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PLANNING DEPARTMENT

TOWN HOUSE  
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# Town of Somers

WESTCHESTER COUNTY, N.Y.



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

3

## SOMERS PLANNING BOARD MINUTES MAY 11, 2016

4

5

6

### ROLL:

8

### **PLANNING BOARD**

#### **MEMBERS PRESENT:**

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

13

#### **ALSO PRESENT:**

Director of Planning Syrette Dym  
Consultant Town Planner Sarah Brown  
Consultant Town Engineer Joseph Barbagallo  
Planning Board 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

### **APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING BOARD MEETING HELD ON MARCH 23, 2016**

26

Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
prepared and submitted for the Board's approval the draft minutes and  
DVD of the Planning Board meeting held on March 23, 2016.

30

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

32

1  
 2 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously  
 3 carried, the draft minutes and DVD of the March 23, 2016 Planning Board  
 4 meeting were approved.

5  
 6 Chairman Currie stated that the text of the approved minutes is available  
 7 on the Town’s website [www.somersny.com](http://www.somersny.com) and is also available for public  
 8 review at the Planning & Engineering office at the Town House. The  
 9 approved DVD is available for public viewing at the Somers Public Library.

10  
 11 **TIME EXTENSION**

12  
 13 **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. [TM: 16.12-1-41, 42]**

14  
 15 Chairman Currie explained that this is a request for a 90-day time  
 16 extension for Amended Final Subdivision Plat Approval for Section II from  
 17 May 5, 2016 up to and including August 3, 2016 under Town Law Section  
 18 276 (7) ( c). He mentioned that this is the sixth request for a time extension.

19  
 20 Geraldine Tortorella, the applicant’s attorney, explained that the Planning  
 21 Board approved the plat for this subdivision to be filed in two sections. She  
 22 mentioned that Section I was filed but Section II cannot be filed because  
 23 there is a mortgage against that portion of the subdivision. Attorney  
 24 Tortorella noted that is the reason the applicant is requesting the time  
 25 extension. She noted that a lot of work has been constructed in the  
 26 subdivision including a common driveway and the installation of the  
 27 stormwater basin. Attorney Tortorella said that there are two conservation  
 28 areas, one in Section I and one in Section II. She mentioned that a building  
 29 permit was issued in connection to the construction of Section I. Attorney  
 30 Tortorella noted that a house is almost completed. She commented that  
 31 recreation fees, engineering inspection fee and the erosion control bond  
 32 have been posted. She explained that when a plat is filed in sections the  
 33 applicant has three years from the filing of the first section to file the rest of  
 34 the sections. Attorney Tortorella said that the applicant has been coming  
 35 back to the Board for 90-day extensions because the law is unclear as to  
 36 whether or not the applicant needs to continue to receive the 90-  
 37 day extensions or if the three-year period will trump. She noted that  
 38 inspections have been made by the engineering department and there  
 39 have been no problems.

40

1 Mr. Goldenberg said that last week while driving on Lovell Street he saw six  
2 different Fire Departments responding to a brush fire above the applicant's  
3 property. He mentioned that the emergency trucks were not able to get to  
4 the fire and he is requesting that the Somers Fire Department determine if  
5 there is adequate access to the subdivision. Mr. Goldenberg asked the  
6 Planning or Engineering Department to make sure that the Fire Department  
7 can access the property and make sure the property is protected.

8  
9 Attorney Tortorella said that this is a four-lot subdivision and there is  
10 definitely adequate access for emergency vehicles. She mentioned that  
11 there is no fire barrier and that is not a Code requirement.

12  
13 Mr. McNamara said that the Board received photos of the property that  
14 clearly showed access roads from Lovell Street.

15  
16 Consultant Town Engineer Barbagallo said that the Fire Bureau had input  
17 into the road layout of the subdivision and signed off on the subdivision.

18  
19 Ms. Gerbino said she made a site visit and the site is beautiful and well  
20 cared for.

21  
22 Attorney Tortorella said that there is adequate access and source of water  
23 that will enable the Fire Department to fight the fire.

24  
25 Eric Moss, applicant, said that firetrucks used his property to access the fire  
26 and that is testimony that the property has adequate accessibility.

27  
28 Mr. Goldenberg said that Mr. Moss was not at the property and the trucks  
29 were on Lovell Street.

30  
31 Chair Currie stated that the simple solution is to ask the Fire Department if  
32 they had access to the property.

33  
34 Consultant Town Engineer Barbagallo said that he will contact the Fire  
35 Department and will inform the Board.

36  
37 Mrs. DeLucia asked that tarps be used for the stockpiling of the soil.

38  
39 Mr. Moss stated that he is following guidelines and tarps were not  
40 requested. He said that he does not have sediment leaving his property.

1  
 2 Consultant Town Engineer Barbagallo noted that the Engineering  
 3 Technician monitors the Stormwater Pollution Prevention Plan (SWPPP)  
 4 and he is not aware of any violations.

5  
 6 Director of Planning Dym explained that she just completed the MS4  
 7 Report and there are no illicit discharges in the entire Town during the  
 8 period from March 9, 2015 through March 10, 2016.

9  
 10 On motion by Mr. McNamara, seconded by Ms. Gerbino, and unanimously  
 11 carried, the Board moved to grant a 90-day time extension for Amended  
 12 Final Subdivision Plat Approval for Section II from May 5, 2016 up to and  
 13 including August 3, 2016 to Susan Haft and Ridgeview Designer Builders,  
 14 Inc. under Town Law Section 276 (7) (c).

15  
 16

17 **MERRITT PARK ESTATES AMENDED FINAL SUBDIVISION**  
 18 **[TM: 5.20-1-1]**

19  
 20 Chairman Currie said that this is a request for a 90-day time extension for  
 21 Amended Final Subdivision Plat Approval from June 6, 2016 up to and  
 22 including September 5, 2016 under Town Law Section 276 (7) (c).  
 23 Chair Currie noted that this is the third request for a time extension.

24  
 25 The Chair asked if the Board had any questions or comments.

26  
 27 Mr. Goldenberg referred to Page 2, second paragraph, from the April 29,  
 28 2016 memorandum from Attorney Tortorella, *Mancini commenced*  
 29 *construction of the Subdivision infrastructure, has pursued it to substantial*  
 30 *completion and has substantially completed off-site drainage improvements*  
 31 *in Condo 29 and on the Lake Lincolndale Property Owners Association*  
 32 *(LLPOA) property. The work has been inspected by Town officials*  
 33 *throughout and no problems have occurred. The Board has fulfilled its*  
 34 *commitment to extend the Approvals.* Mr. Goldenberg said that there were  
 35 problems at Condo 29 as they had to dig up the side of the property  
 36 because the extension to the sewer could not be made.

37 Consultant Town Engineer Barbagallo said that he is familiar with the issue.  
 38 He said that it was a water issue as the connection point was at Condo 29  
 39 and all the pipes on the site were pressure tested and were found to be air  
 40 tight and properly installed. Consultant Town Engineer Barbagallo

1 explained that when the water was turned on it was realized that they were  
2 losing pressure and the search to determine where they were losing  
3 pressure ensued. He said that it was determined that the pressure point  
4 near Condo 29 had a valve fitting that was not installed properly and was  
5 causing a leak. Consultant Town Engineer Barbagallo stated that the  
6 situation was rectified and is fully tested and is not leaking.

7  
8 Geraldine Tortorella, the applicant's attorney, said listening to Mr.  
9 Goldenberg you would think this was caused by the developer in the  
10 course of construction. She said that the fitting had to be replaced but not  
11 that it was done incorrectly by the applicant.

12  
13 Consultant Town Engineer Barbagallo said that the reason the valve did  
14 not work correctly could have been the installation or manufacturers error  
15 but that wasn't determined. He noted that for the record it is fair to say that  
16 during installation of the Town's oversight of the work being done, there  
17 was a pressure loss during the connection of the water main in Condo 29  
18 that was investigated and coordinated through the Town Engineering  
19 Department, Westchester County Department of Health (DOH) and  
20 rectified by the Water Company to their satisfaction.

21  
22 On motion by Chair Currie, seconded by Ms. Gerbino and unanimously  
23 carried, the Board moved to grant a 90-day time extension for Amended  
24 Final Subdivision Plat Approval to Merritt Park Estates Subdivision from  
25 June 6, 2016 up to and including September 5, 2016 under Town Law  
26 Section 276 (7) ( c).

27  
28 **RENEWAL OF SPECIAL USE PERMIT**

29  
30 **NEW CINGULAR WIRELESS PCS, LLC (AT&T)**  
31 **RENEWAL OF SPECIAL USE PERMIT**  
32 **[TM: 28.10-1-6.1]**

33  
34 Chairman Currie said this is the application of New Cingular Wireless for  
35 renewal of a Special Use Permit for an existing approved AT&T Tower and  
36 related Wireless Facility located at Majestech Corporation property on  
37 Route 100. He noted that the Board will be considering a Draft Resolution  
38 of Approval.

1 Director of Planning Dym explained that the applicant’s representative will  
2 not be here this evening. She said that it was her oversight as the applicant  
3 requested not to be present for this meeting and the last meeting as he  
4 reviewed the Resolution and had no problems or issues. She noted that  
5 the Board wanted to extend the renewal so it reaches the five-year period.

6  
7 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
8 carried, the Board moved to grant a renewal of the Special Use Permit for  
9 the existing AT&T Tower and related Wireless Facility located at Majestech  
10 Corporation property on Route 100, pursuant to the requirements of the  
11 Code of the Town of Somers pursuant to Section 170-129.6G running for a  
12 three-year renewal period from December 20, 2015 through December 20,  
13 2018.

14  
15 **PROJECT REVIEW**

16  
17 **ANTHONY BONIELLO SUBDIVISION [TM: 47.16-1-31]**

18  
19 Chairman Currie said that this is an application for Preliminary Subdivision  
20 Approval for property located at Moseman Avenue to subdivide one 3 acre  
21 lot out of an existing 23.5 acre lot.

22  
23 Chair Currie asked the applicant’s representative to explain the project for  
24 the benefit of the Board and the public.

25  
26 Gus Boniello, the applicant’s representative, explained that he now realizes  
27 that a variance is needed for frontage. He explained that the property does  
28 not meet the requirement of the R-120 Zone for the minimum width at the  
29 front lot line of 250 feet. Mr. Boniello said that the property only has a 209  
30 foot frontage; therefore, a variance is needed. He mentioned that a  
31 question came up that this is not an uncoordinated review but a  
32 coordinated review. Mr. Boniello noted that this could still be an  
33 uncoordinated review because the area variance is an exempt action.

34  
35 Director of Planning Dym explained that she spoke to the Town Attorney in  
36 reference to this issue and he stated that the Planning Board needs to  
37 rescind its approved motion that this was an uncoordinated review and vote  
38 to declare its intent to be Lead Agency and conduct a coordinated review.

1 She said that the Planning Board has to refer the application to the ZBA for  
2 the area variance and include a positive or negative recommendation to the  
3 ZBA.

4  
5 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
6 carried, the Board moved to rescind the prior motion made on April 23,  
7 2016 to pursue uncoordinated review under SEQRA.

8  
9 On motion by Chair Currie, seconded by Mr. McNamara, and unanimously  
10 carried, the Board moved to declare its intent to be Lead Agency under an  
11 unlisted action and circulate the Notice of Intent and the Environmental  
12 Assessment Form (EAF) to Involved and Interested Agencies.

13  
14 On motion by Chair Currie, seconded by Ms. Gannon, and unanimously  
15 carried, the Board moved to refer the application to the Zoning Board of  
16 Appeals (ZBA) for an area variance including a recommendation regarding  
17 the request but indicated no action until a Negative Declaration (Neg Dec)  
18 is made by the Planning Board.

19  
20 *AT THIS POINT MR. GOLDENBERG RECUSED HIMSELF AND DID NOT*  
21 *PARTICIPATE IN THE NEXT AGENDA ITEM.*

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

24  
25 Chairman Currie noted that this is an application for Site Plan, Preliminary  
26 Subdivision Approval and Steep Slopes Permits for the development of 66  
27 residential condo units accessed from Route 100, recreation building and a  
28 19,000 s.f. grocery store. He mentioned that the property is located at NYS  
29 Route 100 and US Route 202.

30  
31 Chair Currie asked the applicant's representative to explain the project for  
32 the benefit of the Board and the public.

33  
34 Richard O'Rourke, the applicant's attorney, said that this project is  
35 undergoing the SEQRA review process and the applicant is before the  
36 Planning Board for Subdivision and Site Plan approval. He clarified that  
37 the applicant knows he is proceeding at his own risk as the zoning change  
38 is not in place yet. Attorney O'Rourke said that this project is well  
39 developed and has been through the scoping process and has been before  
40 the Town Board. He said that he is at a point where the identified issues

1 have been mitigated to the maximum extent practicable as required by  
2 SEQRA.

3

4 Timothy Allen, the applicant's engineer, mentioned that the plan has been  
5 amended from 80 residential units to 66 residential units and the parking  
6 area has been reconfigured to avoid wetland impacts.

7

8 Consultant Town Engineer Barbagallo said that during the SEQRA process  
9 he reviewed wetlands, utilities, steep slopes and stormwater and  
10 groundwater. He mentioned that there are some items and details that  
11 have to be addressed under the Site Plan review and he will provide a copy  
12 of that memorandum where the items are mentioned. Consultant Town  
13 Engineer Barbagallo noted that a Pollutant Loading Analysis has been  
14 done. He said that he met with the Watershed Inspector General (WIG)  
15 and once the soil testing proves out the WIG will be ok with the Pollutant  
16 Loading Analysis. Consultant Town Engineer Barbagallo stated that the  
17 Resolution will have language that the WIG will have a level of input on the  
18 SWPPP. He mentioned that he is confident that Heritage has the capacity  
19 to handle the water and sewer to treat this project.

20

21 Ms. Gannon asked if the WIG's input will be nonbinding.

22

23 Consultant Town Engineer Barbagallo said that he cannot comment on that  
24 now as he is still working on the interaction with the WIG.

25

26 Mr. Boniello commented that he is working with the Town Board on the  
27 rezoning and that has been on hold because of the WIG's involvement. He  
28 said that there is a difference in opinion on if the WIG's involvement at this  
29 stage is correct or not. Mr. Boniello said that he is working with the WIG  
30 and is doing the soil testing now and when that is finished the application  
31 will go back to the Town Board.

32

33 Mr. Boniello asked the Board to schedule the Public Hearing on the Site  
34 Plan.

35

36 *At this time Planning Board Attorney Eriole joined the meeting.*

37

38 Consultant Town Engineer Barbagallo explained that the Board has to be  
39 comfortable and the engineering comments addressed on the SWPPP  
40 before closing the Public Hearing.

1  
2 Mrs. DeLucia mentioned that Edward Buroughs, Commissioner of the  
3 Westchester County Planning Board, in his memos dated March 22, 2016  
4 and April 18, 2016 states that there are 65 residential units.

5  
6 Mr. Boniello explained that there will be 65 residential units and one that  
7 will be donated to the Town. He said that Engineer Allen will get in touch  
8 with Mr. Buroughs to explain that there are 66 residential units.

9  
10 Director of Planning Dym mentioned that Lot 1 identified as the lot for the  
11 grocery store has been plotted at 3.51 acres and should be 4 acres,  
12 therefore, the subdivision line needs to be redrawn to comply with the  
13 requested rezoning requirement.

14  
15 Mr. Boniello said that he wants to stick with the plan that was submitted as  
16 the change in the lot acreage can be changed along with any details that  
17 have to be changed at a later date.

18  
19 On motion by Chair Currie, seconded by Ms. Gerbino and unanimously  
20 carried, the Board moved to schedule a Public Hearing for Somers  
21 Crossing on Wednesday, June 8, 2016 at 7:30 P.M. at the Somers Town  
22 House.

23  
24 *At this time Mr. Goldenberg returned to the meeting.*

25  
26 **HIDDEN MEADOW AT SOMERS [TM: 15.07-1-6]**

27  
28 Chairman Currie noted that this is the application for Final Subdivision  
29 Approval, Site Plan Approval, Steep Slopes, Wetland and Stormwater  
30 Management and Erosion and Sediment Control Permits relative to the  
31 application of Multifamily Residential Baldwin Place District (MFR-BP)  
32 under consideration by the Town Board for a 16.7 acre parcel located along  
33 the south side of US Route 6 for the proposed development of 53 units of  
34 housing, sixteen of which would be affordable, within 45 townhouse  
35 buildings on 45 fee simple lots plus one lot for lands to be owned in  
36 common by a Homeowners Association.

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

40

1 Richard Williams, the applicant's engineer, said that he addressed the  
 2 majority of comments from the Consulting Town Engineer but he is  
 3 pursuing the approvals of the outside agencies. He mentioned that he  
 4 received comments from the Health Department (DOH) and the  
 5 Department of Protection (DEP) which will be addressed. Engineer  
 6 Williams said that he expects to hear shortly from the Army Corp of  
 7 Engineers with respect to the nationwide permit and the Department of  
 8 Transportation (DOT) with respect to their permit.

9  
 10 Consulting Town Engineer Barbagallo said that any relative easements  
 11 must be shown. He opined that the issue should be resolved before the  
 12 plat is filed.

13  
 14 Engineer Williams opined that the easements can be granted later because  
 15 the owner is retaining control. He said that he is still working with the DOT  
 16 in reference to the easement issues and will keep the Board informed.

17  
 18 Director of Planning Dym mentioned that the plan does not show any type  
 19 of connection or treatment to the adjacent parkland. She mentioned that  
 20 she contacted Steve Ralston, Superintendent of Parks and Recreation,  
 21 who will speak to Jim Papa to re-establish the required intent of the Parks  
 22 and Recreation Board regarding the roadway extension. She said that she  
 23 will have an answer for the next meeting.

24  
 25 Ms. Gerbino said that she is surprised that the Parks and Recreation Board  
 26 has not made a decision as this was discussed with them quite a while ago.

27  
 28 Kenneth Kearney, applicant, mentioned that he secured funding from  
 29 Westchester County Infrastructure Funding that will pay for the Route 6  
 30 improvements. He said that because Westchester County floats a bond  
 31 they need to have an ownership interest on the property they are working  
 32 on. Mr. Kearney explained that there was an issue with the DOT  
 33 demonstrating an ownership interest. He said that his lawyers are working  
 34 with the DOT and the County to draft easement documents. Mr. Kearney  
 35 said that once this is resolved that will take care of that piece of funding.  
 36 He noted that the other funding secured by Rose Noonan is for the eight (8)  
 37 affordable townhomes.

38 **CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**

39

1 Chairman Currie noted that this is an application for Site Plan approval for  
2 property located on Route 6. He mentioned that the proposal is for a mixed  
3 use development consisting of a two-story 24,000 s.f. building with 12,000  
4 S.F. of retail and 12,000 S.F. of professional office and 64 residential units.  
5

6 Chair Currie acknowledged receipt of a memo from Woodard & Curran  
7 dated May 6, 2016 and a memo from Frederick P. Clark dated May 6,  
8 2016.  
9

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

13 Richard Williams, the applicant's engineer, said that his submission  
14 focused on the off-site improvements, sewer, sidewalks and pedestrian  
15 improvements. He mentioned that a sidewalk will be constructed from  
16 Somers Commons Shopping Center to the Mahopac Farm stand and near  
17 that will be a gravity sewer line. He mentioned that he provided the  
18 information that the Board will need to reaffirm the Negative Declaration  
19 (Neg Dec).  
20

21 Consultant Town Planner Sarah Brown of F. P. Clark, Associates said that  
22 she reviewed the document submitted by Insite Engineering and compared  
23 the changes to the previously adopted Neg Dec. She mentioned that some  
24 items do not need additional review such as the Traffic Study. She said that  
25 the stormwater facility was moved into the wetland buffer and she needs  
26 more information as to why the stormwater facility was moved into the  
27 wetland buffer. Ms. Brown said she needs numbers on the cut and fill and  
28 an explanation on the runoff from Route 6 and how it is being treated. She  
29 mentioned that in regard to the Zoning Text Amendment she needs to  
30 know where the ratio of 27% commercial versus residential came from.  
31 Ms. Brown stated that once she receives this information she can evaluate  
32 potential environmental impacts and will be able to make a Determination  
33 of Significance under SEQRA.  
34

35 Engineer Williams replied to some of Ms. Brown's questions in her memo:  
36 *The narrative should be expanded to quantify the amount of fill to be*  
37 *imported as part of the current application.* He said that he ran preliminary  
38 numbers and when he provides the cut and fill analysis he expects the  
39 import to be very similar to what was previously presented.  
40

1 Engineer Williams referred to Ms. Brown's question, *The explanation of the*  
2 *pipe to be replaced and relocated should be expanded to indicate if the*  
3 *pipe will discharge directly into the wetland and how the water will be*  
4 *treated.* He said that there are no changes to the pipe as it takes runoff  
5 from a wetland area off site, this project does not contribute to that wetland  
6 area, so there are no changes. Engineer Williams mentioned that the other  
7 drainage pipe is the culvert under Route 6 that takes the water from  
8 Somers Realty and the existing parking lot of the driving range. He said  
9 that what you have from the pipe into the wetland area is the treated runoff  
10 from Somers Realty and the untreated runoff from the impervious surfaces  
11 from the driving range. He noted that the difference from this plan and the  
12 previous plan is capturing the onsite impervious but this plan is also  
13 catching the existing portion of Route 6 and bringing it through the  
14 treatment system. Engineer Williams said that at the end of the day there  
15 is a net benefit from the water discharging out of the drainage pipe.

16  
17 Consulting Town Engineer Barbagallo said that both pipes should be pulled  
18 back.

19  
20 Engineer Williams said that there are reasons why the pipes cannot be  
21 pulled back because the area is needed for the stormwater and he does  
22 not want to pull back drainage pipes and create DEP watercourses where  
23 none exists today that will have impervious surface restrictions in the  
24 future.

25  
26 Ms. Gerbino questioned why the stormwater facility was moved back into  
27 the wetland buffer.

28  
29 Engineer Williams said that based on the General Permit and Green  
30 Infrastructure a certain level of stormwater must be provided on site which  
31 required the expansion of what was previously contemplated. He noted  
32 that there will be 1.9 acres of maintained lawn and 0.3 acres of impervious  
33 surfaces within the wetland buffer as it exists today. Engineer Williams  
34 stated that the lawn area will be reduced from 1.9 acres to 0.7 acres and  
35 the amount of proposed impervious surfaces will be reduced by 0.25. He  
36 noted that there is a substantial reduction of impervious surfaces in the  
37 wetland buffer area and will replace 0.6 acres of lawn on the edge of the  
38 wetland with wetland mitigation and next to that will create a constructed  
39 wetland. He stressed that the practice that was selected is as natural to a  
40 feature that you can get next to a buffer, we will be creating a wetland.

1 Engineer Williams said that a buffer will be created where currently none  
2 exists and this will be a substantial improvement.

3  
4 Consultant Town Engineer Barbagallo said that the Planning Board has  
5 always applied the requirement that stormwater is a requirement  
6 and if that requires going into the wetland buffer mitigation has to be  
7 provided for the impact to the buffer. He noted that the Board has never  
8 viewed construction of stormwater treatment as mitigation. He said that  
9 mitigation has to be provided for the impact to the buffer even if that impact  
10 is an improvement. Consultant Town Engineer Barbagallo explained that  
11 mitigation for buffer impacts has to be in relation to the function of the  
12 buffer and how can we maintain that function in the future. He said that if  
13 the Board allows the mitigation for the buffer impact that is proposed by the  
14 applicant which is the construction of the stormwater basin that there will be  
15 an equivalent protection of the wetland.

16  
17 Engineer Williams said that the proof of the protection to the wetland is that  
18 at the edge of the wetland there will be maintained mowed fertilized lawn  
19 that goes straight into the wetland. He said that there will be a physical  
20 buffer that re-naturalizes a substantial portion of the buffer with a wetland  
21 being built in the remaining portion.

22  
23 Consultant Town Engineer Barbagallo opined that those treatments are not  
24 mutually exclusive from pulling the pipes back. He said that he would like to  
25 see when there is more details why the pipe cannot be pulled back 50 feet  
26 from where it is as a balance has to be created.

27  
28 Engineer Williams explained that he needs the pipe to discharge where it is  
29 because it is on the slope of the basin and if the pipe is pulled back it will  
30 reduce the area that is needed for stormwater that will put it farther into the  
31 wetland.

32  
33 Consultant Town Engineer Barbagallo stressed that is not the only option  
34 by going deeper into the wetland.

35  
36 Engineer Williams said that the practice in the buffer is the last practice on  
37 the series and is the lowest of the low area on the site and ultimately all the  
38 site drains to it. He noted that the ability to limit all the runoff is limited,  
39 especially when you factor in the Department of Environmental Protection  
40 (DEP) requirement that there has to be a second different practice.

1 Mr. McNamara opined that because the pipe water is untreated and as a  
2 result of the applicant's practices it will be treated, that is mitigation.

3  
4 Chair Currie asked if the Watershed Inspector General (WIG) has any  
5 input on this project.

6  
7 Ken Kearney, applicant, noted that he left a message for the WIG that said  
8 that a Negative Declaration was granted on the previous project. He said  
9 that he heard back from the WIG and he told him that there are very strict  
10 time lines on this project and he will send him the information and work with  
11 him.

12  
13 Consultant Town Engineer Barbagallo said that he spoke to the WIG about  
14 advisory capacity and explained that he has the authority under the State  
15 SPDES Permit to sign off on the Stormwater Pollution Prevention Plan  
16 (SWPPP). He said as it relates to the SEQRA determination and the  
17 adoption of the findings there will be language in the Resolution that the  
18 WIG will be involved in the later stages of the project specifically reviewing  
19 the details of the SWPPP.

20  
21 Mr. Kearney stated that this project is different from other projects before  
22 the Board because there is a prior SEQRA determination.

23  
24 Consultant Town Engineer Barbagallo stated that the Public Hearing  
25 cannot be closed until the SWPPP is complete.

26  
27 Linda Whitehead, attorney, said that she was disturbed that this project  
28 was discussed at a meeting with the WIG when no one on behalf of this  
29 project was invited to the meeting. She stressed that the WIG does not  
30 issue any approvals and that is the reason he is advisory. Attorney  
31 Whitehead said the Town has to be careful about how much power they  
32 are giving the WIG.

33  
34 Planning Board Town Attorney Eriole reiterated that the WIG does not have  
35 any approval authority and as long as we keep pace on finalizing the  
36 SWPPP that is acceptable.

37  
38 Consultant Town Engineer Barbagallo stated that the WIG relies on the  
39 Clean Water Act as his legislation that he can create legal action.

40

1 Engineer Williams said that he has to respond to Town Consultant Brown's  
2 comments and the Wetland Analysis. He asked the Board if they are  
3 comfortable with Town Consultant Brown drafting the re-affirmation of the  
4 Neg Dec.

5  
6 Ms. Gannon asked how the Board can schedule a timeframe for the WIG to  
7 respond to comments.

8  
9 Consultant Town Engineer Barbagallo said that we have to get the SWPPP  
10 finalized as soon as possible and there are no incomplete items. He said  
11 that the policy will be to engage the WIG and not say that he does not have  
12 jurisdiction.

13  
14 Chairman Currie directed that a draft of the re-affirmation of the Negative  
15 Declaration be prepared.

16  
17 **NYSMSA LLC, D/B/A VERIZON WIRELESS [TM: 17.05-20-2]**  
18 **APPLICATION FOR SITE PLAN AND SPECIAL USE PERMIT**

19  
20 Chairman Currie said that this is an application for a co-location of a public  
21 utility wireless telecommunication facility and extension to existing  
22 monopole for property located at 250 West Hills Drive, Heritage Hills in the  
23 DRD Zoning District.

24  
25 Chairman Currie asked the applicant to describe the project for the benefit  
26 of the Board and the public.

27  
28 Michael Sheridan, the applicant's attorney, said that the application is for a  
29 co-location on the facility for property at West Hill Drive South for an  
30 extension of the existing monopole. He noted that the facility will enable  
31 Verizon Wireless to enhance communication services. Attorney Sheridan  
32 reminded the Board that under the Middle Class Tax Relief and Job  
33 Creation Act of 2012, Section 6409, the Federal Government has indicated  
34 that a local municipality must approve a co-location application that  
35 qualifies as an eligible facility request which rules were adopted under 47  
36 C.F. R. Section 1.40001 which indicated criteria that it be approved within  
37 60 days of a complete application.

38 Attorney Sheridan acknowledged comments from the Director of Planning  
39 and the Consultant Town Engineer that will be addressed. He mentioned

1 that Verizon is requesting waivers from Site Plan review and Public Hearing  
2 as provided in the Town Code.

3  
4 Mr. Goldenberg asked if anyone looked at where the equipment will go  
5 because it is next to a water tower. He questioned when the co-location  
6 can be done as there are quite a few projects happening in that area.

7  
8 Attorney Sheridan said you can see on the plan that Verizon is on line with  
9 the existing equipment and is the same distance as the existing water  
10 tower.

11  
12 Consultant Town Engineer Barbagallo said the Board should consider if the  
13 equipment should be in a building like AT&T has. He said that the Board  
14 may not want to waive Site Plan review.

15  
16 Attorney Sheridan said that he does not know what other projects are  
17 taking place near this facility but this is within the existing fenced  
18 compound. He mentioned that Verizon has a lease for its leased space  
19 within a fenced compound.

20  
21 Mr. Goldenberg asked if the AT&T Tower has had its inspections.

22  
23 Consultant Town Engineer Barbagallo asked if the applicant is seeking a  
24 reissuance of the Special Use Permit.

25  
26 Director of Planning Dym said that the special permit for the existing  
27 monopole for which greater than five years has passed since it was  
28 approved needs a request or a Special Use Permit.

29  
30 Consultant Town Engineer Barbagallo referenced his memo dated May 6,  
31 2016, *The Planning Board may wish to consider the requirement for*  
32 *incorporation of a shared facility generator as part of the amended Site*  
33 *Plan to provide backup power for all current and future permitted co-locator*  
34 *needs. Obligation for installation and maintenance of the shared generator*  
35 *could be required of the Special Use Permit holder for the wireless*  
36 *telecommunication facility.*

37  
38 Ms. Gannon stated that she lives at Heritage Hills but does not live  
39 anywhere near this facility.

40

1 Chair Curie directed the applicant to respond to the memos from the  
 2 Consultant Town Engineer and the Director of Planning. He said that  
 3 Crown Castle, the owner of the telecommunication facility, must renew their  
 4 Special Use Permit.

5

6 **INFORMAL APPEARANCE WITH SKETCH PLAN**

7

8 **MCKENNA SUBDIVISION [TM: 37.15-1-22]**

9

10 Chairman Currie noted that this is an Informal Application with Sketch Plan  
 11 for property located at 2652 NYS Route 35 (Amawalk Road) to subdivide  
 12 his existing lot into two parcels.

13

14 Chairman Currie asked the applicant to describe the project for the benefit  
 15 of the Board and the public.

16

17 Nigel McKenna, owner, explained that he is seeking to subdivide the  
 18 property so his sons can have a house on the property. He mentioned that  
 19 he purchased the property three years ago and hopes the Board will come  
 20 out and look at the property.

21

22 Richard Williams, the applicant's engineer, said that there is an existing  
 23 house on the property and it is located on a 35.3 acre property  
 24 and is in the R-120 Zoning District. He noted that the owner is looking to  
 25 create 2 parcels one for the existing house which is on a 26 acre parcel  
 26 and the new parcels would be on an 8 ¾ acre property. Engineer Williams  
 27 mentioned that there is a DEC Wetland on the property. He explained that  
 28 the new lot will be focused on the east side of the property. Engineer  
 29 Williams mentioned that the DEC Wetland on the eastern edge was  
 30 flagged.

31

32 Engineer Williams said that he wanted to come before the Planning Board  
 33 to get feedback on the project and also to schedule a site walk.

34

35 Consultant Town Engineer Barbagallo asked that the location of the Flood  
 36 Plain be shown on the plan and that the actual travel speed limit be used  
 37 not the posted speed limit.

38 Chair Currie scheduled a Site Walk for the McKenna Subdivision for  
 39 Saturday, May 14, 2016 at 8:00 A.M.

40

**1 INFORMAL DISCUSSION WITH PLANNING BOARD**

2  
3 Chairman Currie noted that there will be a discussion regarding the need  
4 for receipt of full plan sets throughout the approval process. He mentioned  
5 that Mr. McNamara suggested changes to the way the applicant submits  
6 plans, plats and plan sets.

7  
8 The Chair asked Mr. McNamara to discuss his ideas in reference to  
9 procedures.

10  
11 Mr. McNamara spoke about two submissions: one was on the Crossroads  
12 at Baldwin Place where a full set of plans with 10 pages was received that  
13 was replacing a similar set of 9 pages. He mentioned the other was the  
14 Hidden Meadow at Somers submission that was 21 pages, replacing an  
15 earlier set of 19 pages, and that this was the tenth revision of this set of  
16 plans. He suggested that the initial submission should be one full Plan/Plat  
17 set for each Board member and other required receivers. He suggested  
18 that any revisions include only new plans/plat pages or previously  
19 submitted pages with changes, and a footnote explaining the changes.

20  
21 Mr. McNamara suggested that the Final Plan Set include all final plans,  
22 with all previously inserted explanatory footnotes removed, be submitted for  
23 the Chairman's signature and filing with appropriate offices, but he did not  
24 need a Final Set as decisions had been reached based on working copies.

25  
26 Mr. McNamara also referred to any memorandum received from Town  
27 Planner and/or Engineer/Consultants, and suggested that comments only  
28 on those items which are advancing should be provided, not a cumulative  
29 listing of prior items already addressed, because he does not want to re-  
30 read a 20-page memo.

31  
32 Consultant Town Engineer Barbagallo suggested each change should be  
33 identified with a note or bubble-cloud on the plan to identify the reason for  
34 the change and where and what the change was from the previous  
35 submittal.

36  
37 Mr. McNamara said that this would apply to significant changes, not  
38 corrections such as typos or footnote changes.

39  
40 Ms. Gannon suggested that memos and reports be doubled-sided.

1  
2 Consultant Town Engineer Barbagallo suggested that the applicant submit  
3 all memorandums and reports doubled-sided.

4  
5 Chair Currie directed the Director of Planning provide a memo to the  
6 applicants regarding submission of plans, plats and plan sets as well as  
7 doubled-sided memos and reports and that comment letters not be  
8 cumulative but focus on those items that still need to be addressed.

9  
10 There being no further business, on motion by Chairman Currie, seconded  
11 by Ms. Gannon, and unanimously carried, the meeting adjourned at 10:30  
12 P.M. The Chair announced that the next Planning Board meeting will be  
13 held on Wednesday, June 8, 2016 at 7:30 P.M. at the Somers Town  
14 House.

15  
16  
17  
18  
19 Respectfully submitted,

20  
21  
22 Marilyn Murphy  
23 Planning Board Secretary  
24  
25