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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
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Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, *Chairman*
Jan Corning
Fedora DeLucia
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

3

**SOMERS PLANNING BOARD MINUTES
OCTOBER 4, 2016**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

Chairman Currie, Mrs. DeLucia, Ms. Gerbino,
Mr. Goldenberg, Mr. McNamara, Ms. Gannon
and Ms. Corning

11

12

13

14 **ABSENT:**

Mr. Goldenberg

15

16 **ALSO PRESENT:**

Consultant Town Engineer Joseph Barbagallo
Director of Planning Syrette Dym
Planning Board Town Attorney Eriole
Planning Board Secretary Murphy

17

18

19

20

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

24

25 Chairman Currie thanked the Board's Attorney's and staff for all their
26 diligent work resulting in the Planning Board winning the Article 78 lawsuit
27 against the Planning Board in reference to the Granite Pointe Subdivision.

28

29 Mrs. DeLucia said that the people who brought this lawsuit against the
30 Planning Board were determined not to be in good standing.

31

1 Planning Board Town Attorney Eriole explained that standing is a legal
2 term in order to bring a lawsuit a person has to have a legally defined
3 interest in the outcome and in this case the applicant failed to meet that
4 standard.

5

6 **APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING**
7 **BOARD MEETING HELD ON JULY 13, 2016**

8

9 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
10 prepared and submitted for the Board's approval the draft minutes and
11 DVD of the Planning Board meeting held on July 13, 2016.

12

13 The Chair asked if there were any comments or corrections from the Board
14 on the draft minutes and DVD and no one replied.

15

16 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously
17 carried, the draft minutes and DVD of the July 13, 2016 Planning Board
18 meeting were approved.

19

20 Chairman Currie stated that the text of the approved minutes is available
21 on the Town's website www.somersny.com and is also available for public
22 review at the Planning & Engineering office at the Town House. The
23 approved DVD is available for public viewing at the Somers Public Library.

24

25 **PUBLIC HEARING**

26

27 **NYSMSA LLC D/B/A VERIZON WIRELESS [TM: 17.05-20-2]**
28 **APPLICATION FOR WETLAND AND SPECIAL USE PERMIT**

29

30 Chairman Currie said that this is an application for a co-location of public
31 utility wireless telecommunication facility within the existing unipole with
32 related equipment at the base thereof. He noted that the tower is located
33 at the property known as Somers Commons Shopping Center.

34

35 The Chair asked the Planning Board Secretary if the legal notice was
36 published and the adjoining property owners notified.

37

38 Planning Board Secretary Murphy said that the legal notice was published
39 in the Somers Record on September 22, 2016 and the adjoining property
40 owners were notified via mail on September 23, 2016. She noted that the

1 sign stating the date and location of the Public Hearing was posted on
2 September 20, 2016.

3
4 The Chair asked the applicant's representative to explain the application for
5 the benefit of the Board and the public.

6
7 Michael Sheridan, the applicant's attorney, said that Verizon wants to co-
8 locate on the existing tower facility located at 80 Route 6 at the Somers
9 Commons Shopping Center. He mentioned that the service will provide
10 enhanced service to the area. Attorney Sheridan mentioned that Verizon is
11 seeking a Wetland Permit and Special Use Permit for the facility. Attorney
12 Sheridan explained that the facility will be within 100 feet of a detention
13 pond which is regulated by the town as a wetland. He stated that the
14 facility is a co-location and is an eligible facility request and should be
15 granted under the Middle Class Tax Relief Act of 2012.

16
17 Attorney Sheridan noted that he received comments from the Consultant
18 Town Engineer and the Director of Planning and he responded to their
19 comments.

20
21 Chairman Currie opened the Public Hearing and asked if anyone from the
22 public would like to be heard and no one responded.

23
24 Chair Currie asked Consultant Town Engineer Barbagallo if he had any
25 comments or concerns.

26
27 Consultant Town Engineer Barbagallo said that his main outstanding item
28 was the structural analysis of the tower and its capacity to accommodate
29 the additional tower equipment. He noted that he received that report and
30 it looks like it accommodates what he was looking for.

31
32 Director of Planning Dym said that the Board has to declare the action as a
33 Type II Action which exempts it from SEQRA and then a Draft Resolution
34 can be prepared for the next meeting.

35
36 On motion by Mrs. DeLucia, seconded by Ms. Gannon, and unanimously
37 carried, the Board determined that the action as a Type II Action that is
38 exempt pursuant to SEQRA Section 617.5 (c) (7) 2 for Verizon Wireless at
39 Somers Commons.

40

1 Ms. Gerbino asked if this addition to the existing monopole will only affect
2 Verizon users.

3
4 Attorney Sheridan stated that this impact will only affect Verizon Wireless
5 customers.

6
7 Ms. Corning asked that there be clarification in the resolution as to how
8 pre-existing structures need to comply.

9
10 Director of Planning Dym said if it is not appropriate in the resolution can a
11 memo to the Board suffice.

12
13 Ms. Corning agreed that it can be in a memo to the Board but in the future
14 she wants to have it so the Board knows specifically what has to be in
15 conformance and what does not have to be in conformance.

16
17 Chair Currie directed that a second meeting be scheduled for October 26,
18 2016 and a draft resolution for Verizon Wireless at Somers Commons be
19 prepared for that meeting.

20
21 **CONTINUATION OF PUBLIC HEARING**

22
23 **SOMERS CROSSING [TM: 17.15-1-15.1]**

24
25 Chairman Currie said that this is a continuation of the Public Hearing for
26 Somers Crossing on the application for Site Plan, Preliminary/Final
27 Subdivision Approval, Wetland, Steep Slopes, Tree Preservation,
28 Stormwater Management and Erosion and Sediment Control, Groundwater
29 Protection Overlay Special Use Permits for the development of 66
30 residential condo units, accessed from Route 100, recreation building and a
31 19,000 s.f. grocery store. He noted that the property is located at NYS
32 Route 100 and US Route 202.

33
34 The Chair asked the applicant's representative to describe the application
35 for the benefit of the Board and the public.

36
37 Gus Boniello, the applicant, said that there will not be discussion this
38 evening as he will be at the October 26, 2016 meeting with his consultants.
39 He explained that Town staff and his consultants are reviewing the revised
40 plans and they will be discussed at the next meeting.

1 Chair Currie opened the Public Hearing and asked if anyone would like to
2 be heard and no one responded.

3
4 Director of Planning Dym explained that in the original Public Hearing
5 notice there was no mention of the steep slopes application at Somers
6 Crossing. She asked that a date be set for the Public Hearing on the steep
7 slopes for October 26, 2016.

8
9 On motion by Chair Currie, seconded by Mr. McNamara and unanimously
10 carried, the Public Hearing on the steep slopes for Somers Crossing will be
11 held at the October 26, 2016 Planning Board meeting.

12
13 **DECISION**

14
15 **DEUTSCH WETLAND, STEEP SLOPES, TREE PRESERVATION AND**
16 **STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**
17 **CONTROL PERMITS [TM: 48.09-1-24]**

18
19 Chairman Currie said that this is an application from Insite Engineering and
20 owner Joseph Deutsch for property located on the South side of Hageman
21 Court for a proposed single family residence with onsite wastewater
22 treatment system, well and driveway. He said that the Board will be
23 considering a Resolution of Approval.

24
25 The Chair asked the applicant's representative to explain the application for
26 the benefit of the Board and the public.

27
28 Richard Williams, the applicant's engineer, explained that the Public
29 Hearing was closed at the last meeting and the Board directed that a draft
30 Resolution be prepared.

31
32 Chair Currie asked Engineer Williams if he had any comments or concerns
33 on the draft Resolution.

34
35 Engineer Williams mentioned page 4 line 15 and explained that this is a
36 Type II Action therefore the Board does not have to declare itself Lead
37 Agency.

38
39 Consultant Town Engineer Barbagallo said that Hageman was spelled
40 incorrectly and that will be changed.

1 Ms. Gerbino suggested that the Section and Chapter of the Town Code be
2 used to describe the Permits that will be issued.

3
4 On motion by Chair Currie, seconded by Ms. Gannon and unanimously
5 carried, the Board moved to approve Resolution 2016-11, as amended,
6 for Joseph Deutsch/Hageman Hills Lot #11, Wetland, Steep Slopes, Tree
7 Preservation and Stormwater Management and Erosion and Sediment
8 Control Permits.

9
10 *At this time Mrs. DeLucia recused herself and did not participate in the*
11 *application.*

12
13 **TIME EXTENSION**

14
15 **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. [TM: 16.12-1-41, 42]**

16
17 Chairman Currie said that this is a request for a 90-day time extension for
18 Amended Final Subdivision Plat Approval for Section II from November 1,
19 2016 up to an including January 30, 2017 under Town Law Section 276 (7)
20 (c). He noted that this is the eighth request for a time extension.

21
22 Chair Currie acknowledged a memo from Director of Planning Dym dated
23 October 4, 2016 where she noted that routine visits are made to the site
24 and building lot construction is ongoing and that she has no problem with
25 the Board granting the time extension.

26
27 Chair Currie asked if there were any comments or concerns from the Board
28 and no one replied.

29
30 Consultant Town Engineer Barbagallo noted that Mr. Goldenberg
31 requested that he look at the site because he was concerned about fill
32 being brought in and stockpiled. He noted that it was thought that this was
33 a temporary staging area for the use of the soil. Consultant Town Engineer
34 Barbagallo mentioned that he walked the site with Steve Woelfle from the
35 Engineering Department and spoke to the applicant. He said that Mr. Moss
36 explained that the rock will be used for a stone wall and the fill is to be used
37 on site on Lot 3 for the grading around the house and fill will be used to
38 cover an existing driveway on Lot 1.

39

1 Consultant Town Engineer Barbagallo said that there also has been
 2 concerns about downstream property owners experiencing siltation of their
 3 ponds. He noted that he looked to see where the erosion may be coming
 4 from and specifically if it was coming from the Haft/Ridgeview Builders site
 5 and there are two silt islands in the ponds but are not recent. He said that
 6 it is heavily vegetated on the downstream side of the Haft property but he
 7 did not see evidence of silt leaving the site and he did not see evidence of
 8 off-site siltation. Consultant Town Engineer Barbagallo commented that
 9 the swale eventually discharges in the pond and he did not see any
 10 condition that the swale is overflowing today.

11
 12 On motion by Mr. McNamara, seconded by Ms. Corning and unanimously
 13 carried, the Board moved to approve the 90-day time extension to
 14 Haft/Ridgeview Designer Builders, Inc., for Amended Final Subdivision Plat
 15 Approval for Section II from November 1, 2016 up to an including January
 16 30, 2017 under Town Law Section 276 (7)(c).

17
 18 *At this time Mrs. DeLucia returned to the meeting.*

19
 20 **PROJECT REVIEW**

21
 22 **GREENBRIAR SOMERS CORP. [TM: 6.11-1-77. 78]**

23
 24 Chairman Currie said that this is an application for Preliminary Subdivision
 25 Approval, Steep Slopes, Wetland, Tree Preservation and Stormwater
 26 Management and Erosion and Sediment Control Permits for property
 27 located on the left side of Driftwood Drive for the re-subdivision of Section
 28 6, lots 77 and 78.

29
 30 The Chair asked the applicant’s representative to update the Board and the
 31 public on the application.

32
 33 Joseph Buschynski, the applicant’s engineer, said that lots 77, and 78 at
 34 Greenbriar on Driftwood Drive is proposed to combine two lots into one lot
 35 to allow the construction of a single residence. He explained that the
 36 reason for combining the two lots is because it was identified as being
 37 within the adjacent area of a State regulated wetland. Engineer
 38 Buschynski mentioned that the rationale to combine the lots was to
 39 minimize the disturbance that would result by combining the lots into one
 40 lot.

1 Director of Planning Dym said that this application has to be processed as
2 a Preliminary Subdivision. She mentioned that the Board should declare
3 itself lead agency since more than 30 days has passed since declaration of
4 the Board's intend to be Lead Agency.

5
6 Director of Planning Dym noted that the Board has not made a
7 determination regarding the request for a waiver of provision of a Wetland
8 Mitigation Plan under Town Code Chapter 167-9 with input from the Town
9 Engineer.

10
11 Director of Planning Dym said that a determination has to be whether two
12 trees to be removed are located within the wetland buffer. She noted that if
13 the trees are located within the wetland buffer a tree permit will be required.

14
15 Engineer Buschynski said that the planning file should show that a Tree
16 Preservation application was submitted in October 2015.

17
18 Engineer Buschynski said with respect to the waiver for the Wetland
19 Mitigation Plan he provided the basis for the request to Consultant Town
20 Engineer Barbagallo. He said that the plan itself is a Mitigation Plan by
21 reducing the amount of development by placing the structure in an area
22 that was previously disturbed and by taking the runoff from the structure
23 and putting it back in the ground. Engineer Buschynski said that with the
24 exception of the driveway the disturbed area will remain in lawn as it is
25 now.

26
27 Consultant Town Engineer Barbagallo said he is comfortable with the
28 Board waiving the requirement for the Wetland Mitigation Plan.

29
30 Consultant Town Engineer Barbagallo said that during the site walk he
31 observed that the forebay was not working but that will be fixed by the
32 applicant. He said that now there is only one house now and that is a
33 positive element.

34
35 Ms. Gerbino asked about maintenance agreements that are now required.

36
37 Consultant Town Engineer Barbagallo said that the Town is required to
38 maintain its systems. He noted that the maintenance agreement on the
39 new portion of Greenbriar will be handled by the Homeowners Association
40 (HOA) for all common infrastructure. Consultant Town Engineer

1 Barbagallo suggested that in the approval process that in reference to the
2 forebay on this property that the Town be given the right to enter and fix the
3 problem in the event that Greenbriar does not handle the problem and back
4 charge the HOA.

5
6 Engineer Buschynski explained that the provision for maintenance of all
7 utilities in common areas is defined in As-Built maps of each section
8 showing and defining the easements referencing a declaration of
9 covenants and restrictions that have been filed in the County Clerk's office.
10 He mentioned that his Stormwater Pollution Prevention Plan (SWPPP) has
11 specific requirements for maintenance that have to be undertaken.

12
13 Ms. Gerbino asked what is the ownership of the single lot.

14
15 Engineer Buschynski stated that the two corporations still exist and the
16 power of director is Susan Shapiro.

17
18 Consultant Town Engineer Barbagallo mentioned that the location of the
19 proposed infiltration practice has been shifted to accommodate NYC
20 Department of Environmental Protection (DEP) comments.

21
22 Engineer Buschynski explained that the bottom of the infiltrator is below the
23 level of the footing and the drainage flow is away from the infiltrator and the
24 house.

25
26 On motion by Chair Currie, seconded by Mr. McNamara and unanimously
27 carried, the Board declared its intent to be Lead Agency on Greenbriar
28 Subdivision, Steep Slopes, Wetland Activity, Tree Preservation and
29 Stormwater Management and Erosion and Sediment Control Permits.

30
31 Chair Currie directed that a Public Hearing for Greenbriar Subdivision
32 Steep Slopes, Wetland, Tree Preservation and Stormwater Management
33 and Erosion and Sediment Control Permits be held on Wednesday,
34 November 9, 2016 at 7:30 P.M. at the Somers Town House.

35
36 **DISIENA PRELIMINARY SUBDIVISION [TM: 27.08-2-1, 2.1]**

37
38 Chair Currie noted that this is an application for Preliminary Subdivision
39 Approval, Stormwater Management and Erosion and Sediment Control,
40 Steep Slopes and Tree Preservation Permits. He mentioned that the

1 property is located at Primrose Street (Route 139) for the subdivision of two
2 existing lots into four new lots.

3
4 The Chair asked the applicant's representative to update the Board on the
5 application.

6
7 Timothy Allen, the applicant's engineer, said that there was a site walk of
8 the property with the Board. He mentioned that there is a tree lined
9 driveway and a bridge that goes across the stream. Engineer Allen
10 explained that he submitted a Conventional Plan with the layout and the
11 stormwater so the plan can be considered by the Board knowing that he
12 will be going to a Conservation Plan. He said that Consultant Town
13 Engineer Barbagallo felt that more information is needed to prove that fact
14 but his understanding is that a full SWPPP and details does not have to be
15 done because there is no intention to go with the Conventional Plan.
16 Engineer Allen stated that he will do the testing for the septic and he ran
17 numbers for the stormwater to show it works. He opined that the
18 Conventional Plan meets the Code. He mentioned that the Board with
19 Somers Estates Subdivision did a resolution acknowledging the lot count.

20
21 Consultant Town Engineer Barbagallo asked about the lot that is too small.

22
23 Engineer Allen said that Lot 3 giving the wetland deduction has less square
24 feet than the 80,000 s.f. required in the R-80 Zoning District. He said that
25 the lot line can move over five feet to meet conformance.

26
27 Consultant Town Engineer Barbagallo mentioned crossing in front of the
28 wetland will need approval in order to build the road to demonstrate the
29 Conventional Plan. He said that there should be a letter from the
30 Department of Environmental Conservation (DEC) and the Department of
31 Environmental Protection (DEP) in reference to the approvability of the
32 crossing.

33
34 Engineer Allen said that the DEP has a first cut rule in that they can't deny
35 access to the property and can't take away your development rights on
36 your property.

37
38 Planning Board Town Attorney Eriele said that the applicant can get
39 something confirming the general rule, first cut that would be helpful.

1 He said that the applicant needs something that protects the determination
 2 from a legal perspective that based on the facts a reasonable determination
 3 has been made. Planning Board Town Attorney Eriole said that the
 4 applicant needs something on the record that leads you to believe that this
 5 could be developed as a Conventional Subdivision.

6
 7 On motion by Chair Currie, seconded by Mr. Goldenberg and unanimously
 8 carried, the Board accepted Lead Agency status for the DiSiena
 9 Subdivision as the Board declared its intent to be Lead Agency on January
 10 13, 2016 with no objections received and more than 30 days having
 11 passed.

12

13 **TAMARACK & VINE SUBDIVISION [TM: 16.07-1-1]**

14

15 Chairman Currie noted that this is an application for Preliminary
 16 Subdivision Approval, Steep Slopes, Wetland and Tree Preservation
 17 Permits for property located at the end of Tamarack Road and Vine Road.
 18 He said that the proposal is for a four (4) lot Conservation Subdivision.
 19 Chair Currie explained that three lots would be accessed off a common
 20 driveway from Vine Road and one lot would be accessed off a driveway
 21 from Hickory Road with each lot having individual wells and septic systems.
 22 He mentioned that two conservation lots are also proposed.

23

24 Chairman Currie asked the applicant's representative to update the Board
 25 and the public on the project.

26

27 Richard Zapp, the applicant's engineer, said that he was before the Board
 28 in August in reference to the Tree Preservation Plan and subsequently he
 29 made a submission of the Tree Plan. Engineer Zapp noted that he
 30 answered most of the Consultant Town Engineers concerns except for the
 31 Stormwater Pollution Prevention Plan (SWPP) which is being finalized to
 32 submit to the Department of Environmental Protection (DEP).

33

34 The Chair asked Consultant Town Engineer Barbagallo to review his memo
 35 for the benefit of the Board and the public.

36

37 Consultant Town Engineer Barbagallo said that the applicant is requesting
 38 the Board to schedule a Public Hearing which can be scheduled but cannot
 39 be closed until the stormwater is addressed to the Boards satisfaction.

1 He said that based on the actual location of the stormwater basins, whether
2 or not landscaping is required in the vicinity of the homes and whether or
3 not the basins should be secured has to be addressed. Consultant Town
4 Engineer Barbagallo said that there is an existing old stone well on the
5 lower lot and he asked if anyone has rights to that well. He said the well will
6 have to be abandoned.

7
8 Ms. Gerbino said that wells in the 20th century were built like the well on the
9 Tamarack and Vine property so the children would not drown

10
11 Engineer Zapp said he was not aware of the well and will have to research
12 the origin of the well.

13
14 Mrs. DeLucia said that under SEQRA all issues should be identified,
15 evaluated and analyzed before the Public Hearing.

16
17 Director of Planning Dym said that the lot count comes to four lots and now
18 we are considering the conservation parcels and she feels that this
19 application should be held to the same standards the Board is holding on
20 the DiSiena Subdivision. She said that the applicant has to show how the
21 lots meet the conservation requirements. Director of Planning Dym noted
22 that there are oddly configured on site parcels and it has to be determined
23 if they meet the criteria of a Conservation Subdivision. She questioned
24 how individual homeowners will know where the boundaries are and what
25 or was not going to be conserved.

26
27 Ms. Gannon said that when she was on the make-up site walk there was
28 someone driving around on a fueled three wheel vehicle. She said that
29 there has to be a boundary delineation so people will not be riding through
30 in the future.

31
32 Director of Planning Dym asked if the board members that were on the site
33 walk could determine the configuration of the odd sized parcels.

34
35 Ms. Gerbino said that when she was on the site walk she observed that the
36 steep slopes and wetlands were very evident. She mentioned that three
37 wheel vehicles are using the site and she is concerned for future
38 homeowners. She said that she is concerned how the Highway
39 Department will remove the snow.

40

1 Ms. Corning said that there was no delineation on the site walk.

2

3 Engineer Zapp said that in regard to the conservation parcels they are part
4 of the conservation subdivision and the conservation easements on each
5 individual lot will have restricted areas by deed as part of the stormwater
6 design. Engineer Zapp explained that the additional areas for stormwater
7 are not actually a part of the Conservation Subdivision parcels. He noted
8 that he asked the Highway Superintendent to meet to get his input and will
9 make any changes to accommodate his concerns.

10

11 Ms. Gannon mentioned that there is a structure on the property that
12 belongs to an adjacent owner.

13

14 Engineer Zapp said he will contact the owner to have the shed moved.

15

16 Mrs. DeLucia said that the submission leaves out a lot of information that is
17 needed to make a decision.

18

19 Director of Planning Dym said that the applicant has to show how this
20 application meets the criteria of the Conservation Subdivision and clarify
21 the purpose of the site individual areas.

22

23 Planning Board Town Attorney Eriole said that they should be called
24 conservation easement parcels that create legal restrictions.

25

26 Mr. McNamara said he sees six lots with four being developed with homes
27 and two that will be permanently vacant. He said he is concerned about
28 who will own, maintain and pay taxes on the two lots.

29

30 Jody Cross, the applicant's attorney, said that the Homeowners Association
31 will own the lots.

32

33 Mr. McNamara suggested that the lots be annexed as part of Lot 1 and Lot
34 4 with a development easement on that portion.

35

36 Planning Board Town Attorney Eriole said that if you do it that way you are
37 transferring the obligation to the individual lot owner and not the
38 Homeowners Association.

39

1 Town Attorney Eriole said that the applicant has to prove out the maximum
2 subdivision and prove out the density.

3
4 Attorney Cross said that the count was proven but now the requirements
5 have changed. She asked if she can take what was proven previously and
6 show how it has changed.

7
8 Planning Board Town Attorney Eriole said that the applicant has to show
9 that the subdivision hasn't change so much that it wouldn't be approved
10 today and that the application satisfied the Conventional Subdivision
11 criteria at the proposed density.

12
13 Consultant Town Engineer Barbagallo said that the issue of the pocket
14 wetland has to be addressed.

15
16 Mrs. DeLucia asked Consultant Town Engineer Barbagallo if this was a
17 three lot subdivision would it be a better project.

18
19 Consultant Town Engineer Barbagallo said that is a difficult question as
20 landowners have rights. He said he tries to apply if the applicant has met
21 the Code.

22
23 Mrs. DeLucia said she believes in property rights.

24
25 Ms. Gerbino said that the Board is talking about a proposal for four houses.

26
27 Director of Planning Dym said that the applicant has to prepare that four
28 lots under today's regulations is what the applicant is entitled to. She said
29 the Board will be looking for the criteria that four lots meet the Conventional
30 Plan criteria.

31
32 Consultant Town Engineer Barbagallo opined that there are things that are
33 awkward about this subdivision. He noted that conveying the stormwater
34 to the bottom of the hill from the top of the hill past a proposed residence
35 is awkward. He said that he would like to see things managed closer to the
36 individual homes where people will look at them and take care of them.

37
38 Attorney Cross said this can be addressed by the Homeowners
39 Association.

40

1 Consultant Town Engineer Barbagallo said that there should be a legal
2 document that demonstrates that.

3
4 Planning Board Town Attorney Eriole said that from the perspective of the
5 irregularity of the lots you can address the issues but maybe you can show
6 the Board that you have a certain density and this is how the lots can be
7 laid out for various reasons.

8
9 Ms. Corning said that she believes at the January meeting that the Board
10 said they would use the previous approved subdivision as a starting point.

11
12 Director of Planning Dym said that the Board decided to proceed but she
13 believes it was not on a qualified basis. She stated that the applicant has
14 to approve that out.

15
16 **DISCUSSION**

17
18 **CALANDRUCCI STEEP SLOPES AND TREE PRESERVATION PERMIT**
19 **[TM: 36.12-2-3]**

20
21 Chairman Currie said that the applicant is requesting to modify Resolution
22 #2005-23 and the Restrictive Covenant to install an impervious (asphalt)
23 driveway.

24
25 Chairman Currie noted that Steven Woelfle of the Engineering Department
26 submitted a memo to the Board regarding the Calandrucci request.

27
28 Chair Currie asked the applicant's representative to update the Board and
29 the public on the project.

30
31 Tom Calandrucci, applicant, said he would like to pave his driveway. He
32 explained that in 2005 the Planning Board approved the property with the
33 condition to install a pervious driveway. He asked that the Board overturn
34 this condition and allow him to pave his driveway.

35
36 Consultant Town Engineer Barbagallo said that he supports the request.
37 He explained that he went to the site and the cultex system was designed
38 like it was impervious surface. He noted that an item IV driveway is not
39 conducive to a residential home.

40

1 On motion by Mrs. DeLucia seconded by Ms. Corning and unanimously
2 carried, the Board moved to grant Mr. Calandrucci's request to install an
3 impervious driveway (asphalt pavement) at his home at 5 Amawalk Point
4 Road.

5
6 There being no further business, on motion by Ms. Gerbino, seconded by
7 Ms. Gannon, and unanimously carried, the meeting adjourned at 9:40 P.M.
8 The Chair announced that the next Planning Board meeting will be held on
9 Tuesday, October 26, 2016 at 7:30 P.M. at the Somers Town House.

10
11
12
13
14
15
16
17
18
19

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary