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PLANNING DEPARTMENT

TOWN HOUSE
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Town of Somers

WESTCHESTER COUNTY, N.Y.



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

3

**SOMERS PLANNING BOARD MINUTES
NOVEMBER 14, 2012**

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6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

Chair Currie, Mrs. DeLucia, Ms. Gerbino,
Mr. Goldenberg, Mr. Foley and Ms. Gannon

11

12

13 **ABSENT:**

Mr. Keane

14

15 **ALSO PRESENT:**

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

16

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19

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

23

24 **APPROVAL OF SEPTEMBER 12, 2012 MINUTES**

25

26 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
27 prepared and submitted for the Board's consideration the approval of the
28 draft minutes of the Planning Board meeting held on September 12, 2012.

29

30 Chairman Currie explained that Consultant Planner Joanne Meder of
31 Frederick P. Clark and Ms. Gannon recommended additional revisions to
32 the draft minutes of September 12, 2012.

1
2 On motion by Ms. Gannon, seconded by Ms. Gerbino, and unanimously
3 carried, the minutes of September 12, 2012, as amended, were approved.

4
5 **TIME-EXTENSION**

6
7 **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
8 **FINAL CONSERVATION SUBDIVISION**
9 **[TM: 16.12-1-41 & 42]**

10
11 Chairman Currie said that this time-extension request relates to the
12 application of Susan Haft/Ridgeview Designer Builders, Inc. for Final
13 Conservation Subdivision. He noted that the request is for a 90-day time-
14 extension of Conditional Final Approval from November 19, 2012 to and
15 including February 18, 2013.

16
17 Chair Currie acknowledged for the record receipt of a memo from
18 Geraldine Tortorella, applicant's attorney, requesting the eighth time-
19 extension.

20
21 The Chair asked if there were any comments or questions from members of
22 the Board on the requested time-extension and no one replied.

23
24 On motion by Ms. Gerbino, seconded by Ms. Gannon, and unanimously
25 carried, the Board moved to grant a 90-day eighth time-extension to Susan
26 Haft and Ridgeview Designer Builders, Inc. to the period of Conditional
27 Final Subdivision Approval from November 19, 2012 to and including
28 February 18, 2013.

29
30 **INFORMAL APPERARANCE**

31
32 **JOHN CASSABOON**
33 **[TM: 36.08-1-49 AND Lot 36.08-1-64]**

34
35 Chairman Currie said that this is the application of John Cassaboon for
36 an informal appearance before the Planning Board for property located at
37 26 Chalmers Blvd. and Lakeview Terrace for a lot line connection between
38 Lot 36.08-1-49 and Lot 36.08-1-64 to include a 6,482 SF mapped but
39 unbuilt portion of Lakeview Terrace.

40

1 Chair Currie asked Town Planner Dym to summarize her memo dated
2 October 31, 2012 for the benefit of the public.

3
4 Town Planner Dym explained that Mr. Cassaboon is seeking to merge
5 three parcels he owns at the intersection of Chalmers Boulevard and
6 Lakeview Terrace. She mentioned that the 6,482 square foot road parcel is
7 mapped but there is an unbuilt portion of Lakeview Terrace, Paper Street,
8 which he owns. She noted that the third parcel was the subject of legal
9 action with the Town and now is owned by Mr. Cassaboon. Town Planner
10 Dym explained that the two lots have access to Route 202 over NYC
11 Department of Environmental Protection (DEP) property through revocable
12 driveway permits granted from NYCDEP over the property to Route 202
13 that require renewal and approval from DEP of any lot changes. She said
14 that DEP has never revoked the driveway permits but they must be
15 renewed annually and are not permanent access. Town Planner Dym
16 indicated that Mr. Cassaboon is asking to remove the mapped and unbuilt
17 Street from the official map of the Town. She indicated that research says
18 that should not be permitted because the Town would not be providing
19 legal access over the two lots that currently only have access over the
20 driveway easements.

21
22 Town Planner Dym said that she asked Mr. Cassaboon to speak to the
23 Planning Board on how he should proceed. She recommended that the
24 applicant provide the Board with proof that some type of acceptable legal
25 access that would be granted to the two affected parcels and, at such time,
26 the Board could accept a full application for a lot line change and consider
27 the merits of the application

28
29 The Chair asked Mr. Cassaboon to comment on the application.

30
31 Mr. Cassaboon, applicant, said that he has no problem providing an
32 easement in case the driveway permits are revoked in the future. He said
33 that he would like a lot line change but cannot go to the Health Department
34 while the road is on the map.

35
36 Mr. Foley said that the Health Department may have a question about the
37 space for septic use.

38 Ms. Gerbino said that the lot is from a subdivision in the 1930's and she
39 suggested a site walk.

40

1 Town Planner Dym said that from a buildable point of view of the easement
2 she feels it is unlikely that the easement will be built. She said that legally
3 the easement has to be identified on the map and if the Board agrees to
4 merge the lots, it does not mean that the lot is buildable. She said that the
5 minimum width of an easement is a 50 foot right-of-way. Town Planner
6 Dym indicated that it is possible that the Health Department will not
7 approve the application and that is a risk for the applicant. She mentioned
8 that a site walk will be scheduled if the applicant makes a formal
9 application.

10
11 Mr. Cassaboon stated that the Health Department will not review the
12 application unless the lots are connected.

13
14 Town Planner Dym noted that Mr. Cassaboon will have to submit an
15 application for the merger of the three lots that includes a legal easement.
16 She explained if the lot line change was approved the applicant can go to
17 the Health Department for their approval and then return to the Planning
18 Board for the necessary approvals.

19
20 Mrs. DeLucia said that the lot is in an R-10 Residential District and the lots
21 are very tight. She asked if the Maloney's and Danko's, the two affected
22 property owners, are aware of the proposal.

23
24 Mr. Cassaboon said that he believes the Maloney's and Danko's are aware
25 of the proposal.

26
27 Consultant Engineer Barbagallo said if the intent is to build a home on the
28 property he suggested that the Board see where the house, septic and
29 utilities will be located.

30
31 The Chair asked if there were any comments from the Board.

32
33 Mr. Goldenberg said that the applicant should take Town Attorney Baroni's
34 suggestion that he release rights to access the two affected lots in order to
35 have it demapped and merged as part of his other two lots.

36
37 Town Planner Dym indicated that there are quite a few parcels that have
38 access to Route 202 over the NYC DEP property through revocable
39 driveway permits granted from NYCDEP over the property to Route 202
40 and require renewal and approval from DEP of any lot changes.

1
2 Mr. Cassaboon said that he will provide an easement to the two properties
3 and submit a drawing showing the house, driveway and septic. He
4 questioned the need for a 50-foot driveway.

5
6 Town Attorney Eriole said that requirements for a 50-foot driveway may be
7 waived but the applicant must provide a legal document that is approved by
8 the Town Attorney. He suggested that the applicant's engineer contact the
9 Town Consulting Engineer before submitting a conceptual plan.

10
11 **PROJECT REVIEW**

12
13 **BOCKHAUS WETLAND AND TREE REMOVAL PERMIT**
14 **[TM: 16.06-2-46]**

15
16 Chairman Currie noted that this is the application of George Bockhaus for a
17 Wetland and Tree Removal Permit for property located at 23 Cypress Lane
18 for an addition with loft to an existing residence.

19
20 Chair Currie acknowledged a memo dated October 26, 2012 from the Open
21 Space Committee recommending that consideration be given to alternative
22 means of stormwater mitigation, such as a rain garden.

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

26
27 John Di Vernieri, the applicant's representative, said that the applicant is
28 looking to build an addition for storage. He noted that he met with the
29 Building and Engineering Departments and is requesting a waiver for the
30 performance of a wetlands delineation from the Board.

31
32 The Chair asked Town Consultant Engineer Barbagallo to review his memo
33 for the benefit of the public.

34
35 Consultant Engineer Barbagallo stated that the proposed area of
36 construction land disturbance is less than 5,000 square feet, therefore a
37 Stormwater Management and Erosion and Sediment Control Permit is not
38 required. He noted that acceptable erosion and sediment control practices
39 must be followed during construction.

40

1 Consultant Engineer Barbagallo explained that the applicant is proposing to
2 install three Cultec 900HD chambers. He said that the NYS Department of
3 Environmental Conservation (DEC) Stormwater Management design
4 manual requires a minimum of three feet vertical separation between the
5 bottom of the proposed infiltration practice to seasonally high groundwater.
6 He noted that the applicant is looking to provide infiltration into the ground
7 and he suggested field testing to demonstrate certain separation distances
8 to groundwater. Consultant Engineer Barbagallo suggested the use of rain
9 gardens as suggested by the Open Space Committee. Consultant
10 Engineer Barbagallo asked that a note be added to the plan which requires
11 his office to inspect the installation of the Cultec system prior to backfill of
12 the system.

13
14 Consultant Engineer Barbagallo mentioned that Chapter 167 of Town Code
15 requires that the location of wetlands, as determined by a qualified
16 individual, be done no earlier than 12 months prior to the application and
17 must be shown on the plan. He said that he does not believe the
18 delineation will change the fact that the building is within the wetland buffer.

19
20 Mr. Di Vernieri showed the Board a plan that shows the building outside the
21 wetland but located in the wetland buffer.

22
23 Consultant Engineer Barbagallo noted that the existing septic fields are
24 located along the eastern property line and beneath the existing driveway.
25 He asked the applicant to revise the plan to show protective fence and/or
26 markers surrounding the existing septic field to restrict vehicular crossing
27 during site work. Consultant Engineer Barbagallo mentioned that the
28 applicant shall add a note to the plan which requires that the applicant's
29 engineer shall inspect the septic system upon completion of the work to
30 verify that the system was not damaged during construction activities.

31
32 Consultant Engineer Barbagallo said that he asked the applicant to prepare
33 a schedule which identifies all trees to be removed on the plan and that the
34 schedule includes the species and caliper of each individual tree proposed
35 for removal. He also requested that the plans be revised to identify tree
36 protection measures for all trees proposed to be preserved adjacent to the
37 proposed work area.

38

1 Consultant Engineer Barbagallo commented that the plan depicts that a loft
2 will be constructed above the first story garage addition. He asked that the
3 applicant clarify if this loft addition will be constructed as a bedroom.

4
5 Mr. Di Vernieri said that the loft was never proposed as a bedroom and he
6 will note that on the plan.

7
8 Mrs. DeLucia asked Engineer Barbagallo if this is a Type 2 Action.

9
10 On motion by Mrs. DeLucia, seconded by Chair Currie, and unanimously
11 carried, the Board moved that pursuant to 6 NYCRR Part 617 regulations
12 pertaining to SEQRA, and Chapter 92 of the Code of the Town of Somers,
13 the Board determined that the proposed activity to be a Type II Action as
14 not having a significant adverse impact on the environment and therefore
15 no further environmental review is necessary.

16
17 The Chair directed that a site walk be scheduled for Saturday, December 1,
18 2012 at 10:00 A.M. and that walkers meet at the Somers Town House.

19
20 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously
21 carried, the Board scheduled a Public Hearing for the Bockhaus Wetland
22 and Tree Removal Permit for Wednesday December 12, 2012 at 7:30 P.M.
23 at the Somers Town House.

24
25 **SOMERS REALTY PLANNED HAMLET**
26 **PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE;**
27 **WETLAND, TREE PRESERVATION AND STORMWATER**
28 **MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS**
29 **[TM: 4.20-1-15, 18]**

30
31 Chairman Currie said that this is the project review of the Somers Realty
32 Planned Hamlet for Preliminary Subdivision Approval, Lot Line Change and
33 related permits.

34
35 The Chair asked the applicant's representative to give a brief presentation
36 regarding this application.

37
38 Linda Whitehead, the applicant's attorney, indicated that revised plans and
39 responses to previous comments have been submitted. She said that the
40 comments on the wetland permit have been forwarded to Steve Marino, the

1 applicant's wetland consultant, for a response and a summary on the
2 impacts to the wetland functions. Attorney Whitehead mentioned that there
3 was a question on the amount of wetland disturbance. She explained that
4 the wetland disturbance has been significantly reduced from the original
5 plan to 466 square feet of disturbance and the wetland buffer disturbance
6 has been reduced to 23,749 square feet. She explained that the reductions
7 came from the shifting of the sewer pump station parcel and the access
8 road. Attorney Whitehead noted that stormwater will be better treated by
9 the relocation of the access road. She commented that the access road will
10 be out of the Department of Environmental Protection (DEP) setback to the
11 intermittent stream. She mentioned that the Town will have an easement in
12 order to access the pump station. Attorney Whitehead explained that there
13 were revisions to the Stormwater Pollution Prevention Plan based on the
14 testing that was done on site.

15

16 Attorney Whitehead noted that memos have been received from Town
17 Planner Dym, Consultant Town Engineer Barbagallo and Frederick P.
18 Clark.

19

20 Attorney Whitehead stated that the Army Corp of Engineers jurisdiction is
21 related to wetland fill, therefore she believes that no permit is needed but
22 that will be confirmed.

23

24 The Chair asked Town Planner Dym to summarize her memo.

25

26 Town Planner Dym noted she will discuss all the issues related to the
27 Subdivision first and then the Site Plan. She explained that these are
28 related applications.

29

30 Town Planner Dym said that the Planning Board should accept Lead
31 Agency status.

32

33 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously
34 carried, the Board determined that as the Somers Planning Board did not
35 receive any correspondence opposing their designation as Lead Agency
36 under SEQRA for the Preliminary Subdivision #2 for the Somers Realty
37 Planned Hamlet Master Plan and associated actions and for Site Plan
38 Approval for The Mews at Baldwin Place Phase 2 and associated actions
39 and that more than thirty days have passed in issuance of its Intent to be
40 Lead Agency on September 12, 2012 the Somers Planning Board assumes

1 Lead Agency status under SEQRA for the two separate but associated
2 applications and actions.

3
4 Town Planner Dym explained that she submitted a revised timeline. She
5 mentioned that in order for the Site Plan to proceed all actions on
6 Preliminary and Final Subdivision Approval must be completed. She
7 indicated that there has been discussion on additional special meetings.

8
9 Town Planner Dym indicated that she prepared a draft on the Negative
10 Declaration for Preliminary Subdivision #2 for Somers Realty Corp. for the
11 Somers Realty Planned Hamlet Master Plan. She noted that a more fully
12 developed Negative Declaration and Draft Resolution will be provided for
13 the November 27, 2012 Special Meeting with additional meetings if
14 needed. Town Planner Dym explained that the plan is to have a Resolution
15 of Preliminary Subdivision and Site Plan Approval and Negative
16 Declaration for The Mews Site Plan for the December 19, 2012 Planning
17 Board Special Meeting.

18
19 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously
20 carried, the Board set additional meetings for the review of Somers Realty
21 Subdivision Phase 2 and The Mews Phase 2 Site Plan for November 27,
22 2012, December 4, 2012 and December 19, 2012 to be held at 7:30 P.M.
23 at the Somers Town House.

24
25 Ms. Gannon mentioned that recreation fees for The Mews 1 were reduced
26 by the Town Board and she said if this request will be made again it has to
27 be done in a timely fashion.

28
29 Attorney Whitehead said that the applicant has to go to the Health
30 Department, Department of Environmental Protection and Department of
31 Transportation and they can not act until there is a Negative Declaration
32 and Preliminary Subdivision Approval.

33
34 Town Planner Dym explained that she said that there will be significant
35 changes to the Somers Realty Planned Hamlet Master Plan. She said
36 some of those changes are the removal of 80,000 square feet of an
37 assisted living facility and replacement with 75 units of affordable senior
38 housing and the removal of professional office space and retail/restaurant
39 space from the area north of Clayton Boulevard totaling approximately
40 30,000 square feet.

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Attorney Whitehead explained that the elimination of 30,000 square feet amounted to 10,000 for retail or restaurant and 20,000 of office space. She noted that in her letter dated August 31, 2012 she references the changes to the Master Plan.

Town Planner Dym said that she recommends that the Planning Board request that the applicant provide a revised fiscal analysis. She noted that the applicant will have to address the community character impacts of eliminating this space so it can determine if this is to be replaced in area south of Clayton Boulevard or not.

Ms. Gerbino stressed that it is perfectly legal to make changes to the Master Plan by amending the Master Plan. She noted that a reason to amend the Master Plan is because the State has changed the stormwater regulations.

Town Planner Dym stated that the Board has to identify the changes and consider the impacts.

Town Planner Dym said the Board also has to consider the reduction in overall Planned Hamlet approved parking spaces from 492, including 147 for The Mews Phase 1 and 2, or a total of 345 remaining to a total of 193 spaces potentially available on the south side of Clayton Blvd. She noted that there are changes in phasing of sequence of construction already established by prior subdivision and site plan applications to continue affecting the need to create a temporary access road to modify the pump station parcel from the south, thereby eliminating the need for prior proposed temporary wetland crossing for pump station construction. She said that the Master Plan included a total of 34.545 acres in the northern drainage area that now includes 32.635 acres, representing a reduction of 1.91 acres. Town Planner Dym commented that the Master Plan included a total of 14.11 acres of impervious surface within the northern drainage area that now includes 8.741 acres, representing a reduction of 5.369 acres. She stressed that the modified stormwater management system needs to comply with the new regulations.

Town Planner Dym stated that the Planning Board will have to vote on these changes and their impacts.

1 Attorney Whitehead said that SEQRA states that a decision cannot be
2 based on fiscal impacts. She noted that fiscal impacts are just for
3 information but agreed that the applicant will provide a ruff fiscal analysis.
4

5 Ms. Gerbino said that she doesn't understand why a fiscal analysis has to
6 be done.
7

8 Town Attorney Eriole said that what is usually done is a fiscal projection of
9 the impacts of the project.
10

11 Mr. Goldenberg reminded the Board that Somers has a commitment with
12 the County to build affordable housing. He said that this should be
13 mentioned in the fiscal projection.
14

15 Consultant Engineer Barbagallo noted that when the Master Plan was
16 reviewed he presumed that the Board looked at the mix of uses on the
17 property and asked what is the right balance. He said that now you are
18 talking about 30,000 square feet of office and retail space being removed
19 and he opined that this will put the fiscal analysis out of balance.
20

21 Attorney Whitehead stated that the PH Zone limits the amount of retail.
22 She mentioned that the new residents provide a fiscal benefit to the Town
23 as they shop locally.
24

25 Mrs. DeLucia read from the Finding Statement, *Economic and Fiscal*
26 *Impacts the Master Plan will generate 1.96 million in annual net revenue*
27 *to the Town of Somers, this is an increase of 1.92 million over the revenue*
28 *that is currently generated by the site. The non-residential component of*
29 *the Master Plan will provide new job opportunities for local residents both*
30 *during construction and in the long term and will create new sales tax*
31 *revenues.*
32

33 Consultant Engineer Barbagallo asked the Board if they want the analysis
34 to be specific to The Mews 2 replacing the assisted living in that 30,000
35 square feet or Mews 2 replaced the assisted living someplace else on the
36 site.
37

38 Attorney Whitehead stressed that the applicant is not looking to put 30,000
39 square feet somewhere else on the site until an applicant wants to build.
40 She opined that you are talking a fantasy world.

1
2 Town Attorney Eriole said that review is on what is feasible for the applicant
3 and the fiscal projection limited to what the applicant is proposing. He
4 stated that the environmental record and findings should conform to this
5 new and different application.

6
7 Ms. Gannon indicated that she does not believe that 30,000 square feet of
8 office and retail space should be removed and that should be addressed in
9 the report.

10
11 Attorney Whitehead clarified that if an applicant wants to have 30,000
12 square feet of retail she would come back to the Planning Board to modify
13 the Master Plan.

14
15 Town Attorney Eriole stated that the applicant proceeds at their own risk if
16 they do not preserve the 30,000 square feet of retail. He advised that the
17 Board needs data to support the change in the environmental findings and
18 the plan. Town Attorney Eriole explained that the Planning Board has to
19 decide on the removal of the 80,000 square foot assisted living facility and
20 the removal of office space and retail totaling 30,000 square feet.

21
22 Mr. Foley mentioned that half of the office/retail will be removed and he
23 remembers the Board being concerned about limiting retail at The Green
24 and he wonders if there is concern with the reduction of office/retail in this
25 project.

26
27 Attorney Whitehead said that the mix of uses was important but the number
28 did not seem to be that important. She mentioned that the only thing being
29 eliminated is the assisted living. She asked how community character can
30 be described as there is nothing there now.

31
32 Town Planner Dym said that a narrative discussion can state that there will
33 be a less mixed community that will result in a change in the character of
34 this community.

35
36 Town Attorney Eriole said that in terms of changing the findings to conform
37 to the revised plan and what is different about the character that results
38 from this plan can be discussed in a narrative form.

39

1 Attorney Whitehead said that if the Board has a problem with eliminating
2 uses and replacing them with affordable housing units please state that
3 now. She commented that she explained the change in uses to the Board
4 from the beginning.

5

6 Consultant Engineer Barbagallo stated that the applicant chose the path of
7 doing a watershed based analysis which does not allow the Board to look
8 at the mix of uses with the new regulations. He stressed that the
9 Stormwater Master Plan would have allowed the Board the opportunity to
10 make sure that the resulting development remained within the boundary
11 that was contemplated during the original Master Plan.

12

13 Attorney Whitehead explained that more space is needed for stormwater
14 than what was originally shown. She stated that the application is to
15 eliminate the use not to remove it.

16

17 Town Planner Dym said that the change in trip generation should be
18 identified.

19

20 Attorney Whitehead noted that it was decided that senior affordable units
21 generated less traffic than retail/office and the skilled nursing that it was
22 replacing. She indicated that the applicant would have to hire a traffic
23 engineer to calculate the trip generation which would be expensive for the
24 applicant. Attorney Whitehead stated that The Mews EAF has traffic
25 generation numbers and the Board found that acceptable.

26

27 Town Planner Dym said that F. P. Clark submitted a memo dated
28 November 9, 2012 and she will summarize the major points. She indicated
29 that the amount of wetland disturbance is not totally clear; however, the
30 applicant forwarded a chart to F.P. Clark to answer the issues that were
31 raised. She said that the impacts to the functions of Wetland A are largely
32 due to functions of stormwater management and transmission of water.

33 Town Planner Dym noted that Woodard & Curran needs to provide an
34 opinion as to whether the stormwater management plan will preserve the
35 transmission functions of this wetland. She said that if so, a finding of no
36 significant impact can be made and no mitigation is required. Town
37 Planner Dym said that the wetland permit application refers to an "activity
38 area", the applicant needs to clarify that this area is the same as the buffer
39 area. She indicated that the applicant will provide a letter from the Army

1 Corp of Engineers that the proposed disturbance is covered under
2 nationwide permits or that it is exempt from permitting.

3
4 Mr. Goldenberg indicated that Westchester County in a letter stated that it
5 supports the proposed development of 75 units of senior affordable
6 housing which is consistent with the County Planning Board's long range
7 planning policy and strategy set forth in Westchester 2025.

8
9 Mr. Foley asked why the action is not Type 1.

10
11 Attorney Whitehead said that the listing of Type 1 or an Unlisted Action
12 does not change the process; it only determined what you tell the other
13 agencies.

14
15 Town Planner Dym noted that she will review the type of action as it should
16 be correct.

17
18 The Chair asked Consultant Engineer Barbagallo to review his memo for
19 the benefit of the public.

20
21 Consultant Engineer Barbagallo said that a Stormwater Pollution
22 Prevention Plan (SPPP) has been provided with revised drawings for the
23 proposed subdivision. He indicated that deep hole excavations and
24 percolations tests were conducted in the field and witnessed by the NYC
25 DEP representatives.

26
27 Consultant Engineer Barbagallo commented about his meeting on
28 September 27, 2012 with the DEP. She noted that the response from the
29 applicant indicates that two commercial buildings with footprints of 10,000
30 SF are proposed with the application. Each building will be two stories in
31 height which will provide a total of 40,000 SF of commercial space. He
32 said that what is referred to as the northern basin has been reduced by 1.9
33 acres and that will now drain to the south. He indicated that there was a
34 "wetland issue" with regard to the access road to Route 6 as it would
35 represent impervious surfaces within 100 feet of the wetland, which is
36 prohibited. He said that on October 2, 2012 the DEP issued a letter stating
37 that a variance was required to cross the road but the applicant disagreed
38 with this position and will provide a response letter to the DEP based upon
39 input from the Town Planner and Consulting Town Engineer and signed by
40 the Planning Board Chairman.

1
 2 Attorney Whitehead, Mr. Foley and Mrs. DeLucia suggested changes to the
 3 letter which will be made before it is signed by the Chair.

4
 5 Consultant Engineer Barbagallo said that the sewage plans, the details of
 6 the pump station and the stock pile issue have to be reviewed at future
 7 meetings. He noted that more detail on the size and visual impact of the
 8 stock pile have to be provided.

9
 10 **THE MEWS AT BALDWIN PLACE PHASE 2 SITE PLAN APPROVAL,**
 11 **WETLANDS, STEEP SLOPES, TREE PRESERVATION AND**
 12 **STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**
 13 **CONTROL PERMITS**
 14 **[TM: 4.20-1-15]**

15
 16 The Chair asked the applicant’s representative to give a brief summary of
 17 The Mews at Baldwin Place Phase 2 Site Plan Approval, Wetlands, Steep
 18 Slopes, Tree Preservation and Stormwater Management and Erosion and
 19 Sediment Control Permits.

20
 21 Richard Williams, the applicant’s engineer, noted that revised drawings in
 22 response to staff’s comments have been submitted. He said that changes
 23 to the plans include gravel access driveways at the request of the Fire
 24 Prevention Bureau. He explained that the Fire Department requires an
 25 improved driveway surface. Engineer Williams explained that regrading
 26 has been provided at 8% between Phase 1 and Phase 2. He mentioned
 27 that pursuant to comments from Consultant Engineer Barbagallo revisions
 28 have been made to the Stormwater Pollution Prevention Plan (SPPP). He
 29 stated that the bio-retention area in the rear has been enlarged and the
 30 stormwater maintenance practices throughout the site have been
 31 repurposed. Engineer Williams mentioned that the stormwater basins will
 32 be landscaped similar to Phase 1.

33
 34 Consultant Engineer Barbagallo said that he reviewed the updated plans
 35 and most of his comments have been addressed with significant
 36 improvement. Details of the proposed stormwater system and site utilities
 37 still need to be addressed. He mentioned that the applicant should provide
 38 the structural design calculations and construction notes for the proposed
 39 retaining walls and prior to signing the Site Plan the Subdivision must be

1 resolved and prior to the issuance of a Certificate of Occupancy a Water
2 and Sewer extension must be accepted and functional.

3
4 Town Planner Dym noted that her memo dated November 14, 2012 related
5 to the Landscape review by F.P. Clark. She said that one issue the Board
6 has to decide on is the additional landscaping along Route 6.

7
8 Engineer Williams said that the Master Plan for this parcel included a
9 significant amount of more disturbance. He noted that the area will no
10 longer be disturbed. He said that there will be natural screening along
11 Route 6; therefore additional landscaping will not be needed.

12
13 The Chair said that by mutual consent the applicant and the Planning
14 Board agreed to extend Preliminary Subdivision Approval and Site Plan
15 approval beyond the 62 days from the close of the Public Hearing.

16
17 **PLANNING BOARD CALENDAR FOR 2013**

18
19 Chairman Currie explained that the Board will consider adoption of the
20 Planning Board meeting dates for the calendar year 2013. After discussion
21 by the Board and on motion by Ms. Gannon, seconded by Ms. Gerbino,
22 and unanimously carried, the Board moved to adopt the 2013 Planning
23 Board calendar.

24
25 There being no further business, on motion by Ms. Gannon, seconded by
26 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 10:45
27 P.M. and the Chair noted that the next Planning Board meeting will be a
28 Special Meeting on November 27, 2012 and the Regular Meeting held on
29 Wednesday, December 12, 2012 at 7:30 P. M. at the Somers Town House.

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32 Respectfully submitted,

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34 Marilyn Murphy
35 Planning Board Secretary
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