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DRAFT
SOMERS PLANNING BOARD MINUTES
OCTOBER 21, 2009

ROLL:

PLANNING BOARD

MEMBERS PRESENT: Chairman DeLucia, Mr. Keane,
Ms. Gerbino, Mr. Goldenberg, Mr.
Knapp, Mr. Foley and Ms. Gannon

ALSO PRESENT: Town Engineer Gagné
Town Planner Charney Hull
Town Attorney Holt-Cinque
Planning Board Secretary Murphy

The Meeting commenced at 7:30 p.m. Planning Board Secretary Marilyn Murphy called the roll. Chairman DeLucia noted that a required quorum of four members of the Board being present called the meeting to order.

Chairman DeLucia noted that Senior Office Assistant Wendy Getting prepared and submitted the draft minutes of the September 23, 2009 Planning Board meeting consisting of twenty-eight (28) pages for the Board's consideration and approval.

The Chair asked if there were any comments or questions from members of the Board and no one responded.

The Chair asked if there was a motion to approve the September 23, 2009 draft minutes.

On motion by Ms. Gannon, seconded by Mr. Goldenberg and unanimously carried, the Board moved to approve the minutes of September 23, 2009.

1 The Chair noted that the DVD of the September 23, 2009 Planning
2 Board meeting is made a part of the approved minutes and is
3 available for public viewing at the Somers Public Library and on the
4 Town’s website www.somersny.com. She said that the approved
5 minutes are also available for public review at the Planning and
6 Engineering office at the Town House.

7

8 **TIME-EXTENSION**

9

10 **BVS ACQUISITIONS CO., LLC.**
11 **BANK OF AMERICA (COMMERCE BANK)**
12 **SITE PLAN APPLICATION**

13

14 Chairman DeLucia noted that this is a request by BVS Acquisition
15 Co., LLC/Bank of America (Commerce Bank) for a first one-year time-
16 extension to the period of site plan approval through and including
17 October 15, 2010. She said that the site plan approval expired on
18 October 15, 2009 and by letter dated and received on October 20,
19 2009 applicant’s attorney Henry M. Hocherman of the law firm
20 Hocherman, Tortorella & Wekstein, LLP states that “Because of the
21 intervening financial crisis which adversely affected the banking
22 industry throughout the country, the conditions were not met and
23 amended site plan approval was inadvertently permitted to expire on
24 October 15, 2009.”

25

26 The Chair asked if there were any comments or questions from
27 members of the Board.

28

29 Ms. Gerbino commented that over an extended period of time the
30 building referenced in this application has become more secure. She
31 said that she has concerns about vandalism and graffiti in the
32 unoccupied building at the Somers Commons Shopping Mall. Ms.
33 Gerbino noted that before the Board grants a time-extension she
34 would like a letter addressed to the Planning Board from the Building
35 Inspector stating that the structure is secure and meets his rules for
36 securing an unoccupied building. She said that she does not have a
37 problem with granting the time-extension but wants to make sure that
38 the Town is protected.

39

1 Mr. Knapp said that he saw someone a few months ago enter the
2 unoccupied building.

3

4 The Chair suggested that a letter be sent to Attorney Hocherman
5 requesting that security be provided at the unoccupied building.

6

7 The Chair asked Ms. Gerbino if she has a problem with granting the
8 time-extension at this time.

9

10 Ms. Gerbino asked if the time-extension can be subject to hearing
11 from the Building Inspector that the building is secure according to his
12 requirements.

13

14 Mr. Goldenberg asked if the applicant's representative is here this
15 evening. He noted that the application expired on October 15, 2009.

16

17 The Chair said that she told the applicant's attorney that he did not
18 have to be at the meeting because at that time she did not know
19 about the Board's concerns.

20

21 Mr. Goldenberg said that with the present situation with Bank of
22 America he questioned if there is a true applicant. He asked who is
23 responsible for keeping up the building.

24

25 The Chair stated that this is a first time-extension and the owner is
26 responsible for taking care of his property. She noted that when the
27 owner is informed of the Board's concerns they will take care of the
28 problem.

29

30 Town Attorney Holt-Cinque said that there is no issue about granting
31 a time-extension. She noted that there is an applicant that exists.

32

33 The Chair directed that a letter be sent to the applicant's attorney and
34 the Building Inspector stating the Planning Board's concerns.

35

36 Mr. Keane said that the Board cannot grant a conditional time-
37 extension. He noted that the Planning Board does not have police
38 power. Mr. Keane explained that security is partially the Town's
39 responsibility and if there are not enough police to take care of the
40 problem that is a concern and the landowner is responsible for the

1 proper protection and security of his property. He agreed that a letter
2 should be sent to the Building Inspector.

3
4 The Chair asked if there was a consensus of the Board to grant the
5 one-year time extension.

6
7 The Chair directed Town Planner Hull to send a letter to the Building
8 Inspector stating the Planning Board's concerns.

9
10 On motion by Ms. Gannon, seconded by Mr. Knapp, and
11 unanimously carried, the Board moved to grant BVS Acquisition Co.,
12 LLC, a first time-extension of one year through and including October
13 15, 2010.

14
15 **DECISION**

16
17 **ST. JOSEPH'S CHURCH AND JOHN F. KENNEDY**
18 **HIGH SCHOOL CAMPUS [TM: 28.15-1-8, 9, 10]**

19
20 Chairman DeLucia said that this is the decision of the Planning Board
21 for approval of draft Resolution No. 2009-15 Granting of Conditional
22 Amended Site Plan Approval, Special Exception Use Permit within
23 the Groundwater Protection Overlay Zone, Wetland, Steep Slopes,
24 Tree Preservation, and Stormwater Management and Erosion and
25 Sediment Control Permits to the Archdiocese of New York for the
26 Church of St. Joseph at the John F. Kennedy High School Campus.
27 The Chair mentioned that this application was last discussed at the
28 September 23, 2009 Planning Board meeting whereby a Public
29 Hearing was held and after all those wishing to be heard were given
30 an opportunity to be heard and the Board moved to close the Public
31 Hearing. The Chair mentioned that the Board then discussed the
32 latest plans submitted by the applicant and referred the applicant to
33 the Zoning Board of Appeals (ZBA) with a positive recommendation
34 for a principal building coverage variance. She noted that the ZBA, at
35 its meeting held last evening, acted to grant the applicant the
36 requested variance. The Chair said that the Board directed Town
37 Planner Sabrina Charney Hull, AICP, to prepare and submit a draft
38 conditional Resolution for the Board's decision for approval.

39

1 The Chair asked the applicant's representative if he reviewed the
2 draft conditional Resolution and did he have any comments or
3 questions.

4

5 Drazen Cackovic, the applicant's architect, said that he reviewed the
6 draft conditional resolution and accepts it as it was written.

7

8 The Chair commented that the Somers Open Space Committee has
9 recommended that Cape Cod curbing and Mr. Michael Klemen's
10 publication on best management practices, especially in regard to
11 storm water systems and the threat they present to amphibians and
12 turtles be included.

13

14 Architect Cackovic said that the Somers Open Space Committee's
15 concerns have been responded to by Hudson Engineering. He noted
16 that the open curbing recommended by the Town Engineer will meet
17 the requirements for the amphibians to travel on the site.

18

19 Town Engineer Gagné noted that there will be concrete curbing at the
20 entrance to the school. He said that in the area where there is a road
21 or a stream crossing the Cape Cod curbs are used.

22

23 Mr. Keane said that if the turtles drop into the catch basins is there a
24 means of egress for the turtles.

25

26 Mr. Keane mentioned that in addressing the Open Space
27 Committee's issue there is no continuous curbing from Route 138
28 into the parking area. He noted that the turtles can cross the roads
29 without being impeded by curbing except for one particular spot. Mr.
30 Keane mentioned the issue of the turtles dropping into the storm
31 drains and winding up in the sumps. He said that the issue can be
32 dealt with by placing grating on the sumps.

33

34 Town Engineer Gagné said that the open mouth catch basin reduces
35 the potential for the turtles falling into the catch basin. He
36 recommended putting the grate and the invert level down inside the
37 box. Town Engineer Gagné said that the grate should only be used
38 at the wetland areas.

39

1 Mr. Keane said that the grate using the invert level inside the box
2 should only be used around the pond and wetland area.

3
4 Town Planner Hull noted that she will add a condition in the resolution
5 that states that the plans and details be revised to include catch basin
6 invert grating for those new catch basins surrounding the existing
7 pond.

8
9 Mr. Keane mentioned that there is a Stormwater Management Plan
10 devised by a professional engineer who incorporated various
11 structural practices and non structural practices. He said that if we
12 add Michael Klemen's publication on best management practices
13 it will change the Stormwater Pollution Prevention Plan and this is not
14 the time to change the plan. Mr. Keane noted that this project follows
15 the NYS Stormwater Management Design Manual.

16
17 The Chair asked if there were any questions or comments from
18 members of the Board regarding the draft resolution.

19
20 Ms. Gannon said that she is concerned about the trees that will be
21 removed from the property. She noted that under Town Code 156D
22 the trees can be labeled to make sure that the correct trees are
23 removed.

24
25 Town Engineer Gagné said that the labeling of the trees is not
26 necessary because all the trees in the clearing limit line will be
27 removed and the specific trees identified for protection will have a
28 fence installed around them to make sure they are not cut in error.

29
30 Mr. Keane explained that there are Town regulated trees with a
31 diameter of 12 inches at breast height and anything below that
32 diameter can be removed without a permit.

33
34 Ms. Gannon corrected the third WHEREAS clause on Page 12 to
35 read *the Applicant was referred to the Planning Board has reviewed*
36 *and is familiar with the project and has inspected the site and its*
37 *surroundings; and*

38
39 The Chair referred to Page 7, Line 12, and changed it to read, a
40 *majority of the public present for the public hearing indicated by a*

1 *raising of hands that they were in support of the project. Also*
2 *discussed during the public hearing was landscaping to shield the*
3 *view of the project from an easterly neighbor.*
4

5 Mr. Keane suggested that No. 2 on Page 13 under Conditions
6 Required Prior to Signing of Site Plan be changed to read, *That the*
7 *outstanding items enumerated in the Town Engineer's September 17*
8 *and 18, 2009 memoranda be completed by the Applicant and*
9 *approved by the Town Engineer.*

10
11 Mr. Keane asked what regulatory language is the Town Engineer
12 using in reference to the memos reviewed by the Board.

13
14 Mr. Keane referred to Page 14 (1) under On-going Conditions
15 Required After Signing of Site Plan and changed it to read
16 *Sedimentation and erosion control measures employing best*
17 *management practices as outlined in NYS DEC's booklets entitled,*
18 *"Reducing the impacts of Stormwater Management Design Manual:*
19 *dated September 2001 (or more recent revisions) and the "New York*
20 *State Standards and Specifications for Erosion and Sediment*
21 *Control", also known as the Blue Book, are required to be followed to*
22 *ensure that all disturbed areas are stabilized and revegetated.*

23
24 Mr. Keane referenced Page 14 (3) and suggested that the language
25 be changed to reflect the regulatory references.

26
27 The Chair suggested No. 3 and 4 on Page 14 be combined.

28
29 Mr. Keane opined that No. 3 and 4 are redundant.

30
31 Town Planner Hull combined No. 3 and No. 4 to read *That all work*
32 *associated with this Site Plan application shall be subject to the*
33 *approval of the Town Engineer in accordance with Chapter 93*
34 *Stormwater Management and Erosion and Sediment Control,*
35 *Chapter 144 Site Plan Review, Chapter 148 Steep Slopes Protection,*
36 *Chapter 156 Tree Preservation, and Chapter 167 Wetland and*
37 *Watercourse Protection of the Code of the Town of Somers.*

38
39 The Chair referenced No. 5, on Page 14, *That the landscaping be*
40 *maintained in good order and replaced as may be needed.*

1 Mr. Keane said that regulatory references could be used for the
2 language on No. 5.

3
4 Town Engineer Gagné suggested a putting a note on the landscaping
5 plan to address the re-examination of the landscaping after it is
6 installed.

7
8 Mr. Foley referred to Page 11, lines 36 through 41, he noted that
9 looking at the whereas clause it looks like the only steep slopes that
10 are affected are 25% or more and by inference there are no steep
11 slopes in the 15% range.

12
13 Town Engineer Gagné said that the steep slopes permit will be
14 issued for steep slopes 15% or greater. He stated that the steep
15 slopes number has to be corrected.

16
17 Mr. Foley stated that the square footage and acreage also has to be
18 corrected to incorporate the 15% steep slopes.

19
20 Ms. Gerbino referenced the paragraph on Page 14, *Before the*
21 *completion of the improvements shall be approved and the Certificate*
22 *of Occupancy issued, the Applicant shall submit an as-built plan to*
23 *the satisfaction of the Town Engineer.* She asked what the Town
24 Engineer issues to the Building Inspector.

25
26 Town Engineer Gagné explained that he reviews the as-built plan and
27 identifies items that have not been completed but the applicant
28 requests a Certificate of Occupancy. He mentioned that minor issues
29 are bonded so a Certificate of Occupancy can be issued by the
30 Building Inspector.

31
32 Mr. Keane suggested changing the language to the satisfaction of the
33 Town Engineer to *the Applicant shall submit an as-built plan to be*
34 *approved by the Town Engineer.*

35
36 The Chair recommended that the Section of the Code be added at
37 the beginning of the paragraph referenced by Ms. Gerbino.

38
39 The Chair said that there is an outstanding issue which is Ms.
40 Cohen's request for landscaping to protect her view from her

1 property. She mentioned that there is nothing in the Code that states
2 that the applicant has to provide landscaping to the adjoining
3 neighbor.

4

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

6

7 Mr. Keane noted that the applicant should give a brief statement on
8 whether there is an agreement between the Church and Ms. Cohen.

9

10 Architect Cackovic said that when the site plan was designed it
11 provided screening with two rows of trees one to each side to limit the
12 views between the adjoining property and the parking lot. He
13 explained that Ms. Cohen has asked for additional screening with
14 some screening to the north of the proposed screening in the
15 drainage swale. Architect Cackovic stated that this screening will
16 impede the drainage practices so he recommends that the screening
17 not be done in the drainage swale area. He mentioned that to the
18 east of the swale the existing trees will remain. He noted that Ms.
19 Cohen has asked for additional trees around the protected trees.
20 He noted that there are two large protected trees and instead of the
21 additional trees the Church would like to complete the work and then
22 decide the most meaningful place to fill the spots with trees or shrubs,
23 if required.

24

25 Town Attorney Holt-Cinque advised that any landscaping that varies
26 from the approved site plan must be sent back to the Board for a
27 decision.

28

29 The Chair mentioned that she was at the site recently and made an
30 effort to see what Ms. Cohen sees but she does not have the same
31 perspective as Ms. Cohen.

32

33 Architect Cackovic asked for a common sense approach saying when
34 the project is finished the neighbor and the Church can decide where
35 to place the additional trees.

36

37 Town Planner Hull said that she will add this condition under On-
38 Going Conditions in the resolution.

39

1 Town Engineer Gagné recommended that a note be put on the Site
2 Plan to address the re-examination of the landscaping after it is
3 installed and if significant landscaping is determined to be necessary,
4 the applicant shall seek approval of the Planning Board.

5
6 The Chair asked if there is a consensus to approve draft Conditional
7 Resolution No. 2009-15, as amended.

8
9 On motion by Mr. Keane, seconded by Mr. Goldenberg, and
10 unanimously carried, the Board moved to approve draft Resolution
11 No. 2009-15, as amended, Granting of Conditional Amended Site
12 Plan Approval, Special Exception Use Permit for location within the
13 Groundwater Protection Overlay Zone, Wetland, Steep Slopes, Tree
14 Preservation, and Stormwater Management and Erosion and
15 Sediment Control Permits to the Archdiocese of New York for the
16 Church of St. Joseph at the John F. Kennedy High School Campus,
17 for the Chairman's signature.

18
19 **PROJECT REVIEW**

20
21 **SOMERS REALTY PLANNED HAMLET SUBDIVISION**
22 **[TM: 4.20-1-13, 14, 15 and P/O 12]**

23
24 Chairman DeLucia noted that this is the project review of the
25 application of Somers Realty Planned Hamlet Subdivision for
26 Preliminary Subdivision Approval to divide approximately 79.38 acre
27 Somers Realty Planned Hamlet property into three lots. She said that
28 the property is located on Route 6 adjacent to the Somers Commons
29 Shopping Center and Mahopac Avenue in the Planned Hamlet PH
30 Zoning District owned by Somers Realty Corporation which Seth D.
31 Capozza of Naples, Florida is the president. She mentioned that the
32 applicant is represented by attorney Linda B. Whitehead of the law
33 firm McCullough, Goldberger & Staudt, LLP.

34
35 The Chair acknowledged for the record receipt of the following: two
36 application submissions dated August 5 and August 27, 2009 with
37 plans and documents for preliminary subdivision approval to divide
38 approximately 79.38 acre Somers Realty Planned Hamlet property
39 into three lots; a letter dated March 16, 2009 received on March 20,
40 2009 from Terrence J. Donoghue, P.E., Regional Highway Work

1 Permit Coordinator of the NYS Department of Transportation
2 requesting information and documentation to be submitted by the
3 applicant; a letter dated September 23, 2009 from the applicant's
4 attorney Linda B. Whitehead commenting that the lot to be sold to the
5 Housing Action Council must be modified and submitting a revised
6 subdivision plan and proposed improvement plan to reflect the
7 modification and also requesting that a Public Hearing be scheduled;
8 a memo dated October 15, 2009 from Town Planner Hull, AICP, with
9 her project review and comments; and a memo dated October 20,
10 2009 from Town Engineer Gagné, P.E. with 13 items to be
11 addressed.

12
13 The Chair asked Attorney Whitehead, to make a presentation
14 regarding the subdivision for the Board's and the public's information.

15
16 Linda Whitehead, the applicant's attorney, said she will summarize
17 the project and the process moving forward. She explained that the
18 Board in February completed the SEQRA review on this project and
19 adopted a SEQRA Finding Statement and approved the Master Plan.
20 Attorney Whitehead noted that the Master Plan anticipated future
21 subdivisions of the property and that site plan applications would be
22 submitted. She stated that the applicant entered into a contract with
23 the Housing Action Council to sell them a parcel for construction of
24 the 72 unit senior affordable housing project.

25
26 The Chair said that the Housing Action Council is the contract
27 vendee.

28
29 Attorney Whitehead explained that she represents Somers Realty,
30 the property owner, to subdivide and create the parcel to be sold to
31 the Housing Action Council. She noted that the Housing Action
32 Council submitted their site plan application that will be discussed
33 next on the agenda. Attorney Whitehead said that this subdivision
34 proposes to develop an approximately 5.8 acre lot which will be
35 conveyed to the Housing Action Council. She noted that the plan
36 shows the firehouse lot and will convey the lot to the Town whenever
37 they wish to take it over. She stated that the applicant donated a little
38 under an acre for a future firehouse. Attorney Whitehead noted that
39 the remainder of the parcel is approximately 70 acres which will be
40 subject to further subdivision in the future. She indicated that site

1 plans will be submitted in the future in conjunction therewith.
 2 Attorney Whitehead noted that the pump station lot is also shown on
 3 the plan. She said that it is a utility lot with frontage and can be
 4 created now but if there are any issues it can be created when the
 5 applicant does the next subdivision. She indicated that the road
 6 widening strip is shown because typically they are shown on a
 7 subdivision plat. She mentioned that there is a road widening strip
 8 along the Route 6 frontage that will go to the State and a road
 9 widening strip along Mahopac Avenue that will go to the Town.
 10 Attorney Whitehead mentioned that she also showed the easement to
 11 bring the Somers Commons sewer over to the pump station lot. She
 12 said that these are conditions of prior approvals. She noted that the
 13 only construction proposed as part of the subdivision is the
 14 construction of a portion of the loop road. Attorney Whitehead
 15 pointed out the existing access to the Somers Commons Shopping
 16 Center which is owned by the applicant and is now shown as a right-
 17 of-way and a portion of the road in front of this lot with a temporary
 18 turnaround until such time as the remainder of the loop road is
 19 constructed. Attorney Whitehead said that construction details have
 20 been provided and she will provide profiles as were requested by
 21 Town Engineer Gagné. She mentioned that the construction of the
 22 stormwater basin which is on the applicant's remaining property is
 23 also shown and is consistent with what was shown on prior
 24 approvals. Attorney Whitehead commented that the Housing Action
 25 Council is accommodating their own stormwater on their parcel. She
 26 indicated that there is a basin to accommodate road run-off from the
 27 new road section. She stated that she tried to make the Housing
 28 Action Council parcel a stand alone parcel.

29
 30 Attorney Whitehead explained that there were a number of conditions
 31 in the prior approvals which had to be met before the Board could
 32 grant subdivision approval. She said that she is trying to move things
 33 along so the Housing Action Council does not loose their funding and
 34 receives approval during the timeframe that is needed for their
 35 funding.

36
 37 Attorney Whitehead noted that the Town Board has extended the
 38 Town Sewer District to incorporate the Planned Hamlet property and
 39 has petitioned the County to expand the County District. She
 40 mentioned that this is in process and eventually goes back to the

1 Board of Legislatures. Attorney Whitehead indicated that the Town
2 Board is still in the process of expanding the water district and will be
3 discussing this at their November meeting where approval is
4 expected.

5
6 Attorney Whitehead explained that Health Department approval is
7 necessary before final subdivision approval. She explained that this
8 is a very unique situation to this Board because there is a subdivision
9 and site plan application where SEQRA has already been completed
10 and the Master Plan approved. She noted that provided that the
11 approvals do not result in any new or different impacts that were not
12 previously addressed or mitigated in the SEQRA process there is no
13 further SEQRA action. She said that what is shown is consistent with
14 the Master Plan and the applicant for the site plan has given analysis
15 on impervious surface and shows that the site plan is consistent with
16 what was analyzed in the Master Plan.

17
18 Attorney Whitehead said that the subdivision is very simple as a lot is
19 being created and the only construction is the road and the
20 stormwater basin. She mentioned the letter from the Department of
21 Transportation (DOT) and said that it does not relate to this
22 application because a new curb cut on Route 6 is not being proposed
23 as part of this application but will be in a subsequent application.

24
25 The Chair questioned why the DOT would write the letter.

26
27 Attorney Whitehead explained that the DOT wrote the letter after they
28 received the SEQRA Finding Statement as they are an involved
29 agency. She said that the letter is just a reminder that DOT needs
30 more information before they grant approval.

31
32 Attorney Whitehead noted that the profiles have to be provided and
33 an adjustment to the road widening parcel at the entry for the road
34 widening radius.

35
36 Attorney Whitehead asked if the Board can schedule the Public
37 Hearing on this application.

38
39 The Chair said that the Board will discuss Town Planner Hull's memo
40 to the Board.

1 Attorney Whitehead noted Town Planner Hull's comment in reference
2 to the amount of land dedicated for the firehouse was noted in the
3 FEIS as $\frac{3}{4}$ of an acre. The applicant has provided 0.9128 acres.
4 She explained that the applicant is providing more land for the
5 proposed firehouse.

6
7 Attorney Whitehead said that Town Planner Hull's comment about the
8 lot lines that were shown by the applicant differ in shape from the lot
9 lines depicted in the FEIS, DEIS and the Master Plan because the
10 applicant enlarged the lot for the Housing Action Council and the DEP
11 watercourses that are along Route 6.

12
13 Attorney Whitehead explained that the applicant will not need DEP
14 approval for the Water District Extension. She said that the
15 confusion might be because the DEP has to approve the Sewer
16 connection.

17
18 Town Engineer Gagné said that the DEP has to be notified and be on
19 board with the Water District Extension.

20
21 Attorney Whitehead noted that the language in the prior approvals
22 requires that easements, agreements, etc., as necessary to the lots
23 being subdivided have to be submitted, however, the easements,
24 agreements, etc. are not needed for the Housing Action Council lot
25 because the lot stands on its own. Attorney Whitehead explained
26 that the Action Housing Council lot will not be a party to any
27 maintenance agreement because the roads that they front on will
28 eventually be public roads. She mentioned that the applicant for
29 Somers Realty Planned Hamlet will take care of the roads until they
30 are dedicated to the Town.

31
32 Town Engineer Gagné stated that the Housing Action Council lot will
33 be the only lot that is excluded from the maintenance agreement.

34
35 Attorney Whitehead referred to Town Planner Hull's statement that
36 the stormwater management system will be designed as a single
37 integrated system for the entire project. She said that this lot is not
38 part of an integrated system as it is a stand alone lot and will have its
39 own basin to accommodate its own stormwater.

40

1 Mr. Keane mentioned that Engineer Coppelman and Mr. Marino told
2 the Board on numerous occasions that they could not do the
3 stormwater calculations for the removal of pollutants especially
4 phosphorous because they really did not know exactly where
5 everything was going to go. Mr. Keane noted that the Board
6 accommodated Engineer Coppelman and Mr. Marino because they
7 demonstrated for SEQRA purposes that the pollutant loads will not be
8 increased beyond what existed under current conditions. Mr. Keane
9 said that it was agreed to prove out the calculations to demonstrate
10 that they would meet the stormwater design manual criteria in
11 Chapter 10, especially the four goals that have to be met for
12 phosphorous. Mr. Keane said that this has to be an integrated
13 system and has to be demonstrated on each and every one of the
14 phases that you have complied with the four goals of Chapter 10
15 which are calculations that have to be done. He noted that the first goal
16 is that the applicant demonstrates that these practices were
17 considered but you will only employ the practices over there and
18 eliminate others and give the reasons why. He said that you have to
19 meet the target for particulate, phosphorous and dissolved
20 phosphorous. Mr. Keane noted that the Board has to validate that
21 the criteria set for SEQRA has been met. He asked if the
22 detention/retention basin if it will be incorporated into any other part of
23 the integrated stormwater management system and if it is not the
24 Board needs to know why.

25
26 Peter Gregory, the applicant's engineer, said that he will demonstrate
27 that the lot meets the criteria set by SEQRA.

28
29 Attorney Whitehead stated that she will provide the calculation and
30 the explanation with respect to the basin. She noted that the
31 applicant for the Mews will need a permit from the DEP and will have
32 to show that they met the goals of Chapter 10.

33
34 Mr. Keane said that he does not want to end up at the end of the
35 project with a situation where we are in a situation where the Master
36 Plan says they will be in terms of phosphorous removal and other
37 pollutants of concern because the whole project will have to be
38 changed.

39

1 Attorney Whitehead said that the Board will not see small site plans
2 or subdivisions on this project as it is unique. She explained that the
3 applicant wants to accommodate this applicant in order to get the
4 parcel they need to move forward.

5
6 Mr. Keane noted that this application will use a treatment train of
7 various practices both structural and non structural and the pollutant
8 removal must be demonstrated and the efficiencies of each one of
9 those facilities and that 85% of the water is dealt with. He noted that
10 the best case scenario is that all the stormwater remains on site.

11
12 Attorney Whitehead stated that she will provide a narrative and the
13 calculations.

14
15 Town Engineer Gagné said that it has to be demonstrated that there
16 is adequate area reserved to accommodate the firehouse building
17 and make sure that all the improvements can be constructed on the
18 lot.

19
20 Attorney Whitehead stated that the applicant increased the size of the
21 firehouse lot to 0.9128 acres.

22
23 Town Engineer Gagné noted that he would like a development table
24 identifying the lot areas of each lot. He indicated that there may be
25 steep slopes on the lot that may interfere with the water quality
26 improvements. He also asked if additional land is needed for
27 stormwater.

28
29 Attorney Whitehead said if the firehouse lot is an issue she will
30 remove it from the plan. She acknowledged that there are steep
31 slopes on the firehouse lot and that is the reason the applicant
32 provided more acreage. She mentioned that she will review the land
33 for stormwater.

34
35 Mr. Keane said that if there is going to be an integrated stormwater
36 management system then stormwater management practices can be
37 provided off the property.

38
39 Attorney Whitehead agreed to review the stormwater management
40 system issue.

1 Town Engineer Gagné asked if Lot 12 is going to be subdivided.

2

3 Attorney Whitehead explained that Lot 12 will now be created and will
4 create this subdivision.

5

6 Attorney Whitehead mentioned the last bullet in Town Planner Hull's
7 memo, *The phasing as noted in the accepted DEIS notes that the first*
8 *phase of the project will include construction of the main entrance*
9 *road to the site which is to become a Town Road providing access*
10 *from Route 6 and connecting to the Somers Commons Shopping*
11 *Center as well as construction of the residential units west of the*
12 *village green and associated stormwater basins.* She explained that
13 this is an estimated preliminary phasing plan. She noted that
14 because of the time frame for the HAC application things will change
15 and help the application move smoothly.

16

17 The Chair asked Attorney Whitehead to discuss Town Engineer
18 Gagné memo dated October 20, 2009.

19

20 Attorney Whitehead stated that she will show all the existing utilities
21 on site and in the Route 6 ROW.

22

23 Town Engineer Gagné noted his concern about the utilities that may
24 exist where the future sewer easement is located and wants to make
25 sure that there is ample room for the gravity sewer main.

26

27 Attorney Whitehead agreed to show the utilities to make sure there is
28 no conflict. She asked if a wetland permit is needed.

29

30 Town Engineer Gagné said that he is discussing the need for the
31 wetland permit for the buffer improvements with the applicant's
32 engineer.

33

34 Mr. Knapp suggested making changes now before Route 6 is
35 widened.

36

37 Attorney Whitehead replying to Town Engineer Gagné's memo said
38 that she will incorporate the proposed Baldwin Place Drive curve radii
39 and will show the approved clearing limit line. Attorney Whitehead

1 agreed to provide the road profile for the entire road "A" up to Route
2 6.

3
4 Attorney Whitehead mentioned the Town Engineer's comment about
5 showing the water storage tank lot and said that she was concerned
6 about showing the lot because there is no access to the lot but will
7 show the lot line as requested. She said that she will provide the
8 conformance table and will identify all existing lot numbers and the
9 proposed lot numbers, as approved by the Town Assessor.

10
11 Town Engineer Gagné explained that the Master Plan improvements
12 are the sidewalks on both sides of the boulevard road and out to
13 Route 6.

14
15 The Chair asked if there is enough complete information to schedule
16 a Public Hearing.

17
18 Town Engineer Gagné said that revised maps and road profiles
19 should be submitted.

20
21 Attorney Whitehead said that she will provide the revised plans, road
22 profiles and the other requested information by November 4, 2009.

23
24 The Chair asked if there was a consensus of the Board to schedule a
25 Public Hearing.

26
27 On motion by Ms. Gerbino, seconded by Ms. Gannon, and
28 unanimously carried, the Board moved to tentatively schedule a
29 Public Hearing on the application of Somers Realty Corporation for
30 Preliminary Subdivision Approval for Wednesday, November 18,
31 2009 at 7:30 p.m. at the Somers Town House.

32
33 **PROJECT REVIEW**

34
35 **THE MEWS AT BALDWIN PLACE**
36 **[TM: 4.20-1-15]**

37
38 Chairman DeLucia said that this is the project review of the Mews at
39 Baldwin Place for Site Plan Approval, Steep Slopes and Erosion and
40 Sediment Control Permits by joint applicants the Housing Action

1 Council, Inc. and Kearney Realty and Development Group, Inc. for
2 the construction of 72 units of senior affordable housing to be
3 serviced by public water and public sewer. The Chair explained that
4 the property is owned by Somers Realty Corporation and is in the
5 Planned Hamlet PH Zone on US Route 6. She noted that the
6 applicants are the contract vendee for what will be Lot 1 of the
7 Somers Realty Corporation Subdivision. She said that the applicant
8 is represented by Insite Engineering, Surveying & Landscape
9 Architecture, P.C.

10
11 Rose Noonan, Executive Director of the Housing Council, said that
12 the Housing Council is the contract vendee for the parcel for the
13 senior housing development, and they will be forming a limited
14 partnership with Kearney Development. She noted that it is
15 considered a joint applicant.

16
17 The Chair acknowledged for the record that the Planning Board is in
18 receipt of the following: a letter dated and received on September 28,
19 2009 from Insite Engineering by Jeffrey J. Contelmo, P.E.,
20 President/Principal Engineer, enclosing an application for Site Plan
21 Approval with related drawings and documents; a full Environmental
22 Assessment Form (EAF); a memo dated October 15, 2009 from
23 Town Planner Sabrina Charney Hull, AICP, with her project review
24 and comments; and a memo dated October 16, 2009 from Town
25 Engineer Gagné with 19 items to be addressed.

26
27 The Chair asked the applicant's representative to give a presentation
28 regarding this application.

29
30 Ms. Noonan told the Board about a change in the site plan where it
31 was indicated that there will be 37 parking spaces with 8 additional
32 spaces to be land banked. She explained that when she re-reviewed
33 the approved Master Plan there were 64 parking spaces and based
34 on the assessment of the need the site plan will be modified to
35 accommodate the 64 parking spaces.

36
37 Town Planner Hull asked where the 64 parking spaces are referred to
38 in the Master Plan.

39

1 Ms. Noonan replied that it is Figure 9; page 25 in the Master Plan
 2 dated February 2009.

3
 4 Town Planner Hull referred to the Zoning Compliance Table on Page
 5 20 of the Master Plan. She said that the Zoning Compliance Table
 6 referenced 36 parking spaces. Town Planner Hull noted that there is
 7 a conflict in the Master Plan. She stated that the Board will have to
 8 make a decision on the number of parking spaces. Town Planner
 9 Hull noted that the plans are showing 37 parking spaces not 62
 10 parking spaces.

11
 12 Town Engineer Gagné stated that the lot is now larger than what was
 13 depicted in the Mater Plan. Town Engineer Gagné explained that
 14 there were two different types of building use described in the Master
 15 Plan.

16
 17 Attorney Whitehead disagreed saying that the buildings are 2 L
 18 shaped buildings described in the Master Plan. She explained that
 19 the Master Plan was not broken out by lot but by use.

20
 21 Town Engineer Gagné and Town Planner Hull opined that it is critical
 22 to keep a lot development table that includes the lot area, water,
 23 sewer and stormwater site loads approved under the Master Plan.
 24 Town Engineer Gagné said that if this is not provided it will be
 25 impossible to keep tract of and will be very confusing.

26
 27 The Chair suggested a meeting with three Planning Board members
 28 and the applicant to discuss the time frame of the application.

29
 30 Ms. Noonan stated that the Housing Action Council was approved for
 31 funding from New York State in July 2009 thanks to the Planning
 32 Board approving the Master Plan. She noted that the project has to
 33 close in early spring of 2010. Ms. Noonan explained that in addition
 34 to the State funding the application also has County funding. Ms.
 35 Noonan noted that the application has to be processed through the
 36 County Planning Board and County Board of Legislatures and takes
 37 approximately three months. She said that the County pursuant to
 38 Planning Board approval will take the project to their Planning Board
 39 in January 2010 and refer it to the Board of Legislatures and if they
 40 approve the application will act on it by March 2010. Ms. Noonan

1 stressed that the funding will be lost if the applicant is not able to
 2 close shortly after March 2010.

3
 4 Mr. Keane asked if the County has said that they will put this
 5 application on the express route. He noted that he is concerned that
 6 the Planning Board will have to work in rapid fashion and the other
 7 Boards can take their time.

8
 9 Ms. Noonan said that three months is an expedited period of time for
 10 the County to approve the New Homes Land Acquisition Program
 11 and the Housing implementation fund. She mentioned that the
 12 County is working very closely with her and monitoring the time
 13 frames and are doing a department coordinated review for the sewer
 14 district approval in order for action to be taken by the Planning Board
 15 and the funding sources.

16
 17 The Chair noted that the Planning Board has to approve the site plan
 18 in two months. She said that the applicant has to work closely with
 19 staff.

20
 21 Ms. Noonan said that she is respectfully asking that the site plan be
 22 approved by the Planning Board in two months and that a Public
 23 Hearing be tentatively scheduled for the November 18, 2009 Planning
 24 Board meeting. She mentioned that she will work hard to make sure
 25 that their submission is as complete as possible.

26
 27 Mr. Keane noted that the parking and stormwater issues have to be
 28 worked out with staff.

29
 30 The Chair asked Ms. Noonan to put the time frame of the application
 31 in writing.

32
 33 Rich Williams, the applicant's engineer, indicated that if the Board is
 34 agreeable to increase the number of parking spaces it can be done
 35 with minimal plan revisions. He explained that the site is laid out to
 36 be doubled very easily. Engineer Williams explained that when you
 37 enter off the proposed town road and into the site there are two
 38 parking lots and a second bay can be added at the back side which
 39 has the least amount of increase in impervious surface while still
 40 doubling the parking. Engineer Williams mentioned the impacts in

1 regard to stormwater and indicated that a Stormwater Pollution
2 Prevention Plan (SWWP) and the documentation will meet all the
3 DEP and DEC regulations including Chapter 10 enhanced
4 phosphorous. He explained that the treatment train will consist of
5 bio-retention filters surrounding the building development which will
6 discharge to an extended detention dry pond followed by a grass
7 swale for final polishing. Engineer Williams noted that the way the
8 site drainage lays out which is in conformance to the FEIS, the
9 stormwater management basins laid out for this site in the Master
10 Plan shows the road drainage is intended to come down through the
11 future stormwater basins. He said that on site the way the drainage
12 works is that the courtyard receives run-off from half of the building
13 footprint with the exterior half of the building footprint and the parking
14 lots sheet to the exterior of the building. Engineer Williams indicated
15 that three bio-detention filters will be provided to serve as an initial
16 treatment to capture and treat the water quality volume which is the
17 one-year design storm, specified by Chapter 10. He noted that there
18 will be a central bio-detention filter which will be segmented and
19 linked with culverts to integrate into the courtyard landscape. He
20 explained that this is a way to combine form and function while still
21 serving as a stormwater management practice. Engineer Williams
22 said that there will be a second bio-retention filter on the outside
23 of Building 2 and down grated to Building 1 which will catch the
24 outside of the buildings and the parking areas. He mentioned that
25 they will be sized for the one-year design storm which is the water
26 quality volume for Chapter 10. Engineer Williams said that the bio-
27 detention filters will discharge to a dry extended detention basin
28 which will receive water quality credit from the New York City
29 Department of Protection (DEP) and allow this to meet the channel
30 protection over bank flood control and extreme flood control
31 requirements of the NYS Department of Conservation (DEC).
32 Engineer Williams explained that the dry extended detention basin
33 will discharge to a low gradient grass swale with stone check dams
34 which will provide a final filtering and polishing of runoff.

35

36 Mr. Keane asked if there will be a grass swale on this site.

37

38 Engineer Williams replied that the grass swale will be on a flat area to
39 make it effective.

40

1 Engineer Williams noted that the stormwater design is sized and will
 2 be able to handle the increase in parking. He said that there will not
 3 be any major impacts to the stormwater associated with an increase
 4 in impervious surface.

5
 6 Engineer Williams said that the project will tie into the public water
 7 from the proposed road and for sewers a temporary pump station
 8 will be located on the property. He noted because of the time
 9 constraints because of construction the wastewater treatment plant
 10 for the Somers Realty Planned Hamlet will not be constructed yet
 11 so a temporary pump station connecting into the forcemain on Route
 12 6 will be used. He mentioned that while the pump station is not on-
 13 line the design of sewer lines will be done for ease of abandonment
 14 and connection into the gravity sewers once the wastewater
 15 treatment plant goes on-line.

16
 17 The Chair asked if the 8 inch gravity line will be used and Town
 18 Engineer Gagné said that the 8 inch gravity line will be used for the
 19 service connections. He noted that there will be provisions for a
 20 requirement for the abandonment of the temporary pump station once
 21 the Master Plan comes together.

22
 23 The Chair asked if the buildings will be sprinkled.

24
 25 Engineer Williams said that both buildings will be sprinkled.

26
 27 The Chair asked what the setback is from the road.

28
 29 Engineer Williams said that there are no internal setbacks to the site
 30 from the building but he will review the exterior setbacks but he
 31 believes those setbacks are 25 feet from exterior property lines. He
 32 noted that the setbacks are in compliance.

33
 34 Town Planner Hull said that once the applicant submits the
 35 development table and reviews the total number of parking spaces on
 36 the site the Board will have to determine how the 62-64 parking
 37 spaces affect this site and will it affect the number of parking spaces
 38 on future sites on this property. She said that the Board is working
 39 towards a Master Plan for the entire site which will be subdivided into
 40 smaller sites and asked what is the cumulative impact.

1 Mr. Keane asked Town Engineer Gagné if he knows how much
 2 potable water is needed for fire protection and if he knows the
 3 pressure and flow at the top of the riser and if it is adequate for this
 4 application.

5
 6 Attorney Whitehead said that fire protection with the tanks and
 7 elevations were discussed in the DEIS.

8
 9 Town Engineer Gagné said that there is a single feed line that feeds
 10 water to the neighborhood where these units will be located.
 11 He noted that eventually the water lines will loop at the Somers
 12 Commons Shopping Center. Town Engineer Gagné said that he will
 13 ask that the minimum water system operating pressure at the street
 14 and the highest building elevation and the hydrant placement be
 15 provided.

16
 17 The Chair asked Town Planner Hull to share her memo to the Board
 18 for the public's benefit.

19
 20 Town Planner Hull said that her first comment is regarding the
 21 landbanked parking agreement and because the parking is under
 22 review and based on that the applicant will submit the land banking
 23 parking agreement after the number of parking spaces is finalized.
 24 She noted that she commented on the modification of the lot line
 25 change which does not appear to result in any significant adverse
 26 environmental impact under SEQRA. Town Planner Hull requested
 27 that the Clearing and Grading Limit Line that is depicted on the
 28 Master Plan be demarcated on this plan. She stated that the
 29 applicant has provided a schematic plant list, however, quantification
 30 of the number of trees to be removed and the number of trees/shrubs
 31 to be planted should be included.

32
 33 Engineer Williams said that the trees that were shown in the EIS are
 34 shown on the applicant's plans. He noted that one significant tree will
 35 have to be removed by the secondary access.

36
 37 Town Planner Hull noted that the applicant has stated that the
 38 Stormwater Pollution Prevention Plan (SPPP) will be submitted. She
 39 said that if the applicant is providing on-site storage of ice and snow
 40 the storage areas must be identified and the use of deicing material

1 practices that are proposed. Town Planner Hull asked that the
2 building elevations be provided for the Board's review and the zoning
3 conformance table be included on the plans.

4
5 Mr. Keane asked if there are any additional requirements that have
6 been discussed that are not on staff's list.

7
8 Mr. Knapp mentioned fire truck access.

9
10 Engineer Williams said that he has a meeting with the Fire Prevention
11 Bureau on November 9, 2009.

12
13 Town Engineer Gagné said that he is concerned because the FPB
14 usually likes access behind the building and there will not be access
15 behind the building because of the water quality basin.

16
17 Mr. Keane said that the fire access road shall comply with the
18 requirements and shall extend to within 150-feet of all portions of the
19 facility. He noted that it does not say to put pathways down through
20 the middle of the buildings.

21
22 Attorney Whitehead opined that fire departments tend to over
23 interpret the requirement, as you don't have to go around all four
24 sides of the building.

25
26 Mr. Keane noted that if there is full sprinkler protection an exception
27 can be made. He asked how many accesses are at the site.

28
29 Engineer Williams said that there are two accesses into the site; one
30 is a temporary gravel access for emergency use.

31
32 Mr. Keane said that based on the definition of the road from the
33 firehouse to the buildings ending with 150-feet of the buildings it
34 seems that there is only one access. He opined that there is only one
35 access and that is along the east and south side. Mr. Keane
36 mentioned that the Fire Department will make the determination on
37 the number of access roads.

38
39 Mario Salpepe, the applicant's architect, said that he will address the
40 Fire Code for the next meeting. He noted that he will make sure that

1 everything is within code constraints. Architect Salpepi
2 acknowledged that there are exceptions and the proposed buildings
3 will be sprinkled.

4

5 Mr. Keane opined that only one access is needed.

6

7 Mr. Knapp asked if there will be laundry services in the building and
8 associated dumpsters.

9

10 Architect Salpepi indicated that there will be laundry services
11 and a refuse collection.

12

13 The Chair asked Town Engineer Gagné to summarize his memo to
14 the Board for the benefit of the public.

15

16 Town Engineer Gagné asked that sidewalks along the entire easterly
17 property line to Route 6 and along the entire southerly property line
18 be provided. He noted that the Master Plan envisioned the buildings
19 to nearly front on the access driveway to Baldwin; this layout places
20 the parking between the drive and the building, therefore, the
21 Planning Board will need to determine if this is in keeping with the
22 Master Plan concept. He said that this is a design concept that the
23 Planning Board should be aware of. Town Engineer Gagné
24 explained that the building is now set back with the parking in front.

25

26 Engineer Williams said that the original parking is almost identical but
27 now it is mirrored.

28

29 Town Planner Hull asked if there will be enough land area to double
30 up the parking.

31

32 Engineer Williams noted that he is 90% certain that 62 parking
33 spaces can be provided but he does not know if the spaces can be
34 doubled up or even if the applicant is looking at that idea.

35

36 The Chair said that the parking should be in the back or sides of the
37 building.

38

1 Engineer Williams explained that parking in the back or sides of the
2 building will increase the impervious surfaces because roads will
3 have to be created to get to parking areas.

4
5 Town Engineer Gagné suggested pervious pavement in the
6 additional spaces.

7
8 Engineer Williams opined that with senior housing pervious pavement
9 is not the best alternative from a design liability standpoint.

10
11 Town Planner Hull stated that the development table is needed
12 because if there are going to be 62 spaces where will the difference
13 be reduced elsewhere on site.

14
15 Attorney Whitehead said that the inconsistency is that the parking
16 plan actually shows 62 parking spaces on the lot and the parking for
17 the other uses where the land banking will be.

18
19 Town Engineer Gagné stressed that the parking spaces does not
20 match the parking that has been approved.

21
22 Attorney Whitehead stated that the parking spaces add up but are
23 just reconfigured and she said that she is not concerned but will have
24 to live with the parking with future developments.

25
26 Town Planner Hull said that as long as the sub-divider is willing to live
27 with the parking count in relation to future developments it will not be
28 a concern.

29
30 Mr. Knapp said that if a senior parks his car at the furthest point in the
31 parking lot and his apartment is located at the upper end what would
32 the distance be.

33
34 Architect Salpepi indicated from the vestibule entrance the length of
35 the building is 205-feet to the last apartment. He noted that it is 210
36 feet to get to the stairs. He explained that the elevator is located at
37 the vestibule entrance.

38
39 Engineer Williams said that from the entrance vestibule to the parking
40 lot is 135-feet.

1 The Chair asked how many handicapped spaces will there be.

2

3 Ken Kearney, partner with the Housing Action Council and private
4 developer, said that he developed several senior housing
5 developments and initially the tenants keep their cars but after
6 approximately 2 years they give up their cars. He explained that he
7 accommodates the seniors as they age in place. Mr. Kearney said
8 that there are various degrees of seniors with some walking to stores
9 and the library. He mentioned that there is an on site management
10 office and an on-site superintendent. He opined that the distance
11 from the parking lot to the apartment is not an issue from a
12 management or marketing standpoint.

13

14 Mr. Keane noted that this is not an assisted living facility.

15

16 Mr. Kearney said that it is an independent living facility but he takes
17 into account that the seniors are ageing in place and he develops a
18 plan that helps them age in place.

19

20 The Chair asked what is the age requirement for seniors living in this
21 facility and Mr. Kearney said that the age is 62 years or older.

22

23 The Chair asked about transportation and how will the seniors be
24 accommodated.

25

26 Mr. Kearney noted that the Westchester County Bus line is available
27 and the Town of Somers provides senior citizens with transportation
28 for shopping.

29

30 The Chair asked if a sheltered bus stop can be provided.

31

32 Mr. Kearney said that if the Westchester County Bus line approves
33 the new bus stop he will work with them.

34

35 Ms. Gerbino asked if the plans have been sent to the Architectural
36 Review Board (ARB).

37

38 Town Planner Hull said that the plans have been referred to the ARB;
39 however, the applicant must appear before that Board and have more
40 detailed plans.

1 Town Engineer Gagné referred to his memo dated October 16, 2009,
2 and noted that the lighting must be decorative with a maximum of 12
3 feet with cut-off shields. He noted that the applicant has provided the
4 box but he does not feel that is decorative.

5
6 Ms. Gannon asked if a lighting plan should be submitted and
7 Engineer Williams said that a lighting plan will be provided.

8
9 Town Engineer Gagné requested that the heating system fuel be
10 identified and Engineer William replied that it is natural gas.

11
12 Town Engineer Gagné asked that the Master Plan Subdivision line for
13 this lot be shown in order to see the increased area of this lot.

14
15 Town Engineer Gagné said that the Master Plan should be revised to
16 reflect the changes made and approved as part of this application.

17
18 Mr. Keane said that this plan is either compliant or not compliant with
19 the Master Plan.

20
21 Attorney Whitehead stated that use wise the plan is compliant with
22 the Master Plan. She explained that the last plan in the Master Plan
23 is a potential subdivision plan but that was never intended to be
24 followed exactly. She explained that the Master Plan is intended to
25 layout and define the different types of uses and the general location
26 of each of the uses and this is exactly where this use was shown in
27 the Master Plan. She noted that the buildings were shifted in order to
28 stay away from the Department of Protection (DEP) water courses.

29
30 Town Engineer Gagné said that he will eliminate the request to revise
31 the Master Plan. He requested that the HVAC unit placement be
32 shown on the plan and identify the snow storage areas and the use of
33 deicing materials practices that are proposed. He mentioned that the
34 orientation of the two story buildings and the 56-foot minimum width
35 courtyard may have a tendency to appear as restrictive space.

36
37 Mr. Keane said that the snow melt should be accommodated into the
38 stormwater management practices. He said that there will be salt
39 and various deicing chemicals that will be used.

40

1 Engineer Williams said that everything is designed according to the
2 State Stormwater Manual.

3

4 Mr. Keane said that it depends on where the snow is piled and show
5 that on the plan with the effluent discharge from the snow pile.

6

7 Engineer Williams said that the snow pile will be addressed in the
8 Maintenance Plan.

9

10 Town Engineer Gagné asked that salt, sand or a mixture that will be
11 used for deicing practices be identified and show all roof leader
12 discharge points. He asked that the lot development table that
13 includes the lot area, water, sewer and stormwater site loads
14 approved under the Master Plan be provided. Town Engineer Gagné
15 said that he will review the improvements within the wetland buffer.
16 He explained that this application is being processed for the entire lot
17 15; however, at time of approval the lot number will change to a new
18 designation, therefore, the EAF must be prepared to reflect the
19 existing lot; a wetland permit will be required for the proposed action;
20 and Baldwin Place is a Critical Environmental Area.

21

22 Engineer Williams opined that the EAF demonstrates that the
23 application is in compliance with the FEIS and if there is a comfort
24 level with the Board, the EAF does not have to be revised because
25 SEQRA has already been dealt with.

26

27 Town Engineer Gagné stated that his concern is the EAF that was
28 attached to this application. He explained that this lot will not exist
29 until final subdivision approval.

30

31 Engineer Williams said that the purpose of the EAF was to
32 demonstrate the restrictions and guidelines that will be followed.

33

34 Mr. Keane asked the Town Engineer his meaning about stormwater
35 practices in the wetland buffer.

36

37 Town Engineer Gagné indicated that the DEP identified a
38 watercourse and a few of the fingers as regulated.

39

1 Engineer Williams said that the action is a NYC DEP limiting distance
2 not a buffer area and you are allowed to place stormwater practices
3 within the limiting distance.

4

5 Town Engineer Gagné noted that is the reason he asked for the
6 clearing and grading limit line as depicted in the Master Plan.

7

8 Mr. Keane stated that regulation is for NYC DEP and not the Town of
9 Somers. He commented that it would be interesting to see the
10 difference between a DEP watercourse and a wetland as defined by
11 Somers Code which incorporated a stream. He noted that the issue
12 is does the watercourse reach the level of a Somers wetland.

13

14 Town Engineer Gagné explained that at one time the Town used the
15 same definition as the DEP, however, every slight depression in the
16 road or roadside drainage became regulated so the watercourse
17 definition was changed.

18

19 Engineer Williams noted that in the FEIS stormwater practices were
20 proposed not only in the limiting distances but on top of the
21 watercourses. He indicated that there is significantly less disturbance
22 in the revised plan then what was proposed in the FEIS.

23

24 Engineer Williams said that the Town of Somers definition requires
25 that water be present in a ditch for three months a year in a 12 month
26 consecutive period and the DEP definition notes that anything
27 immediately after a rainfall or snow melt is not considered a
28 watercourse. He noted that the difference in translation is if you
29 come back the next day after a rainfall and there is water in a
30 watercourse or a ditch DEP calls that a watercourse. He said that
31 DEP has determined that the watercourses are intermittent
32 watercourses and not perennial watercourses. He opined that the
33 watercourse on this property does not meet the Somers Code
34 definition of a watercourse.

35

36 Engineer Williams noted that the FEIS watercourse figures show
37 areas of wetland, however, the wetland on this application was not
38 included.

39

1 Town Engineer Gagné said that his recollection is that the
2 watercourse was impacted and highly degraded but still a
3 watercourse. He noted that he will review the wetland maps in the
4 DEIS.

5
6 Mr. Keane said that the issue is whether this wetland meets the level
7 of a Town of Somers wetland.

8
9 Attorney Whitehead stated that she reviewed the wetland mapping
10 and discussions on the wetland areas and the wetland on this site
11 was never mapped as a wetland. She mentioned that the wetlands
12 were reviewed at least twice by different consultants.

13
14 Ms. Gannon asked what happened between August 27, 2009 and
15 September 23, 2009 that the September 23, 2009 cover letter says
16 that we recently learned that because of the DEP watercourse the lot
17 has to be modified.

18
19 Engineer Williams explained that a figure in the DEIS identified DEP
20 delineated watercourses and there was no validation map signed. He
21 noted that the applicant asked DEP to confirm their original flagging
22 and when they did the applicant adjusted the site design to reflect the
23 flagging.

24
25 Mr. Knapp asked if the applicant is required to do energy savings
26 requirements.

27
28 Architect Salpepi said that all appliances are energy star labeled and
29 the heating will be very efficient. He noted that every unit will have a
30 furnace.

31
32 Town Engineer Gagné requested that the HVAC unit placement be
33 shown on the plan.

34
35 The Chair asked if the roofs will be flat.

36
37 Mr. Kearney said that roofs will not be flat and the Architect showed
38 renderings of the roof lines.

39

1 The Chair directed staff to send an Action Letter to the applicants with
2 the request that they provide the information and documents required
3 to continue the project review.

4
5 Ms. Noonan requested that the Board schedule a tentative Public
6 Hearing on the application of the Mews at Baldwin Place.

7
8 The Chair asked if there was a consensus of the Board to schedule a
9 Public Hearing provided all requested information is submitted by
10 November 4, 2009.

11
12 On motion by Ms. Gannon, seconded by Mr. Goldenberg, (Mr. Knapp
13 voting nay), and carried, the Board moved to tentatively schedule a
14 Public Hearing on the application of the Mews at Baldwin Place for
15 Wednesday, November 18, 2009 at 7:30 p.m. at the Somers Town
16 House.

17
18 Chairman DeLucia noted that the next meeting of the Planning Board
19 will be held on Wednesday, November 4, 2009 at 7:30 P. M. at the
20 Somers Town House.

21
22 There being no further business, on motion by Mr. Knapp,
23 seconded by Ms. Gannon, and unanimously carried, the meeting
24 adjourned at 10:30 P.M.

25
26
27
28
29
30
31 Respectfully submitted,

32
33
34
35 Marilyn Murphy
36 Planning Board Secretary
37
38