

# 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 DECEMBER 10, 2014

4

5

6

### ROLL:

8

### PLANNING BOARD

10 **MEMBERS PRESENT:** Chairman Currie, Mr. Keane, Ms. Gerbino,  
11 Mr. Goldenberg, Mr. Foley and Ms. Gannon

12

13 **ALSO PRESENT:** Consultant Town Engineer Joseph Barbagallo  
14 Director of Planning Syrette Dym  
15 Planning Board Town Attorney Joseph Eriole  
16 Planning Board Secretary Marilyn Murphy

17

18 **ABSENT:** Mrs. DeLucia

19

20 The meeting commenced at 7:35 p.m. Planning Board Secretary Marilyn  
21 Murphy called the roll. She noted that a required quorum of four members  
22 was present in order to conduct the business of the Board.

23

### APPROVAL OF DRAFT OCTOBER 8, 2014 MINUTES

24

26 Chair Currie noted that Planning Board Secretary Marilyn Murphy prepared  
27 and submitted for the Board's consideration approval of the draft minutes of  
28 the Planning Board meeting held on October 8, 2014.

29

30 The Chair asked the Board if there were any comments or questions on the  
31 draft minutes of October 8, 2014.

1 Ms. Gerbino requested a change to Page 15, Line 9, to read, *She*  
2 *questioned if this will be a Town Park.*

3  
4 On motion by Ms. Gannon, seconded by Mr. Foley, and unanimously  
5 carried, the draft minutes of October 8, 2014, as amended, were approved.  
6

7 The DVD of the October 8, 2014 Planning Board meeting is made a part of  
8 the approved minutes and is available for public viewing at the Somers  
9 Public Library. The text of the approved minutes is also on the Town's  
10 website [www.somersny.com](http://www.somersny.com) and is available for public review at the  
11 Planning & Engineering office at the Town House.  
12

## 13 14 **TIME EXTENSION**

### 15 16 **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL** 17 **[TM: 5.20-1-1]** 18

19 Chairman Currie said that this a request for a 90-day time extension to the  
20 period of Final Subdivision Approval for the Merritt Park Estates Final  
21 Subdivision Approval from December 29, 2014 up to and including March  
22 30, 2015. He noted that this is the eighteenth request for a time extension.  
23

24 Chair Currie acknowledged a letter dated November 6, 2014 from the  
25 applicant's attorney Geraldine Tortorella requesting the time extension.  
26 He mentioned that Director of Planning Dym in her memo of November 25,  
27 2014 stated that she had no objection to the extension of the subdivision  
28 approval.  
29

30 Chair Currie asked if the Board has any objection to granting the 90-day  
31 time extension and no one objected.  
32

33 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
34 carried, the Board moved to grant the request of Merritt Park Estates for an  
35 eighteenth 90-day time extension to the period of Final Subdivision  
36 Approval from December 29, 2014 up to an including March 30, 2015 in  
37 accordance with §150-13.M of the Code of the Town of Somers.  
38  
39  
40

1 **CONTINUATION OF PUBLIC HEARING**

2  
3 **SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**

4 Chairman Currie said that this is the continuation of the Public Hearing on  
5 the application for Preliminary Subdivision Approval, Steep Slopes,  
6 Wetlands, Tree Removal and Stormwater Management and Erosion and  
7 Sediment Control Permits for Somers Realty Corp for property located on  
8 the southeast side of Route 6 and at Clayton Blvd. and is in the Planned  
9 Hamlet (PH) Zoning District.

10  
11 Chair Currie asked the applicant's representative to explain the application  
12 for the benefit of the Board and the public.

13  
14 Linda Whitehead, the applicant's attorney, explained this is just a  
15 subdivision application that creates the lots and outlines the town roads.  
16 She noted that at the last meeting the Board looked at alternatives for the  
17 access to Lot 6 and she worked with Avalon to come up with a better  
18 access. Attorney Whitehead showed the Board a plan showing the new  
19 access alternative to Lot 6. She said that this plan keeps the integrity of  
20 Avalon's layout and provides a clear access for the assisted living traffic to  
21 go out to Route 6. Attorney Whitehead mentioned that there will be an  
22 easement for the benefit of Lot 6.

23  
24 Chair Currie noted that cut and fill was an issue at the last meeting.

25  
26 Richard Williams, the applicant's engineer, agreed that cut and fill  
27 continues to be a concern but is comparable to the Avalon Site Plan  
28 application.

29  
30 Attorney Whitehead stated that if the Board is comfortable with the new  
31 alternative the numbers will be refined.

32  
33 Chair Currie asked Director of Planning Dym to comment on her memo.

34  
35 Director of Planning Dym noted that this is the first time she is seeing the  
36 new alternative and the subdivision layout for the extended road. She said  
37 that she has to review it in more detail but generally it accomplishes what  
38 the Board discussed at the last meeting.

1 Attorney Whitehead mentioned that the road always had to go between the  
2 wetland buffer and this alternative maintains that with no additional wetland  
3 disturbance.

4  
5 Consultant Town Engineer Barbagallo asked Engineer Williams if he  
6 agrees with that statement.

7  
8 Engineer Williams said that he just received the new plan and will work on  
9 shifting some of the basin grading around.

10  
11 Ms. Gerbino said that the State is making changes to traffic at the  
12 intersection of Baldwin Place and Route 118 and may change the traffic  
13 light at Clayton Boulevard.

14  
15 Attorney Whitehead indicated that the Department of Transportation (DOT)  
16 has the Somers Realty Phase 3 application with the Environmental  
17 Assessment Form (EAF).

18  
19 Chair Currie asked Consultant Town Engineer Barbagallo if he had any  
20 concerns.

21  
22 Consultant Town Engineer Barbagallo asked for an update on the variance  
23 from the Department of Environmental Protection (DEP).

24  
25 Attorney Whitehead commented that the plan has to be finalized before the  
26 variance can be granted from the DEP.

27  
28 Director of Planning Dym stated that the Board has to decide if the Public  
29 Hearing should be closed or kept open. She mentioned that if the Public  
30 Hearing is closed there are certain timeframes that have to be met. She  
31 asked Consultant Town Engineer Barbagallo if he had any concern about  
32 closing the Public Hearing.

33  
34 Consultant Town Engineer Barbagallo said that from an engineering  
35 perspective his concern is if there will be additional impacts to the  
36 alternative to access Lot 6.

37  
38 Attorney Whitehead noted that the plan will show the easement to Lot 6.  
39 She reminded the Board that Somers Realty Subdivision 3 has to have  
40 preliminary and final subdivision approval before the AvalonBay Site Plan

1 can be approved. She requested that a draft Resolution and Negative  
2 Declaration be ready for the January meeting.

3  
4 Chair Currie asked if there were any comments or concerns from the  
5 Board.

6  
7 Mr. Keane stated that the public has to have as much information available  
8 to them so they can make appropriate comments. He said that the  
9 stormwater calculations are incomplete with the regard to the reduction of  
10 phosphorous. He opined that it would be wrong to close the Public Hearing  
11 and not have that information available.

12  
13 Engineer Williams mentioned that preliminary numbers indicate that there  
14 will be a slight increase in impervious surface but that will not change the  
15 Stormwater Pollution Prevention Plan (SWPPP) dramatically.

16  
17 Chair Currie asked if anyone from the public would like to speak on the  
18 application and no one responded.

19  
20 Attorney Whitehead asked if the applicant can move forward with the new  
21 alternative plan.

22  
23 Chair Currie said that it was the consensus of the Board that the new  
24 alternative plan to access Lot 6 is acceptable to the Board.

25  
26 On motion by Chair Currie, seconded by Mr. Keane and unanimously  
27 carried, the Board moved to continue the Public Hearing on Somers Realty  
28 Phase 3 Preliminary Subdivision at the January 28, 2015 Planning Board  
29 meeting.

## 30 31 **PROJECT REVIEW**

### 32 33 **AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, P/O 12]**

34  
35 Chairman Currie said that this is an application for Site Plan Approval,  
36 Steep Slopes, Tree Removal and Stormwater Management and Erosion  
37 and Sediment Control Permits for AvalonBay Communities, for the  
38 construction of 152 residential units within 17 buildings with 23 affordable  
39 units on 45.1 acres.

40

1 Chair Currie asked the applicant's representative to update the Board  
2 on the application.

3  
4 Peter Wise, the applicant's attorney, said that the new alternative plan was  
5 done in calibration with Somers Realty. He noted that AvalonBay is willing  
6 to own the Village Green property but the improvements are being  
7 discussed by AvalonBay and the Town. Attorney Wise said that he will  
8 have a more definite idea of what will be happening with the Village Green  
9 at the next meeting.

10  
11 Thomas Sheil, the applicant's engineer, said that there is a major change in  
12 the design to create a separate drive to the new parcel at Somers Realty  
13 and to have a presence for the AvalonBay project. He said that the  
14 clubhouse will be more of a focus point and the gateway to AvalonBay.  
15 Engineer Sheil said that there will be the same number of buildings,  
16 bedroom counts and parking spaces. He mentioned that two more garages  
17 will have to be added. Engineer Sheil indicated that the Site Plan  
18 modifications are minor with the buildings being shifted around a little to  
19 accommodate the separate drive.

20  
21 Mr. Goldenberg asked about the entrances to the clubhouse.

22  
23 Todd Nicotra, representing AvalonBay, explained that the clubhouse will be  
24 entered off the parking area. He noted that you can walk to the pool from  
25 the clubhouse. Engineer Sheil noted that residents usually walk to the  
26 clubhouse and pool using the sidewalks.

27  
28 Ms. Gannon asked how the trash and recycling is managed.

29  
30 Mr. Nicotra said that the recycling center is for the entire community with  
31 residents taking their trash and recyclables directly to the building. He  
32 mentioned that the recycling center is used in Ossining AvalonBay and  
33 AvalonBay in Connecticut.

34  
35 Consultant Town Engineer Barbagallo suggested a walking connector in  
36 the south eastern corner of the western loop.

37  
38 Mr. Keane said that in reference to the Village Green there seems to be a  
39 lot of trees and his view is more open space and less trees. He noted that  
40 originally it was represented to be a more New England Village Green.

1 Mr. Nicotra mentioned that the Village Green can be more like the original  
2 concept if that is what the Board would like.

3 Chair Currie explained that the Parks and Recreation Department made it  
4 clear that they did not want to maintain the Village Green.

5

6 Mr. Nicotra indicated that there will be an option on the design concept for  
7 the Village Green. He suggested incorporating a play scape, native  
8 plantings in a garden element and frame that surround a big open green  
9 area with benches, walkways and steps. Mr. Nicotra stated that he will  
10 work with the Board on their vision for the Village Green.

11

12 Attorney Wise said that it has to be determined what level of public use will  
13 be placed on the Village Green.

14

15 Attorney Wise noted that most of the issues in Woodard & Curran and  
16 Director of Planning Dym's memos have been addressed. He asked that a  
17 Public Hearing be scheduled for AvalonBay.

18

19 Consultant Town Engineer Barbagallo said that he has no objection to  
20 scheduling the Public Hearing.

21

22 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
23 carried the Board scheduled a Public Hearing for AvalonBay for January  
24 28, 2015.

25

26

27 **NORTH COUNTY HOMES, WETLAND, STEEP SLOPES, TREE**  
28 **PRESERVATION AND STORMWATER MANAGEMENT AND**  
29 **EROSION AND SEDIMENT CONTROL PERMITS [TM: 36.20-1-59]**

30

31 Chairman Currie explained that this is the application of North County  
32 Homes (applicant) and Thomas Caracciolo (owner) for property located on  
33 the west side of Bedell Road for permits for the construction of a single  
34 family home, well and septic system.

35

36 Chair Currie asked the applicant's representative to update the Board on  
37 the application.

38

39 John Karell, the applicant's engineer, noted that there was a site walk with  
40 members of the Board and the Consultant Town Engineer. He said that the

1 main concern was the spring that is coming from the adjacent property.  
2 Engineer Karell mentioned that it had to be determined if that was really a  
3 spring and he found a 4 inch plastic pipe that was coming from the curtain  
4 drain and swale on the adjacent property. He explained that he put in  
5 vertical standpipes in the ground to measure the depth of the groundwater  
6 below the septic area. Engineer Karell stated that the standpipes were all  
7 dry to 7 feet except one that had a small amount of water. He mentioned  
8 that representatives of the Department of Environmental Protection (DEP)  
9 were on site in order to get their opinion on if the piping that goes to the  
10 road drainage system will require a DEP Permit. Engineer Karell said that  
11 before the DEP can make a decision they have to know the position of the  
12 drainage piping and discharge point at Elizabeth Court.

13  
14 Engineer Karell indicated that the Health Department Permit for the septic  
15 was renewed. He said that he made minor modifications to the well  
16 location and the force main.

17  
18 Engineer Karell said that he answered most of Woodard & Curran's  
19 comments relative to the Stormwater Pollution Prevention Plan (SWPPP).  
20 He noted that the wetland consultant reviewed the function of the wetland  
21 and what can be done and he suggested that the invasive species be  
22 removed from the wetland and new plantings be placed in the wetland.  
23 Engineer Karell mentioned that a tree plan will be submitted.

24  
25 Engineer Karell said that he needs direction from the Board on the slope of  
26 the driveway. He noted that the requirement for driveways in the Town is  
27 12% but can be as high as 14%. He opined that a 14% driveway slope will  
28 result in less disturbed area. Engineer Karell said that he also needs  
29 direction if the Board finds the wetland mitigation plan proposed by the  
30 wetland consultant is satisfactory before he proceeds with final plans.

31  
32 Consultant Town Engineer Barbagallo said that he met with Engineer Karell  
33 in the field and agrees that the standpipes were all dry except for a small  
34 amount of water in the one closest to the spring. He stated that he  
35 reviewed building department records and he found that the pool existed  
36 prior to 1975. He said that the pipe from the adjacent property is  
37 encroaching and is dumping water on this lot. Consultant Town Engineer  
38 Barbagallo said that the goal is that there is less water going into the Town  
39 pipes than there is now.

40

1 Mr. Keane said that the run-on that is being created by the neighbor and  
2 any additional discharge as a result of impervious surfaces that is created  
3 on the applicant's property has to be dealt with.

4 Engineer Karell said that the impervious surfaces, house and driveway will  
5 be discharged to an infiltration system along the driveway. He mentioned  
6 that some water has to be diverted to the wetland so it will continue to  
7 function.

8

9 Ms. Gerbino asked how long will the driveway be and Engineer Karell said  
10 it will be 180 feet long.

11

12 Consultant Town Engineer Barbagallo said that there was previous  
13 discussion on if this was actually a lot and he looked at the deed and filed  
14 map and there are no restrictions on development.

15

16 Consultant Town Engineer Barbagallo asked how the lot is developed and  
17 how to minimize impacts and he said that there will be more impacts from a  
18 14% grade than a 12% grade. He suggested that the 12% slope and 14%  
19 slope be developed so the Board can see the differences. He opined that  
20 the 14% grade is better.

21

22 Engineer Karell said that the water issue will be handled on the applicant's  
23 property. He noted that the soils near the wetland are not hydric soils and if  
24 it wasn't for the pipe this project would have been approved months ago.

25

26 Mr. Keane questioned why this is being called a wetland as this may not  
27 qualify as a wetland.

28

29 Consultant Town Engineer Barbagallo said that this is a wetland because  
30 of the hydrogeology and vegetation. He said he gives credit to the  
31 applicant as he is picking up the drainage that is coming in and improving  
32 the Town's drainage system. He suggested that all the stormwater  
33 comments be addressed before the next meeting.

34

35 Engineer Karell asked the Board to schedule a Public Hearing.

36

37 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and unanimously  
38 carried, the Public Hearing for North County Homes Wetlands, Steep  
39 Slopes, Tree Permit and Stormwater Management and Erosion and  
40 Sediment Control Permits was scheduled for February 11, 2015.

1 **NACLERIO RE-GRANTING OF SITE PLAN, STEEP SLOPES AND**  
2 **STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**  
3 **CONTROL PERMITS [TM: 4.20-1-7]**  
4

5 Chairman Currie noted that this is the application for the re-granting of Site  
6 Plan Approval, Steep Slopes and Stormwater Management and Erosion  
7 and Sediment Control Permits for Vincent and Julianne Naclerio for the  
8 installation of fill around the subject property in order to create a level yard.  
9

10 Chair Currie asked the applicant's representative to update the Board on  
11 the application.  
12

13 Richard Williams, the applicant's engineer, said that he is here this evening  
14 for the re-grant of Site Plan approval. He noted that the original Site Plan  
15 was signed in October 2011. Engineer Williams explained that according  
16 to Town Code the Site Plan is valid for one year unless you obtain a  
17 Building Permit and if you obtain a Building Permit the Site Plan is valid for  
18 three years. He mentioned that prior to the Site Plan expiring Mr. Naclerio  
19 went to the Building Department to receive a building permit and was told  
20 because this was just site work no building permit was necessary.

21 Engineer Williams said that Mr. Naclerio thought that because no building  
22 permit was needed the Site Plan would be valid for three years. He noted  
23 that prior to starting work Mr. Naclerio notified the Town that he was ready  
24 to start and was told that the Site Plan was only good for one year and he  
25 had to go back to the Planning Board for a re-grant of Site Plan approval.  
26

27 Consultant Town Engineer Barbagallo indicated that he reviewed the plans  
28 and they are the same plans that were approved.  
29

30 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and unanimously  
31 carried, the Board moved to re-grant Site Plan Approval, Steep Slopes and  
32 Stormwater Management and Erosion and Sediment Control Permits for  
33 Vincent and Julianne Naclerio in accordance with Section 170-114,  
34 Chapter 148, and Chapter 93, respectively, of the Code of the Town of  
35 Somers.  
36  
37  
38  
39

1 **AT&T MOBILITY, LLC- STEEP SLOPES AND STORMWATER**  
2 **MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS**  
3 **[TM: 17.05-20-2, 3, 12]**

4  
5 Chairman Currie explained that the applicant's attorney, Neil Alexander,  
6 requested that this application be adjourned to the January 14, 2015  
7 agenda.

8  
9 Consultant Town Engineer Barbagallo explained to the Board that  
10 the applicant revised the plan to change the route to the more common  
11 roadway areas and now they will only need a Stormwater Management and  
12 Erosion and Sediment Control Permit that can be issued administratively.  
13 He said that he recommended that the applicant formalize the application  
14 and come back to the Planning Board before issuing an administrative  
15 permit.

16  
17  
18 **HIDDEN MEADOW AT SOMERS [TM: 15.07-1-6]**

19  
20 Chairman Currie said that the review will be on the application for  
21 Preliminary Subdivision Approval, Site Plan Approval, Steep Slopes,  
22 Wetland, Stormwater Management and Erosion and Sediment Control  
23 Permits relative to the application of Multifamily Residence Baldwin Place  
24 District (MFR-BP) for the proposed development of 53 units of housing,  
25 sixteen of which would be affordable, within 45 townhouse buildings on 45  
26 fee simple lots plus one lot for lands to be owned in common by a  
27 Homeowners Association.

28  
29 Chair Currie asked the applicant's representative to update the application  
30 for the benefit of the Board and the public.

31  
32 Richard Williams, the applicant's engineer, noted that he submitted an  
33 updated Site Plan, Preliminary Subdivision Plat, memorandum from the  
34 applicant's traffic consultant and addressed the Director of Planning's  
35 comments on the school bus and the Biodiversity Report.

36  
37 Engineer Williams mentioned that he revised the five parking spaces for  
38 parents waiting with their children for the school bus. He commented that  
39 there is a Westchester County anti-idling law relative to the parking spaces  
40 which lead Mr. Kearney to suggest locating the parking to a more central

1 location on the site. Engineer Williams explained that parents can drop off  
2 their children and then walk the short distance to the parking area.

3  
4 Engineer Williams said that he had a conversation with the School District  
5 and they said that if they are petitioned by a Homeowners Association they  
6 can enter a private development but will not make a final decision until after  
7 the development is complete and they can determine if a bus can make a  
8 safe turn in the site. Engineer Williams noted that the traffic engineer  
9 provided a letter that analyzed both scenarios, buses entering and exiting  
10 the Hidden Meadow Subdivision to pick up or drop off students within the  
11 property or the school bus routing such that school buses approaching from  
12 the west would turn right onto Windsor Road exit at the easterly terminus  
13 connection with Route 6, make a left turn onto Route 6 westbound, then  
14 proceed on Route 6 to the development access. He said that the traffic  
15 engineer stated that either option will not cause an impact on the traffic on  
16 Route 6.

17  
18 Engineer Williams stated that he answered all the Watershed Inspector  
19 General's (WIG) comments and will add all soil restoration requirements to  
20 the plan.

21  
22 Engineer Williams noted that the Biodiversity Assessment has been  
23 updated and all comments from Woodard & Curran and the Open Space  
24 Committee have been answered. He said that 6 trees have been  
25 preserved along the property line and small walls have been added to save  
26 trees.

27  
28 Engineer Williams said that these issues that were just discussed relative  
29 to SEQRA have been answered.

30  
31 Chair Currie asked Director of Planning Dym if she had any comments.

32  
33 Director of Planning Dym said that the Draft Negative Declaration that was  
34 prepared by Sarah Brown of Frederick P. Clark based on information she  
35 provided will be reviewed by the Board. She explained that she and  
36 Consultant Town Engineer Barbagallo provided input on the Neg Dec.  
37 Director of Planning Dym said the Board will review the document to make  
38 sure that all the items are addressed to the Board's satisfaction.  
39

1 Engineer Williams mentioned mitigation by constructing the channel along  
2 the toe of the slope on Route 6 will stabilize the small area where erosion is  
3 occurring. He said that that there will be  $\frac{3}{4}$  of an acre of pocket wetlands  
4 constructed as they will be stormwater maintenance practices.  
5

6 Consultant Town Engineer Barbagallo suggested language to be added, *in*  
7 *the event the Army Corps of Engineers requires mitigation for disturbance*  
8 *the applicant will do such mitigation.*  
9

10 Mr. Keane said the intent of the Draft Negative Declaration is to  
11 demonstrate that there are no impacts that rise to a level of significance.  
12 He opined that this document does not do that. He stated that you have to  
13 mitigate below the level of significance and identify how that was done but  
14 you can't use the word anticipate. He indicated that the word anticipated is  
15 used throughout the document and anticipation is not proof.  
16

17 Engineer Williams agreed with Mr. Keane and said that as part of the  
18 process the Board was provided with reports to show that the impacts have  
19 been mitigated. He said that the language can be strengthened by  
20 referencing the reports.  
21

22 Mr. Foley said that the Board cannot guarantee but can anticipate that  
23 there are no adverse environmental impacts. He noted that the Board has  
24 looked at the data and research and they do not anticipate that there will  
25 be adverse environmental impacts.  
26

27 Planning Board Town Attorney Eriole advised that the key is always the  
28 record. He said that the words matter but if you are challenged they will  
29 review the record to see if you came to the correct conclusion. He noted  
30 that a Court will look at if it was a reasonable decision based on the record.  
31

32 Mr. Keane stated that some of the bullet points should be reflective of what  
33 is in the record and the logical conclusion.  
34

35 Ms. Gerbino read from NYS Law that asks can a Negative Declaration be  
36 based on results from future studies about potential impacts and the  
37 answer is "no" a Negative Declaration must be based on the facts available  
38 to the Lead Agency at the time of the determination. Ms. Gerbino noted that  
39 issuing a Negative Declaration and then requiring the project sponsor to  
40 conduct studies to determine the magnitude of the impact is improper. At

1 the time the Lead Agency makes its Negative Declaration the Lead Agency  
2 must have sufficient information to show that no impacts will be significant.  
3 Ms. Gerbino said that what we are talking about is the use of the English  
4 language.

5

6 Mr. Foley suggested ending each section in the Negative Declaration with  
7 *based upon the forgoing, it is the determination of the Planning Board that*  
8 *the project will not result in a significant adverse impact.*

9

10 Director of Planning Dym stated that there are specific things in the draft  
11 Negative Declaration that will be put in to make the document satisfactory  
12 to the Board.

13

14 Ms. Gerbino said she would like to discuss an issue but does not believe it  
15 should be in the Neg Dec. She said that she is concerned about the units in  
16 the back of the project that border on Barry Schwartz's property. Ms.  
17 Gerbino said that under the Board's responsibilities for Health, Safety and  
18 Welfare, although she is not against the pipeline that runs behind the  
19 applicant's property, but people may not be aware that another pipeline  
20 exists right behind the homes in the back of the project called Central  
21 Hudson Electric & Gas. She indicated that in 1997 they received  
22 permission to tie into the Algonquin Gas Line to construct their pipeline  
23 north to provide gas to Poughkeepsie. Ms. Gerbino said that they  
24 constructed a metering station (building) in a residential area which was  
25 granted by the Zoning Board of Appeals (ZBA). She mentioned that Central  
26 Hudson was supposed to file an annual report but it doesn't look like it  
27 happened. Ms. Gerbino said that the Board received a letter from Central  
28 Hudson dated November 7, 2014 that said to ensure the continued  
29 operation and reliability of the electric and natural gas transmission  
30 systems that serve our communities, they would like to work with the local  
31 communities and Planning Boards in identifying projects that may  
32 potentially affect or occur on or within their transmission utility easements.  
33 Ms. Gerbino said that Central Hudson has violated its permit and Site Plan  
34 because there are huge flood lamps on the building. She mentioned that  
35 the Town owns park land and there are vehicles using the back area and  
36 the Town may have to put up a fence. Ms. Gerbino asked who contacts  
37 Central Hudson Gas & Electric to update their Site Plan and mitigate the  
38 lighting.

39

1 Consultant Town Engineer Barbagallo said that the Building Inspector  
2 should issue a Notice of Site Plan Violation.

3  
4 Consultant Town Engineer Barbagallo said the only item that he has a  
5 technical concern with is the site sequencing relative to the depth of  
6 excavation and the location of the soil piles. He mentioned that WIG has  
7 signed off on the Stormwater Pollution Prevention Plan (SWPPP). He  
8 noted that he feels comfortable that this can be handled as part of the Site  
9 Plan review.

10

11 Engineer Williams explained that the Hidden Meadow project may change  
12 the Somers Realty project as Hidden Meadow will be creating a looped  
13 water system for the Town which is a goal of the Town. He said that with  
14 Hidden Meadow doing the first 1200 feet of water main may change the  
15 situation for Somers Realty who previously said that it was not cost  
16 effective. Engineer Williams said that the costs numbers are being  
17 reviewed and it may now be cost effective to loop the water main.

18

19 Director of Planning Dym said she will contact Sarah Brown of Frederick P.  
20 Clark to see when she can make the corrections suggested by the Planning  
21 Board and re-draft the Negative Declaration.

22

### 23 **PLANNING BOARD CALENDAR FOR 2015**

24

25 Chair Currie indicated that the Board will discuss the calendar for the  
26 Planning Board meetings for 2015.

27

28 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
29 carried, the Board moved to adopt the schedule as presented for 2015.

30

31 Chair Currie, on behalf of the Town, thanked Chris Foley for all his hard  
32 work on the Planning Board as he is not seeking another term on the  
33 Board. Chair Currie noted that Mr. Foley will continue on the Board until a  
34 replacement is appointed.

35

36 There being no further business, on motion by Mr. Foley, seconded by Mr.  
37 Goldenberg and unanimously carried, the meeting adjourned at 10:00 P.M.  
38 The Chair announced that the next Planning Board meeting will be on  
39 Wednesday, January 14, 2015 at 7:30 P. M. at the Somers Town House.

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Respectfully submitted,

Marilyn E. Murphy  
Planning Board Secretary