

Telephone 1
(914) 277-5366₂

FAX
(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

3

**SOMERS PLANNING BOARD MINUTES
OCTOBER 10, 2012**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

Chair Currie, Mr. Keane, Ms. Gerbino,
Mr. Goldenberg, Mr. Foley and Ms. Gannon

11

12

13 **ABSENT:**

Mrs. DeLucia

14

15 **ALSO PRESENT:**

Town Planner Syrette Dym
Consultant Engineer Joseph Barbagallo
Town Attorney Joseph Eriole

16

17

18

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

22

23 **APPROVAL OF AUGUST 8, 2012 MINUTES**

24

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

28

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

31

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

3
4 Mr. Foley changed the language on Page 6, lines 6, 7 and 8 to read *Mrs.*
5 *DeLucia said that she is recusing herself because of her familial connection*
6 *to her husband's nephew Steven DeLucia, the applicant's arborist, not*
7 *withstanding the fact that she has not spoken to him in 30 years.*

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

11
12 On motion by Mr. Goldenberg, seconded by Ms. Gerbino, (Ms. Gannon
13 abstaining), and carried, the minutes of August 8, 2012, as amended, were
14 approved.

15
16 **DISCUSSION**

17
18 **GRANITE POINTE SUBDIVISION FSEIS COMPLETENESS REVIEW**

19
20 Chairman Currie said that the Board will be discussing the Granite Pointe
21 Subdivision FSEIS completeness review and the proposal for the
22 consultants' fees.

23
24 The Chair asked the applicant's representative if he wanted to discuss the
25 professional service fees.

26
27 Engineer Allen mentioned that there was a very productive meeting with
28 the consultants on the escrow fees. He explained that the F. P. Clark
29 proposal will be for consideration of Task 1 and Task 2 only for a maximum
30 cost of \$10,600. He explained that the majority of the proposed FSEIS
31 content will be reviewed by EA Engineering, and a few portions of it will
32 also need to be reviewed by Woodard & Curran, certain topics discussed in
33 the proposed FSEIS will not be reviewed by either of those two consulting
34 firms. Engineer Allen stated that F.P. Clark will be responsible for review of
35 those particular topics. He mentioned that the other consultant's fees will
36 be lower because they will realize that they will have a better scope of the
37 review. Engineer Allen said that the goal is to have the review done as
38 quickly and efficiently as possible. He asked that the Chair sign off on the
39 revised proposals without the applicant coming before the Board at the
40 November meeting.

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

6
 7 Mr. Goldenberg said that he is confused as this looks like a new
 8 application.

9
 10 Chair Currie clarified that the Board will only be considering the remediation
 11 plan for Granite Pointe.

12
 13 Engineer Allen noted that the Brownfield report is a document that stands
 14 alone. He said that the Planning Board has to rely on its experts to review
 15 the document.

16
 17 Ms. Gannon referred to Town Attorney Baroni's e-mail, *The Planning Board
 18 should consider approving Task 1 and Task 2 only, maximum cost \$10,600
 19 and delete the last phrase after the abbreviation FPCA. F.P. Clark has
 20 prepared the attached amendment to its proposal to facilitate this work.*

21 Ms. Gannon explained that Task 1 is acceptable and will read *Review FEIS
 22 Volume 1-Section V and VI to verify that applicant has accurately identified
 23 substantive review comments requiring response in the FSEIS, identify
 24 additional substantive review comments not acknowledged, if any, identify
 25 completeness review assignments in FSEIS Volume I – Sections III, IV, V,
 26 and VI by creating a color-coded version of those pages to identify EA, W &
 27 C and FPCA review responsibilities.*

28
 29 Chair Currie said that it was tentatively decided at the October 4, 2012
 30 meeting with the applicant and his consultants and the Town's consultants
 31 that three separate completeness review memoranda from the Planning
 32 Board's three consulting firms is acceptable, thereby eliminating the need
 33 for F.P. Clark to prepare a consolidated summary of review comments on
 34 FSEIS Volume 1, as originally anticipated and discussed in the previously
 35 submitted proposal letters.

36
 37 Chair Currie asked the Board if they are in agreement with modified Task 1
 38 and Task 2 and Engineer Allen's proposal that if the applicant is in
 39 agreement with the consultant's proposals that it not come back to the

1 Planning Board for their next meeting and authorize the Chair to sign off on
2 the proposals.

3
4 On motion by Ms. Gannon, seconded by Ms. Gerbino, and unanimously
5 carried, the Board moved to accept Town Attorney Baroni's suggestion on
6 a modified Task 1 and Task 2.

7
8 On motion by Ms. Gannon, seconded by Ms. Gerbino, and unanimously
9 carried, the Board moved to have the Chair sign off on the consultant's
10 proposals pursuant to the applicant's agreement.

11

12 **PUBLIC HEARING**

13

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

20

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

25

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

33

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

38

39 Planning Board Secretary Murphy stated that the legal notice was
40 published in the Journal News on September 30, 2012, the adjoining

1 property owners notified via mail on September 30, 2012 and the property
2 posted on September 23, 2012.

3
4 The Chair asked the applicant's representative to give a brief presentation
5 regarding this application.

6
7 Linda Whitehead, the applicant's attorney, representing Somers Realty
8 Planned Hamlet for Preliminary Subdivision Approval, Lot Line Change and
9 previously stated environmental permits, mentioned that in 2009 the
10 Planning Board approved the Master Plan for Somers Realty Planned
11 Hamlet in the Planned Hamlet (PH) Zone. Attorney Whitehead mentioned
12 that a full SEQRA process was conducted that resulted in the adoption of a
13 Findings Statement. She explained that the applicant subdivided a 5.7
14 acre parcel for a portion of Clayton Boulevard and approved a Site Plan
15 application for the construction of 72 units of The Mews affordable senior
16 housing.

17
18 Attorney Whitehead noted that the applicant is here for the next phase of
19 development which is to create a new additional 7.7 acre lot which will be
20 Lot 2 and is the remainder portion north of Clayton Blvd. She indicated that
21 the applicant is proposing to extend Clayton Blvd. to provide access to that
22 parcel. Attorney Whitehead explained that as part of this application a
23 pump station with the extension of sewer lines and utilities to serve The
24 Mews 2 will be constructed. She said that a remainder parcel will become
25 Lot 3 and will be the 62.3 acre remainder lot for the rest of the Planned
26 Hamlet development. Attorney Whitehead said that there will be a minor lot
27 line adjustment to the sewer pump station lot because of the road
28 alignment. Attorney Whitehead explained that in addition to the subdivision
29 a wetland permit is required for activities in the wetland buffer for temporary
30 disturbance for the sewer lines to connect to the pump station and a
31 minimal amount of grading for a stormwater basin and improvements that
32 go with the pump station. She commented that the pump station will be
33 completely below grade with the surface feature being a control panel and
34 generator. Attorney Whitehead stated that the pump station will be fenced
35 and screened with detail provided with the next submission. She
36 mentioned that Adam Smith, Town of Somers Water Superintendent, and
37 Town Consulting Engineer Barbagallo will have input in the design of the
38 pump station.

39

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

7
8 Attorney Whitehead noted that a Stormwater Management and Erosion and
9 Sediment Control Permit and Tree Permit are needed. She said that she is
10 asking the Planning Board to approve a modification to the Master Plan.
11 She said that the only significant change to the Master Plan is the use of
12 this particular site. She explained that originally the Master Plan included
13 an 80,000 square foot assisted living facility and mix of commercial and
14 office space totaling 50,000 square feet with a significant amount of parking
15 for the commercial site. Attorney Whitehead mentioned that the current
16 proposal is for 75 units of affordable senior housing that has a smaller
17 footprint than the previous assisted living facility. She stressed that there
18 will be significantly less impervious surface proposed. Attorney Whitehead
19 explained that the Stormwater Regulations have changed and by having
20 less development it allows additional room to provide for stormwater
21 management for this watershed.

22
23 Attorney Whitehead noted that a Stormwater Pollution Prevention Plan
24 (SPPP) has been provided. She said that the Department of
25 Environmental Protection (DEP) asked for additional analysis that will be
26 provided for the next submission. Attorney Whitehead said that the
27 applicant has been asked to look at the entire watershed that drains to the
28 area where the basins are proposed and to analyze it under the revised
29 regulations. She indicated that the amount of impervious surface that was
30 approved within the watershed should be reviewed and identified if
31 additional areas for stormwater management are needed. She noted that
32 the applicant will need the Planning Board to amend the process to include
33 those additional stormwater areas as stormwater areas. Attorney
34 Whitehead said this may require relocating or eliminating some of the
35 residential buildings.

36
37 Attorney Whitehead said that the applicant is looking at pervious pavement
38 in some of the parking areas. She said that she has to talk to DEP because
39 there is a large parking area on the side of the village green and the
40 applicant may want to use pervious pavement.

1 Attorney Whitehead said that this site has always been proposed as a
 2 balanced site and the applicant is still working toward that concept. She
 3 said that the applicant has shown where fill will be stockpiled. She
 4 explained that cut from this site will be used at a later date on the lower
 5 portion of the site. Attorney Whitehead stated that pursuant to comments
 6 an amended Phasing Plan will be submitted with a narrative on how the
 7 applicant is handling the fill materials that will remain on site for future use.
 8

9 Chair Currie asked if anyone present wished to be heard regarding this
 10 application.
 11

12 Fred Moran, resident, asked what else will be built on the site besides
 13 affordable housing and how many acres will remain on the property.
 14

15 Attorney Whitehead stated that there is an approved Master Plan although
 16 there may be changes. She said that there was a full environmental
 17 analysis. She explained that what is approved for the remainder of the site
 18 is 40,000 SF that will be a mix of commercial, retail and a village green.
 19 Attorney Whitehead explained that there will be a maximum usage of 152
 20 units in approximately 183,000 SF. She mentioned that there is a parcel
 21 that will be deeded to the Town for a future firehouse, future water tank and
 22 pump station. Attorney Whitehead indicated that there will be road
 23 widening strips along Route 6 and Mahopac Avenue.
 24

25 Consultant Engineer Barbagallo stated that there is a copy of the Master
 26 Plan in the Planning office if anyone would like to see it.
 27

28 Town Planner Dym explained that she prepared two memos, one on the
 29 plans dated September 11, 2012 which related to the Findings Statement
 30 and prior approvals. She noted that the Findings Statement was for the
 31 overall Master Plan which established the framework for the subsequent
 32 approvals. She mentioned in her memo dated October 3, 2012 that there
 33 are concerns in regard to the pump station and the wetlands that relate to
 34 the pump station. Town Planner Dym indicated that the wetland
 35 delineation is more than 12 months old. She said that Tim Miller
 36 Associates determined that the wetlands have not changed but she asked
 37 that the Town's wetland expert also review the wetlands. She commented
 38 that she asked F. P. Clark to prepare a proposal to review the wetland and
 39 the wetland impact on the pump station.
 40

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

3
4 Town Planner Dym said that the Board received a comment letter from the
5 NYC Department of Environmental Protection (DEP) dated October 9, 2012
6 where they state their concern about the amount of fill, where it will be
7 located on site and how it will be stockpiled and treated. She said that the
8 amount of trucking of the fill will be a transportation issue.

9
10 Attorney Whitehead said that she will address all the DEP's concerns and
11 will address them in a narrative to the Board. She indicated that an
12 amended Phasing Plan will be incorporated in the Master Plan.

13
14 Town Planner Dym mentioned that two previously identified intermittent
15 watercourses are identified on the plans as to be field verified by the DEP
16 and she asked that the status of the field investigation and the outcome be
17 provided.

18
19 Attorney Whitehead said that the DEP flagged the wetlands in the field and
20 the flags have to be surveyed and a final map has to be signed off on by
21 the DEP.

22
23 Town Planner Dym said that Clayton Boulevard and the Route 6
24 Landscape Plan, as required as part of the prior approval, has not been
25 provided and needs to be.

26
27 Attorney Whitehead said that screening for the generator and the control
28 panel fence will be described but she questioned landscaping along Route
29 6 because nothing is proposed in that area.

30
31 Town Planner Dym noted that the revised uses will require less parking
32 than what was originally planned as part of the Master Plan and that should
33 be identified.

34
35 Attorney Whitehead stated that the parking will be reduced for the two uses
36 that have been removed. She explained that The Mews 1 and 2 have their
37 own parking and will not use shared parking. Attorney Whitehead
38 explained that the remaining commercial retail space (40,000 SF) and the
39 parking behind the buildings and around the green will be figured into the
40 parking requirements.

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

2

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

6

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

9

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

13

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

17

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

21

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

25

26 Consultant Engineer Barbagallo said that in accordance with the approved
27 2 lot subdivision plat there is to be no further subdivision until the applicant
28 completes a stormwater master plan for the entire site. He mentioned that
29 this requirement was further discussed with the DEP on September 27,
30 2012. He noted that the master plan figures include building footprints of
31 12,000 square feet and language about providing 40,000 square feet of
32 retail and to satisfy that requirement the applicant has reduced the building
33 footprints to 10,000 square feet and a total of two stories for each building.
34 He stated that he reviewed the Master Plan to determine whether the
35 40,000 SF represented gross floor area or rentable space and that was
36 unclear in regard and needs input from the Planning Board. He said that
37 he needs input from the Board to address this action because this will
38 affect the stormwater analysis.

39

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

5

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

14

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

19

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

26

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

30

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

36

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

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

6

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

13

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

16

17 Consultant Engineer Barbagallo noted that the NYC DEP indicated that
18 there was a "wetland issue" with regard to the access road to Route 6
19 as it would represent impervious surfaces within 100 feet of the wetland,
20 which is prohibited. He said that on October 2, 2012 the NYC DEP issued
21 a letter stating that a variance was required to construct the road.

22 Consultant Engineer Barbagallo stressed that his review of the Master Plan
23 shows that road connecting to Route 6 and he is curious as to why the DEP
24 is raising this issue now. He mentioned that the applicant would like the
25 Planning Board to persuade the DEP that the second access is needed for
26 safety reasons. Consultant Engineer Barbagallo opined that the concern
27 with the access road on Route 6 should be answered before the project
28 moves forward.

29

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

39

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

3
4 Peter Gregory, the applicant's engineer, explained that a foundation
5 structure will be used to raise the generator above the ground with a
6 permeable surface that will be easy to access for maintenance.

7
8 Consultant Engineer Barbagallo said that as a condition of Master Plan
9 approval the Planning Board will require approval of a Stormwater Pollution
10 Prevention Plan (SPPP) by the NYC DEP in conjunction with each future
11 application for each detailed Site Plan approval or Subdivision approval
12 which includes construction of proposed public roads. He noted that the
13 Applicant has provided a SPPP for the proposed subdivision with the
14 current submittal. He said that he reviewed the SPPP and it is generally
15 acceptable.

16
17 Consultant Engineer Barbagallo said that prior to taking any action on any
18 application for detailed site plan and/or subdivision approval, the applicant
19 will be required to submit a detailed Erosion and Sediment Control Plan.
20 He indicated that the applicant has prepared a revised Erosion and
21 Sediment Control Plan for the proposed subdivision.

22
23 Consultant Engineer Barbagallo mentioned that the stormwater
24 management system will be designed as a single integrated system for the
25 entire project. He commented that as a condition of Master Plan approval,
26 an agreement will be entered into between the homeowners association
27 and owners of commercial properties outlining the primary party
28 responsible for undertaking maintenance of the system and the financial
29 obligations of the respective entities. He stated that maintenance
30 agreements have not been included with the current submittal.

31
32 Attorney Whitehead indicated that she addressed the maintenance
33 agreements in the original submission. She explained that Somers Realty
34 is the only one with responsibility.

35
36 Consultant Engineer Barbagallo asked if the Board is willing to wait
37 for the future application as it did with The Mews Phase 1. He explained
38 that the prior application included stormwater infrastructure to support the
39 initial road extension.

40

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

6
7 Consultant Engineer Barbagallo said that as a condition of Master Plan
8 approval, the final detailed analysis of the nutrient loading of the site will be
9 based on the detailed site plans that are submitted for each phase of the
10 project. He also noted that as a condition of Master Plan approval, due to
11 the site proximity to the Muscoot Reservoir which has been designated as
12 phosphorus restricted by the NYC Department of Environmental Protection
13 (DEP) which receives stormwater runoff from the site, the use of traction
14 sand, which has a low phosphorus concentration, shall be used as the
15 primary winter road safety agent on those roads that are not dedicated to
16 the Town. Consultant Engineer Barbagallo indicated that the applicant has
17 provided stormwater quality practices and drainage system elements to
18 capture sands prior to off-site migration. He mentioned that accumulated
19 sands will be removed from drainage structures and stormwater practices
20 as part of routine inspection and maintenance activities. He stated that the
21 applicant shall address this requirement in the SPPP and add notes to the
22 plans.

23
24 Attorney Whitehead stressed that the road will be a public road and she
25 questioned if limitations should be placed on the road. She said that the
26 notes are only necessary for the subdivision.

27
28 Consultant Engineer Barbagallo said that he will review with the Town
29 Attorney the requirements for legal agreements for the proposed use of
30 traction sand and have them incorporated in the SPPP.

31
32 Consultant Engineer Barbagallo said that as a condition of Master Plan
33 approval and prior to any action being taken on any application for detailed
34 Site Plan approval and/or Subdivision approval the Planning Board will
35 require that the applicant obtain approval of the extension of the Peekskill
36 Sewer District from the Westchester Board of Legislators.

37
38 Attorney Whitehead stressed that everything related to the Peekskill Sewer
39 District is done; however, they have to approve the pump station and the
40 sewer connections.

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

4
5 Chair Currie asked if the Board is in agreement with the changes made to
6 the letter to the DEP regarding the main access road into the project. He
7 said that it is the consensus of the Board to circulate the letter to the DEP
8 before the November Planning Board meeting.

9
10 The Chair asked if the Board had any comments or questions.

11
12 Ms. Gerbino said that the site looks very different today as years ago the
13 site was mined. She noted that the contours are reconstructed and are not
14 natural.

15
16 Attorney Whitehead said that she is concerned about the cost and the
17 amount of hours F. P. Clark is asking for the review of the wetland. She
18 explained that Town Code states that the Board who is looking for a
19 consultant is the one that authorizes the work.

20
21 Town Planner Dym said that outside consultants for the Planning Board
22 include Woodard & Curran and F. P. Clark. She explained that originally
23 the proposal from F. P. Clark for the review of the wetland was higher and
24 she asked them to take another look at the proposal.

25
26 Mr. Keane agreed that the proposal is too high for the review of the
27 wetland. He said that the disturbance to the wetland is minimal and will not
28 change its function.

29
30 Town Attorney Eriole said that the Planning Board has to adequately
31 review the planning issues so the record satisfies the Board that the issues
32 were adequately reviewed. He said that the Board can pursue an outside
33 consultant to review the project. Town Attorney Eriole noted that the Board
34 can share their concerns with the consultant and work out a fee that is
35 acceptable to the Board and the applicant.

36
37 The Chair suggested a meeting with F. P. Clark, the Town Planner and the
38 applicant to discuss the review and to define the scope of the proposal.

39

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

6
7 The Chair opened the Public Hearing on The Mews at Baldwin Place
8 Phase 2 for Site Plan Approval, Wetland Permit, Stormwater Management
9 and Erosion and Sediment Control Permit, Steep Slopes Permit and Tree
10 Removal Permit.

11
12 Richard Williams, the applicant's engineer, explained that the application is
13 for the construction of 75 units of senior affordable housing adjacent to The
14 Mews Phase 1 that was completed in 2011. He noted that the layout is
15 very similar to Phase 1 with two L shaped buildings with two parking areas
16 one in front of each building. Engineer Williams indicated that there will be
17 one parking space per unit and one water and sewer connection per
18 building that will connect to the extended mains in Clayton Boulevard. He
19 mentioned that the SPPP has been submitted that will meet the DEP, DEC
20 Town requirements and address the goals of Chapter 10.

21
22 Engineer Williams said that the revised Site Plan shows the new dumpster
23 enclosure details and will be substantial and sturdy with fencing in front of
24 the dumpster. He mentioned that the dumpster enclosure for Phase 1 has
25 been improved. He commented that as a result of the site walk two catch
26 basins at the base of the interconnecting driveways have been added to
27 catch the stormwater from the driveway and direct it into the stormwater
28 treatment system so it does not bypass it into Clayton Boulevard.

29
30 The Chair asked Town Planner Dym to summarize her memo for the
31 benefit of the public.

32
33 Town Planner Dym mentioned that as a condition of Master Plan approval,
34 detailed landscape plans will be submitted as part of the future application
35 for Site Plan and/or Subdivision approval. She noted that landscape plans
36 will propose to plant native non-invasive species to the greatest extent
37 practicable. She said that F. P. Clark will review the Landscape Plan.

38

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

4
5 Town Planner Dym noted that the cul-de-sac will be removed as part of the
6 subdivision plan for the extension of Clayton Boulevard. She explained
7 that the extended portion of Clayton Boulevard is proposed to be
8 temporarily terminated with a hammerhead instead of a cul-de-sac. She
9 stated that the Fire Prevention Bureau did not have an issue with the
10 hammerhead.

11
12 Town Planner Dym mentioned that cut and fill balances should be provided
13 on the site plan in order to allow for adequate assessment of potential
14 impacts and feasibility of disturbance limits.

15
16 Town Planner Dym said that the applicant needs to comment on any
17 potential traffic and circulation impacts that might result from relocation of
18 the entry drive for Phase 2 of the Mews that is off of Clayton Boulevard
19 compared to the location of the driveway for the assisted living facility and
20 retail as depicted in the Master Plan. She noted that the Master Plan
21 shows driveways on both sides of Clayton Boulevard lined up as
22 intersections at the planned Town Green and this would no longer be the
23 case with the current plan.

24
25 Attorney Whitehead stated that there will be roads not driveways.

26
27 Engineer Williams explained that the reason the site entrance is not lined
28 up with curb cuts along Clayton Boulevard is because of the site grading.
29 He said that in order to minimize the earth work and stay consistent with
30 the Master Plan, the driveway has to be pulled up as high to the site as
31 possible.

32
33 Consultant Engineer Barbagallo commented that Town Code says all uses
34 other than residential shall not exceed 6% and in no case shall exceed 8%.
35 He mentioned that there is flexibility that the Board can have between 6%
36 and 8%. He asked if a variance is needed if the Board increases the
37 percentage of the grading.

38

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

4
5 Town Attorney Eriole said that if it is defined as a driveway the Board can
6 waive the 6% grade but can only go up to 8%. He said that he will review
7 the issue and determine if a variance is necessary.

8
9 Consultant Engineer Barbagallo mentioned that the Fire Prevention Bureau
10 is asking for perimeter access.

11
12 Engineer Williams noted that he met with the Fire Prevention Bureau and
13 they did not have a problem with the access but would like another look at
14 the surface treatment.

15
16 Mr. Keane advised that the Board must make sure of the requirement for
17 emergency access.

18
19 Consultant Engineer Barbagallo said that the applicant has asked that the
20 detailed design of the retaining wall be a condition of Final Approval.

21
22 Engineer Williams explained that if there is a question in reference to the
23 grading such as at the site entrance he would like those calculations done
24 at the time of final approval.

25
26 The Chair asked if there were any questions or comments from the Board.

27
28 Mr. Keane said that placement and arrangement of storm drains in regard
29 to the basic formula does not work well. He noted that the storm drains
30 should be arranged closer together and that the openings be parallel to the
31 curb and if a rectangular catch basin is used that it be wider.

32
33 The Chair asked if there were any comments from the public on the Site
34 Plan and no one responded.

35
36 On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously
37 carried, the Board moved to close the Public Hearing on the application of
38 The Mews at Baldwin Place Phase 2 for Site Plan Approval, Wetland
39 Permit, Stormwater Management and Erosion Control Permit, Steep
40 Slopes Permit and Tree Removal Permit.

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

3
4 Attorney Whitehead explained that the Subdivision needs Preliminary and
5 Final Subdivision Approval and she asked that the Board hold a special
6 meeting on the approvals if needed.

7
8 Rose Noonan, Executive Director of the Housing Action Council, said that
9 the issue is funding from Westchester County and the State and approvals
10 are needed by the end of the year.

11
12 There being no further business, on motion by Ms. Gannon, seconded by
13 Mr. Goldenberg, and unanimously carried, the meeting adjourned at
14 10:40 P.M. and the Chair noted that the next Planning Board meeting will
15 be held on Wednesday, November 14, 2012 at 7:30 P. M. at the Somers
16 Town House.

17
18

19 Respectfully submitted,

20
21 Marilyn Murphy
22 Planning Board Secretary
23