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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
SPECIAL MEETING
AGENDA
DECEMBER 19, 2012
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for October 10, 2012

RECOMMENDATION

1. **SOMERS ESTATES SUBDIVISION**
   PERFORMANCE BOND REDUCTION
   Request for a second bond reduction of the Performance Bond for the roadway improvements of the extension of Florence Drive (public road) and the installation of two private common driveways and associated infrastructure. The original bond amount of $970,846 was reduced to $695,540. The request is that the Planning Board consider a second reduction of the Performance Bond from the reduced amount of $695,540 to $488,714.

PROJECT REVIEW

2. **SOMERS REALTY PLANNED HAMLET**
   PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE; WETLAND PERMIT, TREE PRESERVATION PERMIT AND STORMWATER MANAGEMENT AND EROSION CONTROL PERMITS
   [4.20-1-15, 18]

Application for Preliminary Subdivision and Lot Line Change. Wetland Permit, Stormwater Management and Erosion and Sediment Control, Tree Preservation Permits for Somers Realty Planned Hamlet.
The Preliminary Subdivision application is for creation of a 7.7 acre lot from prior Lot 2. The Lot Line change is for a minor modification to the lot line of a previously created sewer pump station parcel
Consideration of Negative Declaration and draft Resolution of Approval.
Last discussed at the December 12, 2012 Planning Board meeting.

3. THE MEWS AT BALDWIN PLACE PHASE 2 SITE PLAN APPROVAL, WETLANDS, STEEP SLOPES, TREE PRESERVATION AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 4.20-1-15]

The Mews at Baldwin Place 2, Site Plan Approval, Wetlands, Tree Preservation, Steep Slopes, Stormwater Management and Erosion and Sediment Control Permit for the Mews at Baldwin Place, Phase 2. The property is located on the South side of Route 6 in the Somers Planned Hamlet Zoning District. The Site Plan application is for the construction of 75 units of senior affordable housing which will be serviced by public water and sewer.
Consideration of a Negative Declaration.
Last discussed at the December 12, 2012 Planning Board meeting.

Next Planning Board Meeting is January 9, 2013
Agenda information is also available at www.somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

Date: December 14, 2012

To: Planning Board

From: Steven Woelfle SW
Principal Engineering Technician

RE: Somers Estates Subdivision
Second Bond Reduction Request

The applicant's engineer, Timothy S. Allen, P.E., has requested a bond reduction in the amount of $206,826 for the Florence Drive road extension in the Somers Estates subdivision. A summary of the cost estimate has been prepared by the applicant's engineer. The applicant has addressed the outstanding items identified with the first bond reduction request and, therefore, this office is in agreement with the second bond reduction and requests that the Planning Board consider a second reduction of the Performance Bond from the reduced amount of $695,540 to $488,714.

The engineer's cost estimate and As-Built is on file with the Engineering Department.

SW/wg
cc: Joseph C. Barbagallo, P.E., DEE
Timothy S. Allen, P.E.

Z:\PE\Subdivision files\Somers Estates\Performance Bond reduction~ 2nd request 11.7.2012.doc

BIBBO ASSOCIATES, L.L.P.
Consulting Engineers

Joseph J. Buschynski, P.E.
Timothy S. Allen, P.E.
Sabri Barisser, P.E.

December 14, 2012

Somers Planning Board
335 Route 202
Somers, NY 10589-3206

Attn: Mr. John Currie, Chairman

Re: Somers Estates
Florence Drive Extension
Bond Reduction #2

Dear Members of the Board:

Per our site inspection performed December by our office and Mr. Steve Woelfle, and on behalf of our client we are requesting the following bond release for completed work:

Total Bond =	$ 970.846	
	$ 378,200	Ruxer Mill
	8,325	Top Coat
	13,930	Landscape
	88,259	Contingency
Proposed Bond to Remain	$ 488,714	
	$ 970,846	
	- 488,714	
Previously Released Bond	- 275,306	
Bond Request Return	**$ 206,826**	

We respectfully request this matter be placed on your December 19, 2012 agenda for consideration of the reduction and referral to the Town Board.

Very truly yours,

Timothy S. Allen, P.E.

TSA/mme
Enclosure
cc: T. Gecaj, (w/encl.)

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PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

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SOMERS, NY 10589

John Currie, *Chairman*
Fedora DeLucia
Christopher Foley
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Eugene Goldenberg
John Keane

SOMERS PLANNING BOARD MINUTES
OCTOBER 10, 2012

ROLL:

PLANNING BOARD MEMBERS PRESENT: Chair Currie, Mr. Keane, Ms. Gerbino, Mr. Goldenberg, Mr. Foley and Ms. Gannon

ABSENT: Mrs. DeLucia

ALSO PRESENT: Town Planner Syrette Dym
Consultant Engineer Joseph Barbagallo
Town Attorney Joseph Eriole

The meeting commenced at 7:30 p.m. Planning Board Secretary Marilyn Murphy called the roll and noted that a required quorum of four members was present in order to conduct the business of the Board.

APPROVAL OF AUGUST 8, 2012 MINUTES

Chairman Currie noted that Planning Board Secretary Marilyn Murphy prepared and submitted for the Board's consideration the approval of the draft minutes of the Planning Board meeting held on August 8, 2012.

Chairman Currie asked if there were any comments or questions from members of the Board on the draft minutes of August 8, 2012.

DRAFT

Ms. Gannon said that she has not had a chance to read the minutes but the Board can vote on the minutes without her comments.

Mr. Foley changed the language on Page 6, lines 6, 7 and 8 to read *Mrs. DeLucia said that she is recusing herself because of her familiar connection to her husband's nephew Steven DeLucia, the applicant's arborist, not withstanding the fact that she has not spoken to him in 30 years.*

The Chair asked if there was a motion to approve the August 8, 2012 draft minutes, as amended.

On motion by Mr. Goldenberg, seconded by Ms. Gerbino, (Ms. Gannon abstaining), and carried, the minutes of August 8, 2012, as amended, were approved.

DISCUSSION

GRANITE POINTE SUBDIVISION FSEIS COMPLETENESS REVIEW

Chairman Currie said that the Board will be discussing the Granite Pointe Subdivision FSEIS completeness review and the proposal for the consultants' fees.

The Chair asked the applicant's representative if he wanted to discuss the professional service fees.

Engineer Allen mentioned that there was a very productive meeting with the consultants on the escrow fees. He explained that the F. P. Clark proposal will be for consideration of Task 1 and Task 2 only for a maximum cost of $10,600. He explained that the majority of the proposed FSEIS content will be reviewed by EA Engineering, and a few portions of it will also need to be reviewed by Woodard & Curran, certain topics discussed in the proposed FSEIS will not be reviewed by either of those two consulting firms. Engineer Allen stated that F.P. Clark will be responsible for review of those particular topics. He mentioned that the other consultant's fees will be lower because they will realize that they will have a better scope of the review. Engineer Allen said that the goal is to have the review done as quickly and efficiently as possible. He asked that the Chair sign off on the

revised proposals without the applicant coming before the Board at the November meeting.

Chair Currie explained that after Task 1 and 2 are modified and completed the consultants will submit their recommendations independently. He noted that there will be three consultants' reports instead of condensing them in one volume. He opined that this will be easier for the Planning Board instead of cross referencing everything.

Mr. Goldenberg said that he is confused as this looks like a new application.

Chair Currie clarified that the Board will only be considering the remediation plan for Granite Pointe.

Engineer Allen noted that the Brownfield report is a document that stands alone. He said that the Planning Board has to rely on its experts to review the document.

Ms. Gannon referred to Town Attorney Baroni's e-mail, *The Planning Board should consider approving Task 1 and Task 2 only, maximum cost $10,600 and delete the last phrase after the abbreviation FPCA. F.P. Clark has prepared the attached amendment to its proposal to facilitate this work.* Ms. Gannon explained that Task 1 is acceptable and will read *Review FEIS Volume 1-Section V and VI to verify that applicant has accurately identified substantive review comments requiring response in the FSEIS, identify additional substantive review comments not acknowledged, if any, identify completeness review assignments in FSEIS Volume I – Sections III, IV, V, and VI by creating a color-coded version of those pages to identify EA, W & C and FPCA review responsibilities.*

Chair Currie said that it was tentatively decided at the October 4, 2012 meeting with the applicant and his consultants and the Town's consultants that three separate completeness review memoranda from the Planning Board's three consulting firms is acceptable, thereby eliminating the need for F.P. Clark to prepare a consolidated summary of review comments on FSEIS Volume 1, as originally anticipated and discussed in the previously submitted proposal letters.

DRAFT

Chair Currie asked the Board if they are in agreement with modified Task 1 and Task 2 and Engineer Allen's proposal that if the applicant is in agreement with the consultant's proposals that it not come back to the Planning Board for their next meeting and authorize the Chair to sign off on the proposals.

On motion by Ms. Gannon, seconded by Ms. Gerbino, and unanimously carried, the Board moved to accept Town Attorney Baroni's suggestion on a modified Task 1 and Task 2.

On motion by Ms. Gannon, seconded by Ms. Gerbino, and unanimously carried, the Board moved to have the Chair sign off on the consultant's proposals pursuant to the applicant's agreement.

PUBLIC HEARING

SOMERS REALTY PLANNED HAMLET PHASE 2 PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE; WETLAND PERMIT, TREE PRESERVATION PERMIT AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMIT [4.20-1-15, 18]

THE MEWS AT BALDWIN PLACE PHASE 2 SITE PLAN APPROVAL, WETLANDS, STEEP SLOPES, TREE PRESERVATION AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [4.20-1-15]

Chair Currie stated that this is the Public Hearing on Somers Realty Planned Hamlet phase 2 Preliminary Subdivision Approval and Lot Line Change; Wetland Permit, Tree Preservation Permit and Stormwater Management and Erosion and Sediment Control Permit and the Public Hearing on The Mews at Baldwin Place Phase 2, Site Plan Approval, Wetlands, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits.

The Chair asked Planning Board Secretary Murphy if prior to this Public Hearing had the legal notice been published, the adjoining property owners notified and the sign posted telling about the time, place and date of the Public Hearing.

DRAFT

Planning Board Secretary Murphy stated that the legal notice was published in the Journal News on September 30, 2012, the adjoining property owners notified via mail on September 30, 2012 and the property posted on September 23, 2012.

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

Linda Whitehead, the applicant's attorney, representing Somers Realty Planned Hamlet for Preliminary Subdivision Approval, Lot Line Change and previously stated environmental permits, mentioned that in 2009 the Planning Board approved the Master Plan for Somers Realty Planned Hamlet in the Planned Hamlet (PH) Zone. Attorney Whitehead mentioned that a full SEQRA process was conducted that resulted in the adoption of a Findings Statement. She explained that the applicant subdivided a 5.7 acre parcel for a portion of Clayton Boulevard and approved a Site Plan application for the construction of 72 units of The Mews affordable senior housing.

Attorney Whitehead noted that the applicant is here for the next phase of development which is to create a new additional 7.7 acre lot which will be Lot 2 and is the remainder portion north of Clayton Blvd. She indicated that the applicant is proposing to extend Clayton Blvd. to provide access to that parcel. Attorney Whitehead explained that as part of this application a pump station with the extension of sewer lines and utilities to serve The Mews 2 will be constructed. She said that a remainder parcel will become Lot 3 and will be the 62.3 acre remainder lot for the rest of the Planned Hamlet development. Attorney Whitehead said that there will be a minor lot line adjustment to the sewer pump station lot because of the road alignment. Attorney Whitehead explained that in addition to the subdivision a wetland permit is required for activities in the wetland buffer for temporary disturbance for the sewer lines to connect to the pump station and a minimal amount of grading for a stormwater basin and improvements that go with the pump station. She commented that the pump station will be completely below grade with the surface feature being a control panel and generator. Attorney Whitehead stated that the pump station will be fenced and screened with detail provided with the next submission. She mentioned that Adam Smith, Town of Somers Water Superintendent, and Town Consulting Engineer Barbagallo will have input in the design of the pump station.

Attorney Whitehead mentioned that as required by SEQRA and the Master Plan approval the wet well in the pump station is being designed to 125% of the capacity flows that are needed for this site. She stated that an easement has been provided so the adjacent Somers Commons Shopping Center can connect into the pump station and eliminate the privately owned pump station that is currently on that site.

Attorney Whitehead noted that a Stormwater Management and Erosion and Sediment Control Permit and Tree Permit are needed. She said that she is asking the Planning Board to approve a modification to the Master Plan. She said that the only significant change to the Master Plan is the use of this particular site. She explained that originally the Master Plan included an 80,000 square foot assisted living facility and mix of commercial and office space totaling 50,000 square feet with a significant amount of parking for the commercial site. Attorney Whitehead mentioned that the current proposal is for 75 units of affordable senior housing that has a smaller footprint than the previous assisted living facility. She stressed that there will be significantly less impervious surface proposed. Attorney Whitehead explained that the Stormwater Regulations have changed and by having less development it allows additional room to provide for stormwater management for this watershed.

Attorney Whitehead noted that a Stormwater Pollution Prevention Plan (SPPP) has been provided. She said that the Department of Environmental Protection (DEP) asked for additional analysis that will be provided for the next submission. Attorney Whitehead said that the applicant has been asked to look at the entire watershed that drains to the area where the basins are proposed and to analyze it under the revised regulations. She indicated that the amount of impervious surface that was approved within the watershed should be reviewed and identified if additional areas for stormwater management are needed. She noted that the applicant will need the Planning Board to amend the process to include those additional stormwater areas as stormwater areas. Attorney Whitehead said this may require relocating or eliminating some of the residential buildings.

Attorney Whitehead said that the applicant is looking at pervious pavement in some of the parking areas. She said that she has to talk to DEP because there is a large parking area on the side of the village green and the applicant may want to use pervious pavement.

DRAFT

Attorney Whitehead said that this site has always been proposed as a balanced site and the applicant is still working toward that concept. She said that the applicant has shown where fill will be stockpiled. She explained that cut from this site will be used at a later date on the lower portion of the site. Attorney Whitehead stated that pursuant to comments an amended Phasing Plan will be submitted with a narrative on how the applicant is handling the fill materials that will remain on site for future use.

Chair Currie asked if anyone present wished to be heard regarding this application.

Fred Moran, resident, asked what else will be built on the site besides affordable housing and how many acres will remain on the property.

Attorney Whitehead stated that there is an approved Master Plan although there may be changes. She said that there was a full environmental analysis. She explained that what is approved for the remainder of the site is 40,000 SF that will be a mix of commercial, retail and a village green. Attorney Whitehead explained that there will be a maximum usage of 152 units in approximately 183,000 SF. She mentioned that there is a parcel that will be deeded to the Town for a future firehouse, future water tank and pump station. Attorney Whitehead indicated that there will be road widening strips along Route 6 and Mahopac Avenue.

Consultant Engineer Barbagallo stated that there is a copy of the Master Plan in the Planning office if anyone would like to see it.

Town Planner Dym explained that she prepared two memos, one on the plans dated September 11, 2012 which related to the Findings Statement and prior approvals. She noted that the Findings Statement was for the overall Master Plan which established the framework for the subsequent approvals. She mentioned in her memo dated October 3, 2012 that there are concerns in regard to the pump station and the wetlands that relate to the pump station. Town Planner Dym indicated that the wetland delineation is more than 12 months old. She said that Tim Miller Associates determined that the wetlands have not changed but she asked that the Town's wetland expert also review the wetlands. She commented that she asked F. P. Clark to prepare a proposal to review the wetland and the wetland impact on the pump station.

DRAFT

The Chair asked Town Planner Dym to summarize her memo dated October 10, 2012.

Town Planner Dym said that the Board received a comment letter from the NYC Department of Environmental Protection (DEP) dated October 9, 2012 where they state their concern about the amount of fill, where it will be located on site and how it will be stockpiled and treated. She said that the amount of trucking of the fill will be a transportation issue.

Attorney Whitehead said that she will address all the DEP's concerns and will address them in a narrative to the Board. She indicated that an amended Phasing Plan will be incorporated in the Master Plan.

Town Planner Dym mentioned that two previously identified intermittent watercourses are identified on the plans as to be field verified by the DEP and she asked that the status of the field investigation and the outcome be provided.

Attorney Whitehead said that the DEP flagged the wetlands in the field and the flags have to be surveyed and a final map has to be signed off on by the DEP.

Town Planner Dym said that Clayton Boulevard and the Route 6 Landscape Plan, as required as part of the prior approval, has not been provided and needs to be.

Attorney Whitehead said that screening for the generator and the control panel fence will be described but she questioned landscaping along Route 6 because nothing is proposed in that area.

Town Planner Dym noted that the revised uses will require less parking than what was originally planned as part of the Master Plan and that should be identified.

Attorney Whitehead stated that the parking will be reduced for the two uses that have been removed. She explained that The Mews 1 and 2 have their own parking and will not use shared parking. Attorney Whitehead explained that the remaining commercial retail space (40,000 SF) and the parking behind the buildings and around the green will be figured into the parking requirements.

Town Planner Dym stated that she is not committed to that methodology.

Mr. Keane said that a definitive statement as to the footprint of impervious surfaces is necessary so the Board can realize in theory that there are reduced impervious surfaces and reduced stormwater issues.

The Chair asked Consultant Engineer Barbagallo to summarize his memo dated October 10, 2012.

Consultant Engineer Barbagallo apologized to the Board for the lateness of his memo and indicated that he will review the memo in detail with the Board as the Board did not have sufficient time to absorb the memo.

Mr. Keane asked Consultant Engineer Barbagallo to indicate what the status of the DEP is because he feels that they are behind the curve and not up to date in regard to SEQRA statements.

Consultant Engineer Barbagallo explained that in reference to the DEP discussion for a field evaluation they could not determine if the watercourse was intermittent or a permanent watercourse.

Richard Williams, engineer representing The Mews, said that the watercourse that the DEP is concerned about is the watercourse that runs parallel to Route 6 and is within a Town regulated Wetland.

Consultant Engineer Barbagallo said that in accordance with the approved 2 lot subdivision plat there is to be no further subdivision until the applicant completes a stormwater master plan for the entire site. He mentioned that this requirement was further discussed with the DEP on September 27, 2012. He noted that the master plan figures include building footprints of 12,000 square feet and language about providing 40,000 square feet of retail and to satisfy that requirement the applicant has reduced the building footprints to 10,000 square feet and a total of two stories for each building. He stated that he reviewed the Master Plan to determine whether the 40,000 SF represented gross floor area or rentable space and that was unclear in regard and needs input from the Planning Board. He said that he needs input from the Board to address this action because this will affect the stormwater analysis.

DRAFT

Attorney Whitehead said that because it was a conceptual plan the buildings were never exact and she feels that the buildings are two 10,000 SF buildings. She said that there was never any discussion in the Master Plan process about rentable space or gross floor area.

Consultant Engineer Barbagallo said that at the meeting with the DEP it was decided that a watershed based drainage analysis be completed that compares imperviousness of the revised drainage basin/Northern watershed in the current submittal to that of the Master Plan, and that all stormwater facilities in the northern drainage basin be designed and made specific including the field tests that are required to demonstrate compliance. He said that Keane Coppelman Engineers will prepare this analysis.

Mr. Keane said that he remembered that Keane Coppelman Engineers determined the drainage areas and sub-drainage areas and did their calculations based on the old criteria. He said that everytime a new lot was developed new calculations will be provided.

Consultant Engineer Barbagallo said that the note on the plat stated that no further subdivision until the applicant completes a stormwater master plan for the entire site. He said that the DEP has backed off on this by saying now that they want to make sure that the drainage basin that is draining to this area is pinned down in a specific way and is not a generic SWPPP.

Attorney Whitehead said that the DEP does not fully grasp the Master Plan concept and they are asking if all the proposed development within the drainage basin can be accommodated.

Consultant Engineer Barbagallo noted that the applicant is talking about pervious pavement in the parking areas; however to show that on a plan now and base the analysis on that is not acceptable to the DEP because they are looking at whether it works in the field from a site investigation perspective.

Attorney Whitehead stated that if the applicant is going to commit to pervious pavement the soils have to be tested to see if it will work. She noted that the applicant is looking to reduce the impervious areas within the village green.

Consultant Engineer Barbagallo said that he is supportive of the applicant's plan if what has to be done is identified and upgradient based on the impervious in the overlay fashion. He noted that he is comfortable looking at it by a drainage basin by drainage basin approach as opposed to pinning down the Master Plan.

Consultant Engineer Barbagallo indicated that DEP has guidelines on what is acceptable and what is not acceptable in regard to pervious pavement. He stated that if porous pavement is adequately maintained, water, once it is created and leads to ice, will drain through the porous pavement. He mentioned that he can provide studies on the benefits and maintenance of porous pavement.

Ms. Gannon commented that the Opengate parking lot is pervious pavement and the slope information was submitted to the Planning Board.

Consultant Engineer Barbagallo noted that the NYC DEP indicated that there was a "wetland issue" with regard to the access road to Route 6 as it would represent impervious surfaces within 100 feet of the wetland, which is prohibited. He said that on October 2, 2012 the NYC DEP issued a letter stating that a variance was required to construct the road. Consultant Engineer Barbagallo stressed that his review of the Master Plan shows that road connecting to Route 6 and he is curious as to why the DEP is raising this issue now. He mentioned that the applicant would like the Planning Board to persuade the DEP that the second access is needed for safety reasons. Consultant Engineer Barbagallo opined that the concern with the access road on Route 6 should be answered before the project moves forward.

Attorney Whitehead said that a watercourse cannot have impervious surface within 50-feet. She stated that the watercourse and the road location have been shown on every plan and SEQRA documentation. She noted that she can work on language for a letter from the Planning Board to the DEP stating that the second access is necessary. Attorney Whitehead explained that a reason the road is located where it is, is because it has to cross the asphalt wetland. She said that she can get support from the Department of Transportation (DOT) for the road location because of a traffic safety issue.

DRAFT

Consultant Engineer Barbagallo mentioned that the DEP is concerned about the location of the generator.

Peter Gregory, the applicant's engineer, explained that a foundation structure will be used to raise the generator above the ground with a permeatable surface that will be easy to access for maintenance.

Consultant Engineer Barbagallo said that as a condition of Master Plan approval the Planning Board will require approval of a Stormwater Pollution Prevention Plan (SPPP) by the NYC DEP in conjunction with each future application for each detailed Site Plan approval or Subdivision approval which includes construction of proposed public roads. He noted that the Applicant has provided a SPPP for the proposed subdivision with the current submittal. He said that he reviewed the SPPP and it is generally acceptable.

Consultant Engineer Barbagallo said that prior to taking any action on any application for detailed site plan and/or subdivision approval, the applicant will be required to submit a detailed Erosion and Sediment Control Plan. He indicated that the applicant has prepared a revised Erosion and Sediment Control Plan for the proposed subdivision.

Consultant Engineer Barbagallo mentioned that the stormwater management system will be designed as a single integrated system for the entire project. He commented that as a condition of Master Plan approval, an agreement will be entered into between the homeowners association and owners of commercial properties outlining the primary party responsible for undertaking maintenance of the system and the financial obligations of the respective entities. He stated that maintenance agreements have not been included with the current submittal.

Attorney Whitehead indicated that she addressed the maintenance agreements in the original submission. She explained that Somers Realty is the only one with responsibility.

Consultant Engineer Barbagallo asked if the Board is willing to wait for the future application as it did with The Mews Phase 1. He explained that the prior application included stormwater infrastructure to support the initial road extension.

DRAFT

Attorney Whitehead said that there will be an easement to Somers Realty, its successors and the Town with Somers Realty having the obligation to maintain the basins and if Somers Realty does not maintain the basins adequately to protect the Town under the MS4 regulations, the Town will take over.

Consultant Engineer Barbagallo said that as a condition of Master Plan approval, the final detailed analysis of the nutrient leading of the site will be based on the detailed site plans that are submitted for each phase of the project. He also noted that as a condition of Master Plan approval, due to the site proximity to the Muscoot Reservoir which has been designated as phosphorus restricted by the NYC Department of Environmental Protection (DEP) which receives stormwater runoff from the site, the use of traction sand, which has a low phosphorus concentration, shall be used as the primary winter road safety agent on those roads that are not dedicated to the Town. Consultant Engineer Barbagallo indicated that the applicant has provided stormwater quality practices and drainage system elements to capture sands prior to off-site migration. He mentioned that accumulated sands will be removed from drainage structures and stormwater practices as part of routine inspection and maintenance activities. He stated that the applicant shall address this requirement in the SPPP and add notes to the plans.

Attorney Whitehead stressed that the road will be a public road and she questioned if limitations should be placed on the road. She said that the notes are only necessary for the subdivision.

Consultant Engineer Barbagallo said that he will review with the Town Attorney the requirements for legal agreements for the proposed use of traction sand and have them incorporated in the SPPP.

Consultant Engineer Barbagallo said that as a condition of Master Plan approval and prior to any action being taken on any application for detailed Site Plan approval and/or Subdivision approval the Planning Board will require that the applicant obtain approval of the extension of the Peekskill Sewer District from the Westchester Board of Legislators.

Attorney Whitehead stressed that everything related to the Peekskill Sewer District is done; however, they have to approve the pump station and the sewer connections.

DRAFT

Consultant Engineer Barbagallo said that he is interested in the perspective of the Board prior to completing further review and offering his recommendation on the roadway profiles going to 5% from 3%.

Chair Currie asked if the Board is in agreement with the changes made to the letter to the DEP regarding the main access road into the project. He said that it is the consensus of the Board to circulate the letter to the DEP before the November Planning Board meeting.

The Chair asked if the Board had any comments or questions.

Ms. Gerbino said that the site looks very different today as years ago the site was mined. She noted that the contours are reconstructed and are not natural.

Attorney Whitehead said that she is concerned about the cost and the amount of hours F. P. Clark is asking for the review of the wetland. She explained that Town Code states that the Board who is looking for a consultant is the one that authorizes the work.

Town Planner Dym said that outside consultants for the Planning Board include Woodard & Curran and F. P. Clark. She explained that originally the proposal from F. P. Clark for the review of the wetland was higher and she asked them to take another look at the proposal.

Mr. Keane agreed that the proposal is too high for the review of the wetland. He said that the disturbance to the wetland is minimal and will not change its function.

Town Attorney Eriole said that the Planning Board has to adequately review the planning issues so the record satisfies the Board that the issues were adequately reviewed. He said that the Board can pursue an outside consultant to review the project. Town Attorney Eriole noted that the Board can share their concerns with the consultant and work out a fee that is acceptable to the Board and the applicant.

The Chair suggested a meeting with F. P. Clark, the Town Planner and the applicant to discuss the review and to define the scope of the proposal.

DRAFT

On motion by Chair Currie, seconded by Mr. Keane and unanimously carried, the Board moved to close the Public Hearing on the Preliminary Subdivision #2 and Lot Line Change for the Somers Realty Planned Hamlet Master Plan, Wetland Permit, Tree Removal Permit and the Stormwater Management and Erosion and Sediment Control Permit.

The Chair opened the Public Hearing on The Mews at Baldwin Place Phase 2 for Site Plan Approval, Wetland Permit, Stormwater Management and Erosion and Sediment Control Permit, Steep Slopes Permit and Tree Removal Permit.

Richard Williams, the applicant's engineer, explained that the application is for the construction of 75 units of senior affordable housing adjacent to The Mews Phase 1 that was completed in 2011. He noted that the layout is very similar to Phase 1 with two L shaped buildings with two parking areas one in front of each building. Engineer Williams indicated that there will be one parking space per unit and one water and sewer connection per building that will connect to the extended mains in Clayton Boulevard. He mentioned that the SPPP has been submitted that will meet the DEP, DEC Town requirements and address the goals of Chapter 10.

Engineer Williams said that the revised Site Plan shows the new dumpster enclosure details and will be substantial and sturdy with fencing in front of the dumpster. He mentioned that the dumpster enclosure for Phase 1 has been improved. He commented that as a result of the site walk two catch basins at the base of the interconnecting driveways have been added to catch the stormwater from the driveway and direct it into the stormwater treatment system so it does not bypass it into Clayton Boulevard.

The Chair asked Town Planner Dym to summarize her memo for the benefit of the public.

Town Planner Dym mentioned that as a condition of Master Plan approval, detailed landscape plans will be submitted as part of the future application for Site Plan and/or Subdivision approval. She noted that landscape plans will propose to plant native non-invasive species to the greatest extent practicable. She said that F. P. Clark will review the Landscape Plan.

DRAFT

Engineer Williams said that F.P. Clark has submitted a proposal to review the Landscape Plan and the applicant has no issue with providing the funds for that review.

Town Planner Dym noted that the cul-de-sac will be removed as part of the subdivision plan for the extension of Clayton Boulevard. She explained that the extended portion of Clayton Boulevard is proposed to be temporarily terminated with a hammerhead instead of a cul-de-sac. She stated that the Fire Prevention Bureau did not have an issue with the hammerhead.

Town Planner Dym mentioned that cut and fill balances should be provided on the site plan in order to allow for adequate assessment of potential impacts and feasibility of disturbance limits.

Town Planner Dym said that the applicant needs to comment on any potential traffic and circulation impacts that might result from relocation of the entry drive for Phase 2 of the Mews that is off of Clayton Boulevard compared to the location of the driveway for the assisted living facility and retail as depicted in the Master Plan. She noted that the Master Plan shows driveways on both sides of Clayton Boulevard lined up as intersections at the planned Town Green and this would no longer be the case with the current plan.

Attorney Whitehead stated that there will be roads not driveways.

Engineer Williams explained that the reason the site entrance is not lined up with curb cuts along Clayton Boulevard is because of the site grading. He said that in order to minimize the earth work and stay consistent with the Master Plan, the driveway has to be pulled up as high to the site as possible.

Consultant Engineer Barbagallo commented that Town Code says all uses other than residential shall not exceed 6% and in no case shall exceed 8%. He mentioned that there is flexibility that the Board can have between 6% and 8%. He asked if a variance is needed if the Board increases the percentage of the grading.

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Engineer Williams stated that the entrance to the site meets Code and the driveway that interconnects Phase 1 and Phase 2 is necessary for emergency access.

Town Attorney Eriole said that if it is defined as a driveway the Board can waive the 6% grade but can only go up to 8%. He said that he will review the issue and determine if a variance is necessary.

Consultant Engineer Barbagallo mentioned that the Fire Prevention Bureau is asking for perimeter access.

Engineer Williams noted that he met with the Fire Prevention Bureau and they did not have a problem with the access but would like another look at the surface treatment.

Mr. Keane advised that the Board must make sure of the requirement for emergency access.

Consultant Engineer Barbagallo said that the applicant has asked that the detailed design of the retaining wall be a condition of Final Approval.

Engineer Williams explained that if there is a question in reference to the grading such as at the site entrance he would like those calculations done at the time of final approval.

The Chair asked if there were any questions or comments from the Board.

Mr. Keane said that placement and arrangement of storm drains in regard to the basic formula does not work well. He noted that the storm drains should be arranged closer together and that the openings be parallel to the curb and if a rectangular catch basin is used that it be wider.

The Chair asked if there were any comments from the public on the Site Plan and no one responded.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the Board moved to close the Public Hearing on the application of The Mews at Baldwin Place Phase 2 for Site Plan Approval, Wetland Permit, Stormwater Management and Erosion Control Permit, Steep Slopes Permit and Tree Removal Permit.

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Ms. Gannon asked if the application is on tract to be approved by the end of the year.

Attorney Whitehead explained that the Subdivision needs Preliminary and Final Subdivision Approval and she asked that the Board hold a special meeting on the approvals if needed.

Rose Noonan, Executive Director of the Housing Action Council, said that the issue is funding from Westchester County and the State and approvals are needed by the end of the year.

There being no further business, on motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the meeting adjourned at 10:40 P.M. and the Chair noted that the next Planning Board meeting will be held on Wednesday, November 14, 2012 at 7:30 P. M. at the Somers Town House.

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary

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