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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 APRIL 10, 2013

4

5

6

ROLL:

8

PLANNING BOARD

MEMBERS PRESENT:

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

13

ALSO PRESENT:

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

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

Ms. Gannon joined the meeting at 8:00 P.M.

25

APPROVAL OF DRAFT JANUARY 17, 2013 MINUTES

27

Chairman Currie noted that Planning Board Secretary Marilyn Murphy
prepared and submitted for the Board's consideration the approval of the
draft minutes of the Planning Board meeting held on January 17, 2013.

31

1 Chairman Currie asked if there were any questions or comments on the
2 draft minutes of January 17, 2013 and no one responded.
3 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously
4 carried, the draft minutes of January 17, 2013, were approved.
5

6 **TIME-EXTENSION**

7
8 **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL**
9 **[TM: 5.20-1-1]**

10
11 Chairman Currie noted that the applicant requested a 90-day time-
12 extension to the period of Final Subdivision Approval from April 4, 2013 to
13 and including July 3, 2013.
14

15 Chair Currie asked Town Planner Dym to review her memo for the benefit
16 of the public.
17

18 Town Planner Dym explained that this is a standard request for a time-
19 extension, however, there is a lapse of several days between the April 4,
20 2013 date of expiration and the Planning Board meeting date of April 10,
21 2013. She said that she has no objection to the granting of the requested
22 time-extension, but leaves it to the discretion of the Planning Board to grant
23 such extension.
24

25 On motion by Mrs. DeLucia, seconded by Mr. Goldenberg, and
26 unanimously carried, the Board moved to grant the eleventh 90-day time-
27 extension to Mancini Building Corp. for Merritt Park Estates Conditional
28 Final Subdivision Approval from April 4, 2013 to and including July 3, 2013.
29

30 **TIME-EXTENSION**

31
32 **WRIGHT'S COURT SITE PLAN [HALLIC PLACE]**
33 **[TM: 17.11-1-5, 18]**

34
35 Chairman Currie said that this is a request by the application for a time-
36 extension for the Stormwater Management and Erosion and Sediment
37 Control Permit for Wright's Court to match potential future request for the
38 extension of the Site Plan Approval to the same date.
39

1 The Chair asked the applicant's representative to explain the request to the
2 Board.

3
4 Adam Wekstein, the applicant's attorney, explained that Site Plan Approval
5 as well as a Stormwater Management and Erosion and Sediment Control
6 Permit were granted by the Planning Board approximately one year ago.
7 He advised that a quirk in the Town Code states that unless the Board
8 specifies otherwise, the Stormwater Management and Erosion and
9 Sediment Control Permit runs from the date of the approval, whereas Site
10 Plan Approval has a one year time period from the date the Site Plan was
11 signed by the Chairman. Attorney Wekstein indicated that the Stormwater
12 Management and Erosion and Sediment Control Permit expires on April 11,
13 2013 and the Site Plan expires in July 2013. He asked the Planning Board
14 to make the two expiration dates the same. Attorney Wekstein said that
15 because it is likely the applicant will be back in July to request another
16 time-extension, he asked that both approvals be extended to July 18, 2013
17 or preferably to July 18, 2014.

18
19 Ms. Gerbino asked about the change of ownership on Site "B".

20
21 Attorney Wekstein said that Site "B" was sold to Silvio Management
22 Corporation.

23
24 Consultant Engineer Barbagallo asked about the easement issue that was
25 not decided at the last meeting.

26
27 Attorney Wekstein said that the last amended approval required the
28 sidewalk be built up to the Il Forno boundary line. He noted that if the
29 owner of Site "B" wants to build in accordance with the Approval that
30 requires that correction but if they want to do something else they have to
31 come back to the Planning Board for approvals.

32
33 Mr. Foley asked who is making this application.

34
35 Attorney Wekstein advised that he is making the application for primarily
36 Site "A" but because there is one permit he is asking that Site "B" also be
37 included.

38
39 Rick DiNardo, representing Silvio Management Corp., the owner of Site
40 "B", asked if the Board had any questions.

1 Mrs. DeLucia asked what the use of Site “B” will be.

2

3 Mr. DiNardo said that Site “B” was approved for the footprint of 1,300 SF
4 of mixed-use retail, downstairs with two apartments over the retail. He said
5 that he had no objection to the requested time-extension.

6

7 On motion by Mr. Foley, seconded by Ms. Gerbino, and unanimously
8 carried, the Board moved to approve the extension of the Stormwater
9 Management and Erosion and Sediment Control Permit for Wright’s Court
10 to July 18, 2013 to match Site Plan Approval.

11

12 **DECISION**

13

14 **NEW YORK STATE SMSA LIMITED PARTNERSHIP**
15 **d/b/a VERIZON WIRELESS**
16 **APPLICATION FOR SPECIAL USE PERMIT [TM: 38.17-1-5]**

17

18 Chairman Currie noted that this is the application of NY SMSA Limited
19 Partnership for a Special Use Permit to co-locate a wireless
20 telecommunications facility on the property known as 121 Route 100
21 owned by Amato.

22

23 The Chair asked the applicant’s representative to give a brief summary on
24 the project.

25

26 Michael Sheridan, the applicant’s attorney, indicated that Verizon Wireless
27 is looking to co-locate a wireless telecommunication facility on the tree pole
28 at 121 Route 100.

29

30 Attorney Sheridan said that he received comments from the Town Planner
31 and Consultant Engineer. He noted that on March 6, 2013 he submitted
32 responses to their comments. Attorney Sheridan mentioned that at the last
33 meeting the Board waived Site Plan Approval and the requirement for a
34 Public Hearing for the Special Permit. He asked the Board to grant the
35 Special Permit in connection with the Verizon application.

36

37 Town Planner Dym noted that the Board received an amended Draft
38 Conditional Resolution that was a result of comments from Consultant
39 Engineer Barbagallo and the applicant. She asked the Board and the
40 applicant to review the Draft Conditional Resolution.

1 Mr. Keane suggested a change to Page 6, Line 15 to read a revised *RF*
2 *Affidavit substituting the Town of Somers in place of the Town of*
3 *Lewisboro*. He suggested changing Page 9, Line 43 to read *that the*
4 *installed equipment is operating in accordance with the FCC limits*.

5
6 *At this time Ms. Gannon joined the meeting.*

7
8 Attorney Sheridan referenced “Future Ground Disturbance” on Page 9 and
9 asked that the wording be clarified.

10
11 Consultant Engineer Barbagallo suggested the wording to read *If any*
12 *ground disturbance beyond that shown on the plans submitted, as part of*
13 *this application is required for construction of any improvements, the*
14 *applicant is required to obtain a Stormwater Management and Erosion and*
15 *Sediment Control Permit pursuant to Chapter 93 of the Code of the Town*
16 *of Somers*.

17
18 Town Attorney Eriole advised that this condition can be imposed.
19 He opined that the context of the applicant’s concern is future disturbance.

20
21 Mr. Keane suggested the language under “Certificate of Operations” on
22 Page 9 read *that the installed equipment is operating in accordance with*
23 *the FCC limits for Maximum Permissible Exposure (MPE) as **calculated** in*
24 *the Revised PF Compliance Report*.

25
26 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously
27 carried, the Board moved to Approve Conditional Amended Special Permit
28 Approval Resolution No. 2013-06 pursuant to Sections 170-129 and 170-
29 114 of the Code of the Town of Somers to New York SMSA Limited
30 Partnership, Verizon Wireless, for co-location of a Verizon Wireless Facility
31 with existing approved AT&T Wireless Facility at 121 Route 100, Amato
32 property, Section 38.17, Block 1, Lot 5 with modifications for the
33 Chairman’s signature.

34
35 **INFORMAL APPEARANCE WITH SKETCH PLAN REVIEW**

36
37 **BURKE REHABILITATION FACILITY**
38 **APPLICATION FOR INFORMAL APPEARANCE**
39 **[TM: 17.15-1-13]**

40

1 Chairman Currie said that this is an application for informal appearance for
2 reconstruction of a drop-off area to accommodate Burke Rehabilitation at
3 the Somers Towne Centre including modifications to an existing sidewalk
4 and accessible curb ramp. He explained that the applicant has requested a
5 determination regarding a request for waiver of the Site Plan application
6 procedures as listed in §170-114.B. as per §170-114.F.(2) of the Zoning
7 Code relative to the rear drop-off area site modification at the Somers
8 Towne Centre Shopping Center on Route 100.

9

10 The Chair asked the applicant's representative to give the Board a
11 summary of the project.

12

13 Andrew Albrecht, Vice-President of Construction for Urstadt Biddle
14 Properties, noted that he is working in conjunction with Burke Rehab. He
15 mentioned that Burke Rehab originally requested additional parking in the
16 back of their location. Mr. Albrecht said that he realized that there was an
17 existing pull-out behind the building and he is asking to make minor
18 changes to the curb line and the existing sidewalk. He noted that a
19 handicap curb cut will be added so patient's can be dropped off and picked
20 up from that side of the building.

21

22 Ms. Gerbino said that she does not like the language the applicant's
23 engineer used by saying that there is an existing passenger drop-off area.
24 She noted that the applicant's engineer may want to make it a passenger
25 drop-off area but it is not that now. She explained that the pull off area is
26 used to drop off drugs to the pre-existing drug store. Ms. Gerbino stated
27 that this is a change to the Site Plan that was originally approved. She
28 suggested that the Board conduct a site visit of the property. She
29 commented that there is a one-way driveway with a sign that says "Speed
30 Limit 5MPH". Ms. Gerbino opined that no one can see that speed limit sign
31 and it is never enforced.

32

33 Mr. Albrecht indicated that the engineer's drawing should have used
34 different language. He said that the speed limits at the Towne Centre are
35 reasonable and he is willing to relocate the sign if that is what the Board
36 wants.

37

38 Mr. Goldenberg said that the Planning Board was not aware of the changes
39 Burke Rehab is making such as windows in the back of the building and the
40 ramp. He opined that what the applicant thinks is a minor change is a

1 major calamity. Mr. Goldenberg said that he is concerned about
2 ambulances entering the site and another concern is that most people
3 using the facility are disabled and the drop-off is very narrow. He also
4 mentioned that there is a sign that says "Fire Zone No Parking". He asked if
5 the applicant asked the Fire Department if this drop-off is alright with them.
6 Mr. Goldenberg said he is concerned that the Board has to act on the
7 waiver request within 31 days.

8

9 Town Planner Dym stressed that the only decision the Board has to make
10 tonight is to waive Site Plan application procedures. She explained that if
11 the Board does not waive Site Plan procedures the applicant can decide
12 not to move forward with the project or will come back with a Site Plan
13 application.

14

15 Town Attorney Eriole said that the minutes can state the reasons the Board
16 denies the request for the waiver of Site Plan procedures.

17

18 Ms. Gerbino said that the Board needs information on the number of
19 employees, traffic questions and accident reports.

20

21 Mr. Albrecht indicated that the clients will only be dropped off and picked up
22 and his proposal is to modify an existing passenger drop-off area to
23 accommodate Burke Rehabilitation Center.

24

25 Mrs. DeLucia asked if most clients will be immobile or will clients use the
26 facility for rehabilitation.

27

28 Brian Swift, representing Burke Rehabilitation, said that he is in charge of
29 the Burke facility. He explained that Burke signed a lease with Urstadt
30 Biddle Properties and in documents it states that a drop-off area will be
31 provided in the back of the building. Mr. Swift explained that it is a drop-off
32 area for patients. He noted that some patients will be in wheelchairs,
33 walkers, crutches and some will be free standing.

34

35 Mrs. DeLucia asked if some customers will use the front of the building for
36 therapy.

37

38 Mr. Swift responded that a small percentage of patients will use the back
39 entrance with the majority of patients using the main entrance.

40

1 Mrs. DeLucia referred to the provisions in the waiver request, *A change*
2 *from one use to another that does not affect the characteristics of the site in*
3 *terms of traffic, access, parking.* She asked where the customers using the
4 front entrance will park.

5
6 Mr. Swift indicated that customers using the front entrance will park in the
7 front of the building.

8
9 Mrs. DeLucia mentioned her concern that customers will be looking for
10 parking spaces because of the bakery, post office, GNC and the bank.
11 She said that there will be a traffic and parking problem. Mrs. DeLucia
12 suggested Valet Parking because there will not be enough parking for the
13 customers. She commented that the applicant's statement that there will be
14 minor site improvements that will not affect these parameters is incorrect.

15
16 Ms. Gannon said her concern is what is the profile of the client in terms of
17 their ability to park and maneuver out of a car. She asked how many
18 clients can the Board reasonably anticipate will have permanent or
19 temporary handicap parking tags. Ms. Gannon said her concern is that
20 there will be a population of people who will have more of a problem
21 opening the car door because they are recovering from some sort of injury.
22 She questioned why additional handicap spaces was not part of the
23 proposal.

24
25 Ms. Gerbino opined that there needs to be a site review.

26
27 Mr. Keane said that the applicants try to restate the Somers Town Code is
28 a false statement. He referred to letter (a) regarding the applicability for the
29 waiver request. He opined that an application has to be made for the
30 change of use.

31
32 Mr. Foley asked about the change of use.

33
34 Mr. Albrecht indicated that the use was changed from a pharmacy to a
35 rehabilitation center.

36
37 Town Attorney Eriole referenced (b) regarding the applicability for the
38 waiver request *revision of an approved site plan that does not increase*
39 *floor area or extent of site disturbance.* He opined that this is a better
40 reason to deny the waiver.

1 Consultant Engineer Barbagallo said that the plan does not require
2 additional site disturbance but that doesn't mean that if the Board reviewed
3 the site plan they may require site disturbance in order to be comfortable
4 with the plan. He opined that the back drive may have to be widened to
5 accommodate turning radii.

6
7 Town Attorney Eriole said that the Board has to decide whether the
8 subsections define if the applicant can fall into a category that allows the
9 applicant to request the Board use their discretion to waive site plan
10 procedures. He mentioned that if the Board wants more information before
11 making its decision on waiving site plan procedures the Board needs an
12 agreement from the applicant to waive the 31 day decision on the waiver.

13
14 Mr. Swift explained that there will be six to eight patients seen at one time.
15 He mentioned that outpatient services last approximately 40 minutes. Mr.
16 Swift commented that there will be three full-time employees and the
17 building is 3,400 SF.

18
19 Mrs. DeLucia asked what type of therapy and equipment will be provided.

20
21 Mr. Swift stated that occupational and physical therapy will be provided and
22 the equipment will consist of four treadmills, four benches for exercising
23 and exercise bikes.

24
25 Mr. Albrecht said that the application for the waiver of site plan is being
26 brought by the owners of the Somers Towne Centre. He said if there are
27 issues about the work that is being performed by the Burke facility that is
28 between Burke and the Board, the owners of the Towne Centre are here
29 because the existing pullout will be utilized by default. He commented that
30 he is going to replace the sidewalk because it is back pitching into the
31 building causing water to enter the building. Mr. Albrecht indicated that he
32 wanted to make the pull-off safer and more functional. He said that he will
33 have a discussion with the Fire Department to see if the Fire Zone is an
34 issue.

35
36 Consultant Engineer Barbagallo said that when the applicant comes back
37 with a Site Plan application the right angle turn is a concern and he
38 suggests that the line be smoothed in so you can drive into that area.
39 He noted that the pull-off area is very narrow and that is a safety issue.

1 Consultant Engineer Barbagallo said that the applicant should review the
2 ADA Code to see if the pull-off complies.

3
4 On motion by Mrs. DeLucia, seconded by Chair Currie, and unanimously
5 carried, the Board moved that the application of Burke Rehabilitation
6 Facility at Somers Towne Centre for waiver of Site Plan Review
7 requirements pursuant to §170-114. F is denied, and that the comments of
8 the Board and its consultants on the record shall serve as the specification
9 required for denial under §170-114 F. (3).

10
11 **DISCUSSION**

12
13 **HOMES FOR WESTCHESTER**

14
15 Chairman Currie explained that the information regarding guidelines
16 for reviewing affordable housing proposals and use of a coordinator were
17 forwarded to the Planning Board for their information. He asked the
18 Planning Board if they want to discuss this tonight.

19
20 Chairman Currie indicated that it was the consensus of the Board that the
21 homes for Westchester is a discussion for the Town Board and not the
22 Planning Board.

23
24 **FSEIS COMPLETENESS REVIEW**

25
26 **GRANITE POINTE SUBDIVISION**

27 **[TM: 27.05-3-2 & 5]**

28
29 Chairman Currie noted that this is the review of the Granite Pointe
30 Subdivision Final Supplemental Environmental Impact Statement (FSEIS)
31 for completeness under SEQRA.

32
33 Chair Currie acknowledged receipts of letters from Julia Rellou dated
34 January 25, 2013 and April 10, 2013.

35
36 The Chair asked the applicant's representative to discuss the FSEIS
37 completeness review.

38
39 Timothy Allen, the applicant's engineer, said that the documents the Board
40 received have an Appendix I which are the responses in the Final

1 Supplemental Environmental Impact Statement (FSEIS) and Appendix II
 2 which is the Remedial Action Work Plan from the DEC Brownfield Program.
 3 Engineer Allen indicated that with consultation from Albany he can
 4 supplement the document from the Remedial Action Work Plan or he can
 5 provide Appendix III which will be the responses to the consultants. He
 6 noted that Appendix III will be the Town's document which will supplement
 7 the whole process. Engineer Allen said that he will get back to the
 8 Planning Board via email if the DEC will allow changes to its document.

9
 10 Engineer Allen stated that Appendix II is Albany's document which it
 11 approved. He stressed that the DEC approved the document for the clean-
 12 up of the site. He said that the DEC feels that its concerns have been
 13 addressed but that does not mean the Town's concerns have been
 14 addressed.

15
 16 Mr. Keane commented that the DEC data base has two site codes, one
 17 owned by Suelain and the other owned by New York City. He noted that
 18 there are two remediation plans. He said that the decision document from
 19 NYC says that they have to remove a certain amount of contaminated soil.
 20 He questioned how this will be done unless there is access across Granite
 21 Pointe land. Mr. Keane indicated that there is nothing in the report that
 22 discusses how this will be addressed. He opined that the cleanup should
 23 be done simultaneously.

24
 25 Engineer Allen explained that the DEC is now responsible for cleaning up
 26 the DEP property. He said that he had a meeting with DEC and he would
 27 like to combine the work but if that doesn't happen DEC will have to gain
 28 access through the Granite Pointe property. Engineer Allen noted that he
 29 will keep the Board updated on how the DEP property will be cleaned up.

30
 31 Mrs. DeLucia explained that in 2002 the Board granted Conditional Final
 32 Subdivision Approval; however, the Planning Board rescinded that approval
 33 due to the lead contamination on the property. She indicated that the
 34 Board requested that the applicant submit a Final Supplemental
 35 Environmental Impact Statement (FSEIS).

36 Engineer Allen corrected Mrs. DeLucia saying that first a Draft
 37 Supplemental Environmental Impact Statement (DSEIS) was submitted
 38 and now the Final Supplemental Environmental Impact Statement (FSEIS)
 39 has been submitted for the lead contamination removal.

40

1 Mr. Keane said that the Town of Somers has an interest in the two
2 properties that are contaminated. He noted that the DEP as the adjacent
3 landowner to the Granite Pointe property needs to step up and do
4 something. He noted that the DEC has usurped the property rights of the
5 DEP. Mr. Keane explained that the funds for the cleanup will come from
6 the Brownfield Cleanup program.

7
8 Consultant Engineer Barbagallo stated that if there is contamination there
9 is language that the DEC is relying upon that essentially says if there is
10 contamination it reserves the right to come on the property and take care of
11 the contamination.

12
13 Engineer Allen explained that the DEP claimed it did not contribute to the
14 contamination and the DEC said that the DEP was not responsible for the
15 contamination.

16
17 Mr. Keane suggested that a communication by the Town Attorney be sent
18 to the DEC to determine how it will coordinate with Suelain to
19 simultaneously remove the contaminated soil from the NYC lands because
20 the same plan is being used to remediate both sites. He explained that the
21 DEP property is landlocked; therefore access through the Suelain property
22 is needed. Mr. Keane stressed that from a Somers safety perspective both
23 removal activities should take place at the same time.

24
25 Engineer Allen indicated that the applicant has granted permission for the
26 DEP and the DEC to cross the applicant's property. He mentioned that the
27 DEP stated that it has an obligation to clean up the property but now that
28 responsibility is with the DEC.

29
30 Mr. Keane opined that the Remediation Plan that was approved for Granite
31 Pointe will be impaired by virtue of the DEC dragging its feet and not taking
32 care of the remediation of the DEP property.

33
34 Engineer Allen mentioned that the DEC is looking at summer to clean up
35 the property.

36
37 John Harkins, applicant, said that it is important that the Board understands
38 that the Granite Pointe has 23 building sites and after the clean up it will be
39 the cleanest property in New York State. He noted that the cleanup has to
40 take place in order to receive the Certificate of Completion from the

1 Brownfield Program. He commented that it is doubtful that a homeowner
2 will purchase a home when they know if you go over the stonewall you will
3 be on contaminated property. Mr. Harkins explained that it is a marketing
4 issue that the DEP site be cleaned up. He commented that Suelain wants
5 the DEP property cleaned up immediately and if they need access over the
6 Granite Pointe property he will be glad to give it to them. Mr. Harkins
7 mentioned that if the Planning Board can help with the process by
8 coordinating with the DEC to clean up the property it will be appreciated.

9

10 Mr. Keane said that the DEC remediation should not take place after the
11 Granite Pointe remediation because if it does there is a potential for
12 contamination of the cleaned up property.

13

14 Mr. Harkins stressed that if the process is done on time, coordination can
15 take place but, if not, the DEP cleanup will take place first.

16

17 Consultant Engineer Barbagallo asked if it is possible to receive a schedule
18 for the cleanup and if possible the simultaneous goal can be reached. He
19 said that if the DEC is not going to use the proposed roadbed he wants to
20 make sure they are not trampling over the septic areas that will limit future
21 development.

22

23 Engineer Allen said that the DEC is relying on the applicant's Remedial
24 Action Plan that calls for certain access.

25

26 Mr. Keane said that it will be helpful if the Town Attorney and the applicant
27 request the schedule for the cleanup and explain that coordination should
28 be simultaneous.

29

30 Sarah Brown, representing Frederick P. Clark Associates, acknowledged
31 most of F. P. Clark's comments involve the tagging of issues that need to
32 be addressed and identification of some responses that need to be
33 expanded. She asked the Board about deed restrictions and whether the
34 deeds in the future would include a notation that there was previous
35 contamination on the site. Consultant Planner Brown noted that the Board
36 should have a discussion on the deed restrictions since this issue was
37 previously raised.

38

1 Town Attorney Eriole said that he will speak to Town Attorney Baroni and
2 will review the comments from the Public Hearing and make a decision on
3 the deed restriction.

4
5 Mr. Harkins said that he is opposed to a deed restriction stating that there
6 was contamination on the property.

7
8 Consultant Engineer Barbagallo said that if the property is cleaned up it is
9 not common to have a deed restriction.

10
11 Engineer Allen stated that based on the Brownfield Program the owner will
12 have a compliance letter stating the site is clean.

13
14 Paul Muessig, Senior Scientist, said that a legal answer is needed as to
15 why there is no need for a deed restriction.

16
17 Chair Currie asked if there are major disagreements with the reports from
18 F.P. Clark, EA Engineering and Woodard and Curran.

19
20 Engineer Allen said that he would like to meet with the Town's consultants
21 to review their reports. He said that maybe an Appendix III can resolve the
22 issues.

23
24 Engineer Allen mentioned Consultant Engineer Barbagallo's memo and
25 wanted to make it clear that the Stormwater Pollution Prevention Plan
26 (SWPPP) has been approved by the DEC and DEP.

27
28 Consultant Engineer Barbagallo said that his review of the SWPPP was not
29 just in the context of the FSEIS but what is in the context of what will come
30 after, such as protecting septic, stormwater basins and sediment traps.
31 He asked if the approval of the SWPPP by the DEC and DEP will limit the
32 Town from having its own SWPPP.

33
34 Town Attorney Eriole advised that the approval of the SWPPP by the DEC
35 and DEP is for remediation and will not affect the Town having its own
36 SWPPP.

37
38 Mr. Keane mentioned the NYC property and that they will excavate down to
39 6 feet and the Suelain property will excavate down to 7½ feet. He asked
40 that this be reviewed to see how this determination was made.

1 Scientist Muessig said that 7½ feet is the level of the ground water but the
2 proposed cleanup will be 6 feet. He explained that something has to be in
3 the plan if you have to go deeper than 6 feet. Scientist Muessig mentioned
4 that only 21 of his comments have to be addressed and are minor and he
5 has 4 comments on the Remedial Action Plan. He noted that the Remedial
6 Action Construction Schedule should be submitted to the DEC, DEP, and
7 the Town of Somers for review prior to implementation.

8
9 Engineer Allen stated that there will be a professional full-time employee on
10 site to make decisions. Engineer Allen mentioned that there does not have
11 to be a Public Hearing on the FSEIS but maybe on the Final Subdivision
12 Approval.

13
14 Engineer Allen commented on Julia Rellou’s letter in regard to elevations.
15 He said there was never any issue in terms of the water level, reservoir
16 versus the Granite Pointe property.

17
18 Consultant Engineer Barbagallo asked if the contamination removal can
19 proceed with the approval of the FSEIS or is Final Subdivision Approval
20 needed.

21
22 Engineer Allen explained that the FSEIS is a separate action from the
23 subdivision. He stressed that the property has to be cleaned up even if
24 Final Subdivision Approval is not granted.

25
26 Engineer Allen said that he will supplement Appendix I and submit
27 Appendix III.

28
29 Town Attorney Eriole said that the applicant’s engineer has to meet with the
30 Town’s consultants to work out their issues and then return to the Board.

31
32 There being no further business, on motion by Ms. Gannon, seconded by
33 Mr. Keane, and unanimously carried, the meeting adjourned at
34 10:15 P.M. and the Chair noted that the next Planning Board meeting will
35 be held on Wednesday, May 1, 2013 at 7:30 P. M. at the Somers Town
36 House.

37
38
39
40

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary

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- 2
- 3
- 4
- 5
- 6