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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



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

3

**SOMERS PLANNING BOARD MINUTES
MARCH 25, 2015**

4

5

6

ROLL:

8

PLANNING BOARD

MEMBERS PRESENT:

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

12

ALSO PRESENT:

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

17

ABSENT:

Mr. Goldenberg

19

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

23

**APPROVAL OF DRAFT MINUTES FOR MEETING HELD ON
FEBRUARY 11, 2015**

26

Chairman Currie noted that Planning Board Secretary Marilyn Murphy
prepared and submitted for the Board's consideration approval of the draft
minutes of the Planning Board meeting held on February 11, 2015.

30

The Chair asked if there were any comments or corrections from the Board
on the February 11, 2015 Planning Board minutes and no one replied.

32

1
2 On motion by Mrs. DeLucia, seconded by Ms. Gannon, and unanimously
3 carried, the draft minutes of February 11, 2015 were approved.

4
5 Chairman Currie noted that the DVD of the February 11, 2015 Planning
6 Board meeting is made a part of the approved minutes and is available for
7 public viewing at the Somers Public Library and the text of the approved
8 minutes is also on the Town's website www.somersny.com and is available
9 for public review at the Planning & Engineering office at the Town House.

10
11 **DISCUSSION AND REVIEW**

12
13 **SOMERS CROSSING [TM: 17.15-1-15.1]**

14
15 Chairman Currie said that the Board will be discussing and reviewing the
16 technical comments from the Town consultants regarding the DEIS for
17 Somers Crossing and deciding if additional comments are needed from the
18 Planning Board that will be addressed in the Final Environmental Impact
19 Statement (FEIS).

20
21 Chairman Currie asked the applicant's representative to update the Board
22 on SEQRA for Somers Crossing.

23
24 Richard O'Rourke, the applicant's attorney, said that he provided a copy of
25 the transcription from the Public Hearing held with the Town Board on
26 March 5, 2015. He explained that the Draft Environmental Impact
27 Statement (DEIS) was declared complete and in accordance with SEQRA
28 Regulations the Notice of Completion and the DEIS was circulated to all
29 Involved and Interested Agencies. Attorney O'Rourke mentioned that the
30 Notice for the Public Hearing was properly published and the Notice was
31 submitted to the NYS Environmental Notice Bulletin. He noted that the
32 public comment period is open and the Planning Board is entitled to make
33 a recommendation to the Town Board. Attorney O'Rourke stressed that the
34 primary piece of the proposed action is the Local Law to amend Chapter
35 170 entitled, Zoning, Section 170-13 Multifamily Residence, MFR District of
36 the Code of the Town of Somers.

1 Attorney O'Rourke mentioned that the Public Hearing has been continued
2 to the Town Board meeting of April 9, 2015 and he hopes that the Planning
3 Board's response can be sent to the Town Board as soon as possible.

4
5 Chairman Currie asked Fred Wells, Senior Planner with Tim Miller
6 Associates, to update the Board on his comments on the DEIS.

7
8 Planner Wells explained that he was asked to review the Human
9 Resources section of the DEIS which includes zoning, land use and
10 community services aspect of the EIS. He mentioned that his primary
11 concern is connectivity with this project and the adjoining Towne Centre
12 project. Planner Wells said that there should be connectivity via walking
13 paths and vehicle access. He mentioned that the affordability needs of
14 present and future residents component as identified in Section 170-13 for
15 the MFR districts can be satisfied by implementing the proposed project at
16 this site. He mentioned that there is no recreation facility proposed on this
17 site and he is asking for more information and justification for this proposal.

18
19 Planner Wells asked for a commitment from the School District to both pick
20 up and discharge students from Route 100 southbound to prevent the need
21 for students to cross Route 100 to utilize the bus. He suggested a pull off
22 area for school bus loading and unloading on Route 100 to incorporate the
23 entrance design of the Route 100 residential access location. Planner
24 Wells suggested that the School District permit a school bus stop along the
25 private roads within the Somers Crossing development instead of Route
26 100.

27
28 Planner Wells mentioned Alternative C1 that shows one possible layout
29 with the grocery store at the street line. He said that different
30 configurations of this area should be studied to evaluate whether a plan
31 could eliminate the existing Towne Centre driveway to Route 202, possibly
32 in favor of a pedestrian alley, and route all traffic thru the new signalized
33 intersection; connect the grocery store visually to the Towne Centre
34 activities by facing the grocery store front door toward the Towne Centre.

35
36 Ms. Gannon said that the MFR-DH Zoning has been proposed within the
37 Multifamily Housing District which would allow a grocery store as a
38 permitted use and not require affordable housing. She said that the
39 proposed zone establishes the provision of a grocery store as a public

1 benefit that is a substitute for the public benefit of provision of affordable
2 housing as a rationale for establishing a floating multifamily zone.

3
4 Planner Wells said that the Town Board is interested in having a
5 supermarket in the hamlet area and can approve the change in zoning and
6 that will be a benefit to the Town.

7
8 Ms. Gannon said that there is no methodology or balancing that supports
9 such a substitution that she is not aware of.

10
11 Mrs. DeLucia said that there are 60 parking spaces shown for the proposed
12 grocery store but another area indicates the potential expansion for 47
13 spaces. She asked what the setbacks are for the residential use along
14 Route 100 as well as from the adjacent property.

15
16 Planner Wells explained that the plan shows 60 spaces along the frontage
17 but the potential parking for 47 spaces is not shown in the DEIS.

18
19 Mrs. DeLucia asked what is the setback from the store to the street.

20
21 Planner Wells said that it is 200 feet with the setback on Route 202 is 75
22 feet.

23
24 Planner Wells explained that the Board has to make their comments in the
25 form of a question that will be answered in the FEIS.

26
27 Director of Planning Dym said she is going to frame the questions the
28 Board is asking and will submit them to the applicant.

29
30 Mr. McNamara said that he is concerned about the appearance of the
31 Somers Hamlet and asked if putting the parking behind the store and
32 moving the market closer to Route 202 has been considered. He asked if
33 this was done what would the setback be.

34
35 Mrs. DeLucia said that the 1994 Master Plan talks about the semi-rural
36 character and appearance of the Town and she doesn't want to lose it.
37 *She noted that the Master Plan states that the semi-rural character of*
38 *Somers can be preserved by incorporating major features and manmade*
39 *terrain into subdivision design. Street corridors, wetlands, stonewalls, tree*
40 *lines, fields and wooded areas can and should be retained as intricial parts*

1 *of development proposals. Recognize greenbelts and open space vistas*
2 *should be preserved.* She said that the greenbelt on Route 100 was
3 agreed to and that is a 100 foot setback. She asked if the applicant has
4 considered a greenbelt.

5
6 Chair Currie introduced Brian Dempsey, traffic consultant with TRC
7 Engineers. Mr. Dempsey explained that he reviewed the traffic section of
8 the EIS. He noted that he had several meetings with the traffic consultant
9 for the applicant and said that the applicant's traffic consultant followed
10 standard traffic engineering procedures in preparing the traffic study. He
11 stated that his biggest concern is that there is no interconnection to the two
12 parts of the center and essentially it becomes two separate projects.
13 Traffic Engineer Dempsey mentioned that there is no vehicular or sidewalk
14 connection between the grocery store and the residential portion due to the
15 wetlands in between. He said that if the grocery store becomes DeCicco's
16 and they are known for pre-made dinners which people will walk from the
17 residential area over to the grocery store but without a connection they
18 would have to drive out to Route 100 and take a left turn on Route 202 and
19 a left turn into the site. He opined that there should be an interconnection
20 between the two sites possibly a sidewalk.

21
22 Traffic Engineer Dempsey said that another concern is that there is only
23 one driveway for the grocery store (Route 202) and one driveway for the
24 residential on Route 100. He mentioned that there is no emergency access
25 to either parcel. He noted that there are various intersections when certain
26 turning movements currently operate at Level of Service E or F. He said
27 that the driveway from the residential will operate on a Level of Service F.
28 He said that there is about 1500 vehicles traveling southbound on Route
29 100 at Peak AM Hours so all the unsignalized intersections including the
30 Mill Pond Offices, Mobil driveway operate on a Level of Service F. He
31 indicated that it is difficult to make a left turn out of those areas because of
32 the traffic on Route 100. Engineer Dempsey said that more up to date
33 information on where the bus stop is located should be provided and
34 consideration should be given to providing sidewalks within portions of the
35 site leading to the bus stop. He indicated that the applicant has provided
36 mitigation is at the driveway on Route 202 opposite Heritage Hills Drive and
37 will convert the striped area into a left turn lane. Engineer Dempsey said
38 that the applicant also proposed other signal timing changes but they will
39 have to be approved by the NYS Department of Transportation (DOT). He
40 stated that the Town should discuss this with the DOT.

1 Engineer Dempsey said that there are site distance issues coming out of
2 the residential driveway on Route 100 and he asked the applicant to show
3 the sight distance and the area for clearing illustrated on the plan. He noted
4 that there are 107 total parking spaces proposed for the grocery store with
5 another 47 spaces to the west and this has to be clarified by the applicant.
6 He noted that anyone walking across the front driveway should have a
7 pedestrian path to avoid the vertical driveway. He mentioned that the grade
8 in this area appears to be steep for someone using a shopping cart.
9 Engineer Dempsey said that cart corrals should be provided. He also
10 asked if a truck can circulate through each of the parcels as moving trucks
11 will bring furniture and such to the residences. He questioned how many
12 deliveries and what size deliveries are projected for the grocery store and
13 will the truck be able to turn around, particularly if more than one truck is
14 present. Engineer Dempsey stated that these concerns have to be
15 addressed in the FEIS.

16
17 Mrs. DeLucia asked if people from outside of Town who will be shopping at
18 the grocery store were accounted for in the Traffic Analysis.

19
20 Engineer Dempsey said that people outside of Somers were accounted for
21 in the Traffic Analysis.

22
23 Mrs. DeLucia asked how traffic will circulate if there is a major accident on
24 Route 202 or Route 100 during peak hours. She said she is concerned if a
25 school bus turns over and how traffic can negotiate and that has to be
26 clarified.

27
28 Engineer Dempsey said that accident questions will be answered in the
29 FEIS.

30
31 Ms. Gerbino asked if the applicant will be working with the owner of the
32 Towne Centre in order to make a sensible circulation of traffic by
33 combining the driveway and limiting access at the Towne Centre.

34
35 Ms. Gannon said if there is a negotiation that allows more connectivity
36 between the two pieces of the site what will happen to the roadways in
37 between the two and will the turns be sufficient for additional traffic should
38 the residential and grocery be joined through connectivity.

39
40

1 She noted this is a two part question:
2

- 3 1. A deal has to be made to allow connectivity between the two
4 pieces.
- 5
- 6 2. If this agreement is made it will trigger a more in depth traffic
7 review of the other piece of land that is not owned by the applicant
8 but will generate more traffic.
- 9

10 Engineer Dempsey stated that if the interconnection is made the driveways
11 with additional traffic will have to be analyzed.
12

13 Chairman Currie asked Consultant Town Engineer Barbagallo to review his
14 memo for the benefit of the Board and the public.
15

16 Consultant Town Engineer Barbagallo said that he wants to discuss Soils
17 and Geology. He mentioned that the provided soils assessment identifies
18 there is a potential for colloidal particles to be present within the
19 development area. He said that there has to be a management plan
20 because colloidal soil can have a big impact on the wetlands if they are not
21 managed properly. Consultant Town Engineer Barbagallo said that the
22 focus has to be on a Phasing Plan and an Erosion and Sediment Plan that
23 contemplates the management of the colloidal soils.
24

25 Consultant Town Engineer Barbagallo noted that the DEIS indicates that
26 the piezometer collected during 2009 were not used to define the
27 groundwater levels as represented on cross section figures. He mentioned
28 that the applicant states that that piezometer data was not used due to an
29 abnormal wet season and excess flooding caused downstream
30 impediments on the Brown Brook. He said that the applicant shall collect
31 additional data this spring to verify groundwater levels and the accuracy of
32 deep test pit data used for groundwater on-site as presented on cross
33 section exhibits.
34

35 Consultant Town Engineer Barbagallo said that there was a reference to a
36 report that was prepared for the Somers Woods project that said in the
37 event any changes in nature, design or locations of proposed site
38 improvements are planned, the conclusions and recommendations shall
39 not be considered valid unless the changes are reviewed and verified in
40 writing by Maser Consulting. He said that the applicant shall update the

1 DEIS text to provide supporting justification that the proposed layout and
2 design considerations have not changed substantially enough to warrant
3 recertification of report findings by Maser Consulting, alternatively the
4 applicant may provide verification of prior report recommendations by
5 Maser Consulting based upon the Somers Crossing development.
6 Consultant Town Engineer Barbagallo said that the project erosion and
7 sediment control plan must detail specific measures intended to contain
8 potential colloidal soil particles as suggested by the DEIS narrative.

9
10 Consultant Town Engineer Barbagallo commented under Water Resources
11 that the applicant states on page III.E.9 that preparation of a Groundwater
12 Protection Plan, as required by Section 170-32 of Town Code, is not
13 necessary because the development will not utilize on-site septic treatment
14 areas. He said that he disagrees with this statement and the applicant
15 must prepare a Groundwater Protection Plan. He asked the applicant to
16 amend the text on page III.E-11 to include a comparison of calculated
17 increases in sodium and chloride concentration of NYS Department of
18 Health (DOH) Drinking Water Standards.

19
20 Consultant Town Engineer Barbagallo said that the DEIS includes a brief
21 discussion of potential oils and grease on page III.E.-12 but does not
22 contain any detailed discussion on appropriate loads to be generated or
23 describe how the potential impacts to groundwater will be mitigated. He
24 said that it is noted that the narrative should include discussion of treatment
25 infrastructure within the proposed stormwater management system that are
26 intended to remove oils and grease from stormwater.

27
28 Consultant Town Engineer Barbagallo said that the proposed description of
29 mitigation measures intended to protect groundwater from contamination
30 does not include any detailed discussion of property use deed restrictions
31 of proprietary treatment systems. He noted that the narrative noted that
32 salt storage areas are contemplated on the site but no description of such
33 facilities is detailed or represented on the project layout plan. He stressed
34 that all measures be coordinated with the project Groundwater Protection
35 Plan.

36
37 Consultant Town Engineer Barbagallo had comments under Surface Water
38 and Stormwater Management. He said that the proposed stormwater
39 management plan includes construction of a bioretention basin to address
40 water quality requirements from Subcatchments No. 1, 3, 5 & 8. He noted

1 that the following technical comment is based upon his review of the
2 proposed bioretention basin. He mentioned that bioretention practices
3 shall be designed with a maximum ponding depth of 0.5 and the proposed
4 outlet control structure must be adjusted to have a maximum invert
5 elevation that is 6 inches higher than the surrounding practice storage. He
6 said that provided RRV reduction calculations for the proposed bioretention
7 basin must also be updated accordingly in Appendix A.
8

9 Consultant Town Engineer Barbagallo said that the proposed infiltration
10 Basin IB-4 is illustrated to be constructed partially in fill soils. He noted that
11 the proposed grading plan shall be adjusted to eliminate grading of the
12 proposed basin in fill areas. Consultant Town Engineer Barbagallo
13 mentioned that Chapter 6 of the NYS Department of Environmental
14 Conservation (DEC) Stormwater Management Design Manual requires that
15 infiltration basins be located with a minimum of 25 feet separation to
16 adjacent structures and the proposed infiltration basin IB-4 appears to be
17 located closer than the required setback distance and this has to be
18 demonstrated.
19

20 Consultant Town Engineer Barbagallo said that the deep hole test data for
21 proposed infiltration system No. 1 suggests the presence of groundwater at
22 appropriate elevation 248' must be provided. He noted that the applicant
23 shall demonstrate that minimum 3' vertical separation between measured
24 high groundwater mark and the practice invert can be provided and this has
25 to be verified.
26

27 Consultant Town Engineer Barbagallo mentioned that the proposed
28 stormwater management plan includes the construction of pocket wetland
29 located within the western portion of the development. He said that
30 Chapter 6 of the NYSDEC Stormwater Management Design Manual
31 requires the incorporation of a 40' buffer to adjacent structures from the
32 maximum water surface elevation of the practice. He stressed that this will
33 put pressure on the developable area and is not represented in the current
34 plan.
35

36 Consultant Town Engineer Barbagallo said the provided alternative
37 analysis of site stormwater management practices using NRCC data
38 contained within the Stormwater Pollution Prevention Plan (SWPPP)
39 indicates that the proposed pocket wetland and infiltration Basin No. 2 will
40 be overwhelmed during the 100 year design storm event. He said that the

1 applicant states that the proposed pocket wetland and infiltration basin
2 have been enlarged in the alternative, but does not reference a figure that
3 illustrates the impact to the overall site layout. He stated that the applicant
4 has to update the program in order to address the updated stormwater
5 regulations.

6
7 Consultant Town Engineer Barbagallo said that the DEIS includes a
8 Pollutant Loading Analysis for nutrient pollutants, select metals, total
9 suspended solids and biological oxygen demand for the site in pre-
10 development conditions compared to post development. He noted that his
11 analysis is identified to be prepared following the Pollutant Loading
12 Coefficient Method. He asked that the DEIS appendices include the full
13 text of the "Pollutant Loading Coefficient Method".

14
15 Consultant Town Engineer Barbagallo said that the applicant shall add
16 description to explain the basis of their thermal analysis calculation
17 methodology specifically the DEIS must explain why a 2 hour window
18 surrounding the peak of storm hydrograph is analyzed as opposed to the
19 cumulative effect of the 24 hour storm duration. He stated that the
20 applicant must demonstrate how runoff volume from the Somers Crossing
21 site was calculated for the considered storm event.

22
23 Consultant Town Engineer Barbagallo referenced Terrestrial and Aquatic
24 Ecology under vegetation and wildlife habitats and said that there is no
25 protocol in the Biodiversity Study listed for the health class assignments of
26 poor, fair or good and he asked how that conclusion was reached and what
27 specifically did you do to complete the analysis scoping document item 1.e.
28 He mentioned that a conceptual Landscape Plan was prepared and the
29 applicant reports that a detailed Landscape Plan will be prepared further
30 along in the application process and will incorporate any wetland buffer
31 enhancement measures required to offset the unavoidable encroachments
32 into the wetland buffer. Consultant Town Engineer Barbagallo said that at
33 that time the species of plants, sizes, quantities and growing habits will be
34 discussed. He stressed that this is important to know now, not in the
35 future.

36
37 Consultant Town Engineer Barbagallo mentioned the Fish, Shellfish and
38 Wildlife section of the DEIS and said that Federal and State protected
39 species and species of concern are addressed in the Biological
40 Assessment Report. Regarding federal species, the applicant reports

1 referencing the US Fish and Wildlife (USFWS) website. However it is not
 2 known if formal or informal consultation has taken place with the USFWS.
 3 He requested a response from the applicant.

4
 5 Consultant Town Engineer Barbagallo commented that the Northern Long
 6 Eared Bat is not listed as threatened or endangered. However, that listing
 7 is imminent, and Westchester County is included as the range for this
 8 species. He asked that it be determined if the USFWS has been consulted
 9 regarding the known presence of the Northern Long Eared Bat on the site
 10 and if additional studies or clearing limits should be imposed on the site.

11
 12 Consultant Town Engineer Barbagallo referenced the DEIS under
 13 Wetlands and asked that a detailed explanation of changes in the site
 14 hydrology since the previous application that may have impacted previous
 15 certified wetland delineations be provided. He indicated that based on the
 16 information provided during his wetland site inspection it was his
 17 understanding that the stormwater discharge from the adjacent roadway
 18 was relocated but the submitted plans show an existing stormwater
 19 discharge from the roadway.

20
 21 Consultant Town Engineer Barbagallo referred to the Utilities Water Supply
 22 section of the DEIS under Determination of Water Supply Demands and
 23 asked that additional justification be provided for the use of the Maximum
 24 Day Demand being twice the Average Day Demand and Peak Hour
 25 Demand being four times the Average Day Demand. He said that for
 26 reference, Figure 2-1 of the New England interstate Water Pollution Control
 27 Commission Publication TR-16, Guides for the Design of Wastewater
 28 Treatment Works, 2011 Edition, suggests ratios of over 3 and 5 to be used
 29 for the Maximum Day and Peak Hours flows, respectively.

30
 31 Consultant Town Engineer Barbagallo asked that additional citation of ISO
 32 reference used to justify 1,000 GPM calculation, or additional information
 33 on factors used in the calculation of Needed Fire Flow be provided. He
 34 said that the Fire Demand calculation in Appendix I does not reference the
 35 presence of a sprinkler or justify that a calculation of the needed fire flow
 36 would not be in excess of the minimum requirement.

37
 38 Consultant Town Engineer Barbagallo referred to the Odor Section of the
 39 DEIS that states that the sewage treatment plant located to the north of the
 40 site within Heritage Hills is approximately ¼ mile away from the site, in

1 addition, the discussion states “no significant odors” from that facility can
2 be readily detected at the site but that determination is based on a single
3 field visit conducted in September of 2013. He stressed that during wet
4 weather conditions there is a significant odor from the sewage treatment
5 plant.

6
7 Consultant Town Engineer Barbagallo said that the applicant shall amend
8 the DEIS to clarify that the existing plant experience odor impacts during
9 wet weather conditions and the narrative shall consider odor in relation to
10 the Somers Crossing site and how additional flows contributed by the
11 development may impact existing odor conditions. He indicated that the
12 applicant said that a connection will not be made until the plant is upgraded
13 and that will mitigate odor but he wants this stated in the FEIS.

14
15 Ms. Gerbino said that she understands that there will be new environmental
16 regulations regarding the Northern Long Eared Bat that go into effect this
17 year that will require limits to permitted site disturbance. She indicated that
18 large tree cutting will be limited to October 1st through March 31st. She
19 asked if this is a negative impact that has to be disclosed or will the building
20 construction schedule be fit around the required non-disturbance time
21 frame.

22
23 Ms. Gerbino said when you say there will be 80 multi-family units will 30
24 units be three bedroom units and 50 two bedroom units. She mentioned
25 that the DEIS refers to 80 units as a large project but compared with
26 projects being reviewed by the Planning Board along Route 6 there are 354
27 units. She said that 51% of those units are affordable so she would like an
28 explanation as to why the proposed new MFR-DH Zone does not require
29 the inclusion of affordable housing units. Ms. Gerbino said that she would
30 like in writing the reason why the proposed creation of a MFR-DH floating
31 zone and its mapping on the subject property does not constitute spot
32 zoning.

33
34 Mrs. DeLucia asked if 80 units are considered mass and bulk. She
35 mentioned that one of the alternatives presented shows fewer units and
36 she would like to know if the applicant would consider reducing the number
37 of units on the site.

38
39 Consultant Town Engineer Barbagallo interjected that there is a smaller
40 number of units in the alternative plan.

1 Gus Boniello, applicant, said that all the comments will be part of the give
2 and take and adjustments with the Planning Board. He explained that soon
3 he will be discussing the Site Plan with the Board. He said that 80 units is
4 not too much but that is the proposal.

5
6 Ms. Gerbino asked what the form of ownership will be, is it condominium or
7 fee simple and why. She said that she prefers fee simple.

8
9 Mr. Boniello said that it will be condo ownership. He explained that there
10 will be a Homeowners Association and the condo owner not only has to
11 pay taxes but also has to pay common charges.

12
13 Director of Planning Dym explained that the alternatives were set as part of
14 the scope. She noted that you can ask a question but cannot set up a new
15 alternative.

16
17 Planning Board Town Attorney Eriele advised that alternatives are required
18 as another means of allowing the Lead Agency and Interested and Involved
19 Agencies to assess the impacts of the proposed development and is not a
20 process where you can say that you like that alternative and the applicant
21 should change the proposed project and use that alternative. Attorney
22 Eriele said that once the Board decides this stage is satisfactory this is your
23 opportunity to have questions addressed in the FEIS.

24
25 Director of Planning Dym explained that when we get to the FEIS there will
26 be a revised plan that responds to all the questions as that is the process.

27
28 Ms. Gerbino asked how trash will be handled on and off site.

29
30 Mrs. DeLucia asked if rain gardens will be used in this project.

31
32 Mr. Boniello said that rain gardens may be used but the application is not at
33 that point yet.

34
35 Richard O'Rourke, the applicant's attorney, said that the issue in SEQRA is
36 a process that begins with scoping and making sure that the DEIS is
37 adequate in content in addressing the issues. He said there is the
38 opportunity to comment once the DEIS is considered complete and develop
39 some fine points so the plan is adequate for an environmental review.
40 Attorney O'Rourke noted that the alternatives help you to assess the

1 proposed action and look at the areas of disturbance. He stated that this
2 cannot be fine-tuned at this level but all questions will be answered to the
3 best of their ability.

4
5 Mr. Foley said that he previously brought up the issue of no bulk storage of
6 petroleum being permitted on the site due to its location in a Groundwater
7 Protection District. He noted that the applicant has proposed the use of
8 geothermal technology. He asked if any studies have been done to
9 demonstrate that the subject site has the capacity to have a geothermal
10 solution for the provision of energy to heat the proposed 80 units plus the
11 grocery store and has it been studied to see if it works. Mr. Foley said that
12 the site has both horizontal and vertical constraints by virtue of the high
13 water table. He asked that information be provided that supports this
14 proposed solution and show how this system will be laid out on the site.

15
16 Mr. Boniello explained that 10 years ago they used lateral fields in a large
17 area but now they use vertical wells that are drilled in a ten foot circle. He
18 said that there will be closed looped holes in the ground 80 to 100 feet
19 deep. He stated that there is no water involved just a heat transfer area.

20
21 Mrs. DeLucia asked if there is a power failure, is there any type of backup
22 generating system for the residential and commercial uses on the site.

23
24 Mr. Boniello said there is no type of backup generating system for the
25 residential uses but the grocery store may have a generator.

26
27 Attorney O'Rourke said as a matter of law there is no requirement for a
28 backup system for a house or grocery store.

29
30 There being no further business, on motion by Mr. McNamara,
31 seconded by Ms. Gannon and unanimously carried, the meeting adjourned
32 at 9:15 P.M. The Chair announced that the next Planning Board meeting
33 will be held on Wednesday, April 8, 2015 at the Somers Town House.

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Respectfully submitted,

Marilyn Murphy
Planning Board Secretary

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2