increasing the separation to the NYSDEC designated wetlands
- The reduction in impervious surfaces also results in a reduction in the quantity of stormwater runoff when compared to the previously submitted plans

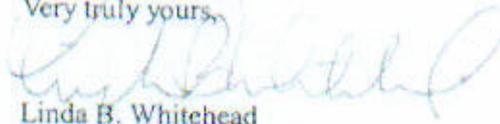
Without a point-by-point discussion of the previous technical comments raised by Staff, the current plans have increased in the level of detail which addresses many of those earlier comments, together with the additional studies which have now been provided. This provides significant additional information for the Board in its ongoing review.

As was discussed in previous correspondence and meetings with the Planning Board, we share Staffs' interest in completing the soil bearing capacity sooner rather than later and the analysis will be completed in the very near future and as indicated above are in the process of retaining a firm to undertake this analysis. However, as previously discussed, we would prefer to conduct those tests when the location of the proposed buildings have been confirmed, and more importantly the number of stories has been established. Needless to say, the bearing capacity of the soil is directly related to the weight of the buildings. Hopefully, the current revisions to the site plans will be sufficient to assist the Planning Board in being comfortable with the addition of the third floor and our proposed interpretation of the ordinance regarding the amount of retail space. In the meantime, we would request that the Planning Board move forward with their intent to be lead agency under SEQRA.

Chairman and Members of the Board  
February 29, 2012  
Page 4

We respectfully request that this matter be place on the March 14, 2012 agenda of the Planning Board so that we might be able to discuss these plans and any other issues that you may have.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Linda B. Whitehead". The signature is fluid and cursive, with a large initial "L" and "W".

Linda B. Whitehead

enclosures

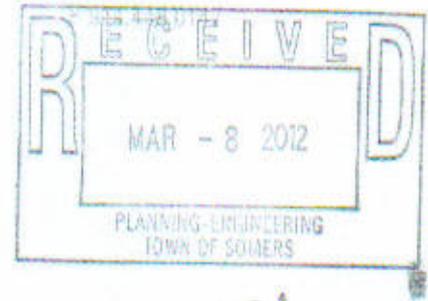
cc: Rick VanBenschoten  
Nathaniel J. Holt, PE

C-  
PB  
TP  
Application

COMMITMENT to INTEGRITY  
DRIVE RESULTS

709 Westchester Avenue | Suite L2  
White Plains, New York 10604  
www.woodardcurran.com

T 800.807.4080  
T 914.448.2266



## MEMORANDUM

**TO:** Sabrina D. Charney Hull, AICP  
**CC:** Marilyn Murphy, Planning Board Secretary  
**FROM:** Joseph C. Barbagallo, P.E., BCEE  
**DATE:** March 8, 2012  
**RE:** Site Plan Application for  
The Green at Somers  
Site Plan Application, Wetlands Activity Permit, Stormwater Erosion & Sediment  
Control Permit and Steep Slopes Permit  
57 Route 6, TM: 4.20-1-3.1, NS (Neighborhood Shopping)  
Owned by National Golfworx

271



### GENERAL

The proposed application is a mixed-use development consisting of both retail and residential spaces. An Application had formerly been reviewed by the Planning Board for this property under the name "The North End at Somers". The development proposes the creation of five buildings which will feature 74 housing units as well as retail space and exterior parking. The site will be serviced by public sewer and water and will be connected to existing mains within Route 6. There is a DEC regulated wetland located on the northern portion of the property and a Town local regulated wetland located at the eastern end of the property.

### DOCUMENTS REVIEWED

- Letter by McCullough, Goldberger & Staudt, LLP, dated February 29, 2012.
- "Site Development Plans for the Green at Somers", Drawing Sheets No. 1-16, by Nathaniel J. Holt, P.E., revised February 29, 2011.
- Preliminary Drainage Analysis, by Nathaniel J. Holt, P.E.
- Traffic Impact Study, by John Collins Engineers, P.C., dated January 26, 2012.
- Wetlands Survey, by Paul J. Jaehnig, dated November 10, 2011.

### PERMITS AND APPROVALS REQUIRED

- Westchester County Department of Environmental Facilities: Sewer Extension Approval.
- Westchester County Department of Health: Approval of the Sewer Extension
- Westchester County Board of Legislators and Town of Somers: Sanitary Sewer Connection Approval
- Westchester County Peekskill Sanitary Sewer District: Sanitary Sewer Service Extension Approval
- New York City Department of Environmental Protection: Stormwater Pollution Prevention Plan Approval.
- New York City Department of Environmental Protection: Sewer Connection Approval



- Shenorock/Amawalk Water District: Water Connection Approval.
- New York State Department of Environmental Conservation - Freshwater Wetlands Permit
- New York State Department of Environmental Conservation General Permit No. GP-0-10-001.
- New York State Department of Transportation: Permit and Approval for work within the Route 6 right of way (ROW).
- Water Superintendent and the Bureau of Fire Prevention: Review and Approval of Hydrant Locations.
- Town of Somers: Site Plan Approval
- Town of Somers: Stormwater Management and Erosion & Sediment Control Permit
- Town of Somers: Steep Slopes Protection Permit
- Town of Somers: Wetlands Activity Permit

## DISCUSSION

The Applicant has submitted revised plans for review by the Planning Board. We have reviewed these revised plans in relation to our previously issued comments. However, the broader issue associated with the review of this project is associated with the request by the Town Board for more information on the possible development alternatives; such that a more complete evaluation of alternatives for the site development can be considered. It would appear that this evaluation can be completed within the context of SEQR, at the discretion of the Town Planner. At this time we suggest that the Planning Board consider how it intends to proceed in the addressing of the alternatives for site development such that the information requested by the Town Board can be developed; as opposed to the getting into the specifics of the site plan submitted prior to this meeting.

The status of all previously issued engineering comments, as identified in our memorandum dated December 9, 2011, as well as new comments is provided below in **Bold Underline Type**. It should be noted that additional comments may be issued upon receipt and review of additional application materials.

### Comments from December 9, 2011 Memorandum

1. The Application proposes the disturbance of land surfaces bearing steep slopes in excess of 15% gradient, as shown on the Environmental Constraints Map drawing. The response to question 5 on the State Environmental Quality Review Full Environmental Assessment Form (SEQR EAF) indicates no disturbance of slopes greater than 10%. The Applicant shall revise the EAF to reflect the proper slope disturbances. **Addressed.**
2. The provided Notice of Intent (NOI) indicates that the project will create 2.4 acres of impervious surfaces. Information provided in the SEQR EAF however states that the project will result in 2.68 acres of impervious surfaces. The Applicant shall revise documents to be consistent with the current proposed Site plan. **Not Addressed, To be reviewed with future submittal. Not Addressed.**



3. The Applicant shall depict limits of disturbance on revised Site Plan drawings and shall include a note specifying total disturbance in acres. **Addressed.**
4. Provided Site Plan drawings do not depict how stormwater runoff from roof leaders on proposed building 5 will be conveyed to stormwater management practices. **Addressed.**
5. Several erosion and sediment control measures, as shown on drawing sheet "Sediment & Erosion Control" are depicted faded. Revised Site plans shall depict all proposed sediment and erosion control features as non-faded on this drawing sheet. **Addressed.**
6. The Applicant shall provide construction details for all proposed erosion and sediment control features, including silt fence, soil stockpiles, rip-rap outlet protection and sediment traps on revised Site plan drawings. All construction details shall be consistent with the NYSDEC New York Standards & Specifications for Erosion and Sediment Control (NYSSESC), latest edition. **Partially Addressed, The Applicant shall submit an acceptable Construction Detail for proposed Sediment Traps. Partially Addressed, The Applicant shall provide design calculations for the proposed sediment trap consistent with the NYSDEC NYSSESC Manual. The Construction Detail for the proposed Sediment Trap shall reflect the design dimensions of the practice proposed for the Site.**
7. The Applicant shall provide construction details for all proposed stormwater management practices, including Pocket Wetlands, Bioretention Area, and Vegetated Swale. All construction details shall be consistent with the design requirements of the NYSDEC Stormwater Management Design Manual (NYSSMDM), latest edition. **Not Addressed, To be reviewed with future submittal. Partially Addressed, The Applicant has not provided Construction Details for the proposed Vegetated Swales and Pocket Wetlands.**
8. Project narrative included within the SWPPP states that construction inspections shall be performed at proper intervals by the construction manager. The NYSDEC General SPDES Permit requires that inspections must be performed by a qualified inspector, as defined in NYSDEC literature. The Applicant shall clarify description of erosion & sediment control inspections to be consistent with the requirements of Part IV (c) of the NYSDEC General SPDES Permit for Construction Activity. **Not Addressed, To be reviewed upon receipt of revised SWPPP.**
9. Site plans specify minimum vertical and horizontal separations between proposed water service, stormwater and wastewater piping, but does not note separation from existing stormwater piping on the property. Site plan drawings shall be modified to specify minimum separation of water service to existing stormwater piping. **Not Addressed, Partially Addressed, The Applicant has demonstrated adequate separation on plan-view drawings. As the project progresses, we will look for demonstration of acceptable separation in profile-view as well.**
10. Step 4 of the Construction Sequence included within the SWPPP states to remove trees where necessary. The Applicant shall depict any trees to be removed on revised Site plans. The Applicant may be subject to obtaining a Town of Somers Tree Removal Permit, if tree removal is proposed. **Not Addressed. Not Addressed, Provided drawings do not depict that any trees are proposed to be removed. The Applicant shall eliminate all plan references related to the removal of trees if no trees are proposed for removal.**



11. The Applicant shall add a step to the proposed construction sequence for the construction of stabilized entrance. **Not Addressed. Not Addressed, The Construction Sequence shall be revised to indicate that the establishment of perimeter erosion and sediment controls will be completed prior to any land clearing or disturbance activity.**
12. The Applicant is proposing to use silt sacks in conjunction with stone and block drop inlet protection to be used to protect new inlet drains during construction. Siltsacks are not an approved protection application for newly created drain inlets by NYSSDESC. The Applicant shall revise Site plan drawings and SWPPP to remove silt sacks from the proposed design. **Addressed.**
13. The Applicant shall perform infiltration tests in the exact location of proposed infiltration systems as required by the NYSSMDM Manual, August 2010. The Applicant shall show on the drawings the exact location of the percolation tests performed on site. **Not Addressed, To be reviewed with future submittal.**
14. The Applicant is proposing to install temporary sediment traps to be utilized during construction activity. Temporary sediment traps are depicted to be installed at the same locations of proposed stormwater wetlands forebay and Bioretention Area on provided Site plan drawings. Chapter 6: Infiltration, Section 6.3.6 "Maintenance" of NYSSMDM states the following: "Infiltration practices shall never serve as a sediment control device during the site construction phase". The locations of the temporary sediment basins shall be revised, or the proposed SMP's shall be reconsidered and a different stormwater management practice be implemented. **Not Addressed, To be reviewed with future submittal. Not Addressed.**
15. as being located within the 100 ft buffer of nearby wetlands. The Applicant shall revise the location of soil stockpiles to be outside the wetlands buffer setback. **Addressed.**
16. The provided SWPPP report does not contain background project information, as required by the NYSDEC General SPDES Permit and Somers Town Code. This information generally includes, but is not limited to, a description of the project, existing and proposed conditions as well as a description of the proposed stormwater management practices. The Applicant shall revise the SWPPP to include all required components. **Not Addressed, To be reviewed upon receipt of revised SWPPP.**
17. The Applicant is required to provide post-construction stormwater controls consistent with the requirements of the NYSDEC. Design requirements for post construction stormwater controls are provided in Chapters 3 and 4 of the NYSSMDM and specify attenuation for Water Quality and Water Quantity Volume. Consistent with the August 2010 updates to the NYSSMDM, the Applicant is required to follow a "five step process" in stormwater design as detailed in chapter 3. The Applicant shall revise the SWPPP to include required hydrological calculations and description to demonstrate compliance with NYSSMDM requirements. The Applicant shall confirm that all proposed management practices are acceptable with NYSSMDM criteria and shall provide sizing calculations. **Not Addressed, To be reviewed upon receipt of revised SWPPP.**
18. Watershed Boundaries as depicted on drawing sheet, "Watershed Map Developed Condition" are unable to be distinguished. The Applicant shall revise both Pre and Post Development watershed maps to more clearly depict watersheds and shall identify design points and flowpath considered in hydrological calculations. **Not Addressed, The post development**



watershed map shall be represented in the same manner as the pre-development condition, as shown on Sheet 12 of 13. **Not Addressed.**

19. The Applicant shall provide hydrological calculations to demonstrate that existing stormwater conveyance structures are capable of handling additional proposed flow resulting from site development. **Not Addressed, To be reviewed upon receipt of revised SWPPP.**
20. Post development Hydro-CAD calculations indicate that a Bio-Swale will convey stormwater flows to proposed pocket wetlands. The Applicant shall depict the location of proposed Bio-Swale on revised Site plan drawings. **Not Addressed, Revised Site plans note grass swales to be located north of the parking area. The Applicant shall clearly depict the limits of proposed swale, including directional arrows along the length of swale to show the proposed direction of flow. Not Addressed.**
21. The Contractor Certification Statement included within Section H of the SWPPP shall be revised to reflect the statement provided in Part III (A) (6) of the NYSDEC General SPDES Permit. **Not Addressed, To be reviewed upon receipt of revised SWPPP.**
22. The Applicant shall provide a landscaping plan drawing to indicate all landscaping improvements proposed with the project. **To be reviewed with future submittal. Not Addressed.**
23. The Applicant shall label each proposed parking space with a number on Site plan drawings. The Applicant shall explain which parking spaces they intend to land-lock for future expansion. **Not Addressed, To be reviewed with future submittal. Provided comment response states the Applicant intends to discuss further parking modifications during Planning Board meeting. Partially Addressed, The Applicant has assigned numbers to all proposed parking spaces, as shown on Drawing Sheet No. 1 of 16. Review of the parking plan will continue as the Application progresses.**
24. As the subject property is located within the East of Hudson NYC water shed, the Stormwater Pollution Prevention Plan must incorporate and demonstrate it meets the objectives of the "Enhanced Phosphorous Removal Standards – Chapter 10" of the New York State Stormwater Management Design Manual, latest version. **Not Addressed, To be reviewed upon receipt of revised SWPPP. Not Addressed.**
25. The reduction of impervious surfaces is critical given the sites location in the Croton Watershed and its proximity to nearby regulated DEC wetlands. The applicant should, to the maximum extent possible, implement "Better Site Design, April 2008" practices provided by the NYSDEC Division of Water. The incorporation of pervious paving surfaces wherever possible should be considered. **Not Addressed, The Applicant has indicated a willingness to incorporate additional reduction of impervious surfaces. Further discussion shall proceed upon re-submittal of a SWPPP. Partially Addressed, Revised drawings depict a reduction in impervious surfaces from previously submitted plans. Review of impervious surface reduction will continue as the Application progresses.**
26. The Applicant should consider if a maintenance/access agreement for the existing stormwater piping that transverses the property is required. **Partially Addressed, Revised Site plans depict a 10 foot easement to be created along existing stormwater**



conveyance piping. Maintenance agreements shall be provided with future submittal for review. Partially Addressed.

27. A hydraulic analysis shall be provided for the existing pipe conveyance system detailing the volume of stormwater run-off entering the wetlands from off-site. Additional comments may be provided upon review. **Not Addressed, Provided comment response states that the Applicant does not wish to assume obligation for stormwater originating from off-site. Hydraulic analysis of existing stormwater conveyance is necessary as the Applicant is proposing to discharge to these systems; which will require an analysis of the system to determine whether there is sufficient capacity to convey existing and proposed flows. In addition it is necessary to perform analysis in order to properly understand the ecology of wetlands located at the discharge of piping. Not Addressed.**

#### Wetland Mitigation

1. The Applicant shall prepare a Wetlands Mitigation Plan, in accordance with the requirements of NYSDEC and Somers Town Code, to address disturbances and additional inflow to the nearby wetlands. In the event that on-site wetland mitigation proves to be not possible, provide detailed description of the off-site mitigation you are proposing. **Not Addressed, To be reviewed with future submittal.**
2. As the Applicant is proposing to introduce new flow into the existing drain pipes, the Applicant should consider removing a portion of the existing drainage pipes at the westerly end to allow flow to occur through an open swale design in order to provide treatment prior to reaching the existing wetlands. **Not Addressed, Provided comment response indicates the Applicant intends to utilize swales in place of proposed drainage pipe. Submitted Site plans do not depict any modification from previously proposed layout. The Applicant shall clarify where proposed swale has been implemented and shall consider utilizing an open channel swale in place of piping along the westerly property line. Partially Addressed. Provided drawings depict that the proposed stormwater pipe discharge near Wetland Flag "WF C4" has been modified to avoid disturbance to the nearby Wetland Area and to allow stormwater to receive treatment through a vegetated swale. This same comment shall be considered for existing pipe discharges at Wetland Flags "WF A2" and "WF A15".**
3. Wetlands as shown on Topographical Survey are indicated to be most recently delineated by Evans Associates on April 13, 2005. Provided Site development drawings by Nathaniel Holt note that depicted Wetland flags have been delineated by "Paul J. Jaehnig, Soil Scientist". Chapter 167(A)(8)(a) of Town Code specifies that a Wetlands Permit Application must feature wetlands delineation within the prior 12 months. The Applicant shall clarify the date of the most recent wetlands delineation. **Not Addressed, To be reviewed upon receipt of updated wetlands delineation. Partially Addressed, The date of the recent wetlands survey by Paul J. Jaehnig shall be added to drawings.**

#### Sewer and Water Main

1. The Applicant is proposing to connect the sanitary into the existing 8" force main located on Route 6. The Applicant must also connect into the existing 6" force main. **Addressed.**



2. A waste water analysis and calculations shall be provided demonstrating that the existing sanitary system has the adequate capacity to handle the anticipated flows from the proposed development. Additional comments will be provided upon review of this analysis. **Not Addressed, To be reviewed with future submittal.**
3. Details shall be provided for the pump station including sizing, invert elevations, etc. Also the applicant shall coordinate with the Somers Realty project to explore a combined pump station. **Partially Addressed, The Applicant has submitted a preliminary construction detail for the proposed pump station. Additional details shall be provided with future submittal for review.**

Miscellaneous

1. Details shall be provided and included on the plan on how the Applicant proposes to provide gas and electrical connections to the proposed development. **Not Addressed, To be reviewed with future submittal. Documentation of adequate capacity of the proposed utilities must be provided for the proposed service connections.**
2. The Applicant shall complete a geotechnical analysis of site soils with recommendations for building foundations. **Not Addressed, In addition, fill materials imported to the Site have the potential to create settlement under proposed Site utilities. Geotechnical analysis shall take into consideration the construction of site infrastructure upon fill. Geotechnical analysis shall be reviewed with future submittal.**
3. The Applicant shall provide traffic analysis for the proposing development. This analysis shall include verification that a design vehicle representing the largest vehicle required to access the development, can navigate all proposed parking areas and driveway. **Not Addressed, To be reviewed with future submittal. The Applicant has provided a Traffic Impact Study, prepared by John Collins Engineers, P.C. The Traffic Impact Study will be subject to review and comment by Frederick P Clark Associates, Inc.**

Please feel free to call me at anytime at 914-448-2266 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Barbagallo".

Joseph C. Barbagallo, P.E., BCEE  
Consulting Town Engineer