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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
Dennis McNamara

3

**SOMERS PLANNING BOARD MINUTES
MAY 13, 2015**

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6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

14 **ALSO PRESENT:**

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

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.

Chairman Currie welcomed new member Jan Corning to the Planning
Board.

**APPROVAL OF DRAFT MINUTES FOR MEETINGS HELD ON
MARCH 11, 2015 AND MARCH 25, 2015**

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

4
5 The Chair asked if there were any comments or corrections from the Board
6 on the draft March 11, 2015 Planning Board minutes and no one replied.

7
8 On motion by Ms. Gannon, seconded by Ms. Gerbino (Mr. Goldenberg
9 abstained), and carried, the draft minutes of March 11, 2015 were
10 approved.

11
12 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
13 prepared and submitted for the Board's consideration approval of the draft
14 minutes of the Planning Board meeting held on March 25, 2015.

15
16 The Chair asked if there were any comments or corrections from the Board
17 on the draft March 25, 2015 Planning Board minutes and no one replied.

18
19 On motion by Ms. Gerbino, seconded by Ms. Gannon (Mr. Goldenberg
20 abstained), and unanimously carried, the draft minutes of March 25, 2015
21 were approved.

22
23 Chairman Currie noted that the DVDs of the March 11, 2015 and March 25,
24 2015 Planning Board meetings are made a part of the approved minutes
25 and are available for public viewing at the Somers Public Library and the
26 text of the approved minutes are also on the Town's website
27 www.somersny.com and are available for public review at the Planning &
28 Engineering office at the Town House.

29
30 **SCHEDULE PUBLIC HEARING**

31
32 **LORD WETLAND PERMIT [TM: 48.17-1-5]**

33
34 Application for a wetland permit by owner Robert Lord for the construction
35 of a detached garage on the east side of South Lane.

36
37 Consultant Town Engineer Barbagallo explained that due to an oversight
38 the Lord Wetland Permit was not placed on tonight's agenda. He
39 mentioned that the applicant is proposing to build a garage in proximity to a
40 wetland. Consultant Town Engineer Barbagallo noted that the Board

1 conducted a site walk of the property on April 17, 2015. He said that there
2 is a stonewall that is essentially protecting the watercourse. Consultant
3 Town Engineer Barbagallo indicated that he discussed stormwater
4 improvements and how to integrate some of the stormwater systems into
5 the proposed treatment area under the garage. He noted that the applicant
6 is before the Zoning Board of Appeals (ZBA) and they also conducted a
7 site walk of the property. Consultant Town Engineer Barbagallo said that
8 there will be a minor plan revision that the applicant will submit to the
9 Board. He stated that he recommends that the Board schedule a Public
10 Hearing on the Lord Wetland Permit.

11
12 Mr. Goldenberg mentioned that he was on the site walk and had the
13 impression this application would be reviewed at this meeting this evening
14 in order to schedule a Public Hearing.

15
16 On motion by Mr. Goldenberg, seconded by Ms. Gerbino, and unanimously
17 carried, the Board moved to schedule a Public Hearing on the Lord
18 Wetland Permit for Wednesday, June 10, 2015, at 7:30 PM at the Somers
19 Town House.

20

21 **SEQRA**

22

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

24

25 Chairman Currie said that this is the application for Preliminary Subdivision
26 Approval, Steep Slopes, Wetland Permit, Tree Removal and Stormwater
27 Management and Erosion and Sediment Control Permits. He noted that
28 the Board will be reviewing the Negative Declaration (Neg Dec).

29

30 The Chair asked the applicant's representative to update the Board and the
31 public on the application.

32

33 Richard Williams, the applicant's engineer, said that this is Somers Realty
34 Planned Hamlet Phase 3. He mentioned that the Planned Hamlet was
35 approved with several uses consisting of Senior Affordable Housing, Senior
36 Assisted Living, Retail, Office Use, Restaurant, Commercial and a 150 unit
37 residential development. He mentioned that 72 units of affordable housing
38 has been developed, Mews 1 and the Mews 2 is currently being completed
39 and consists of 76 units of affordable housing for seniors. Engineer
40 Williams said that he has been discussing with the Planning Board the

1 amount of soils left on the site. He noted that there is a soil stockpile from
2 Clayton Blvd, and the Mews 2 which is not needed on the site. Engineer
3 Williams said that the soil is the last issue to be resolved as it relates to the
4 Neg Dec. He explained that there is approximately 70,000 cubic yards of
5 fill on the site and 45,000 cubic yards of excess soil that has to be
6 exported. Engineer Williams indicated that he studied the potential impacts
7 associated with truck trips and the applicant's traffic consultant studied the
8 impact of 6 trucks per hour in and 6 trucks per hour out of the site and how
9 that relates to delays at the intersection of Clayton Boulevard on Route 6.

10
11 Engineer Williams said that he submitted an updated Master Plan
12 performance drawing that supports the Neg Dec. He explained that the
13 plan shows all the changes now from the original application of the Planned
14 Hamlet. Engineer Williams mentioned that he submitted a Wetland Impact
15 Analysis that shows the current wetlands disturbance as well as what was
16 originally approved.

17
18 Mr. Goldenberg asked if Lot 6 is being set aside for assisted living or can it
19 be used for independent living.

20
21 Linda Whitehead, the applicant's attorney, said that the original Master
22 Plan Approval never contemplated Senior independent living as a use but
23 did contemplate an assisted living facility as a permitted use.

24
25 Ms. Gerbino said that she has concerns about sidewalks and who will
26 maintain them.

27
28 Attorney Whitehead mentioned that the concept of the Planned Hamlet is a
29 walkable community. She stated that AvalonBay is committed to
30 maintaining the sidewalks on their property.

31
32 Consultant Town Engineer Barbagallo advised that sidewalks should be a
33 part of the Site Plan review and not the Neg Dec.

34
35 Chair Currie asked Consultant Town Engineer Barbagallo to review his
36 memo for the benefit of the Board and the public.

37
38 Consultant Town Engineer Barbagallo mentioned that the original approval
39 was no net export but now a balanced cut and fill is no longer proposed
40 and that is the reason it is considered in the Neg Dec. He mentioned that

1 he reviewed the Stockpile Plan and is comfortable with the plan. He said
 2 that his main concern is traffic and safety at the intersection coming out and
 3 turning left on Clayton Blvd. He said that he requested that a flag person
 4 be on site at all times when the soil is being exported. Consultant Town
 5 Engineer Barbagallo noted that the applicant wants to use tandems (tractor
 6 trailer) and if that results in safety issues that the applicant will go back to
 7 using 10 wheelers (standard dump truck). He mentioned that he asked for
 8 a restoration bond.

9
 10 Engineer Williams explained that when you are exporting fill it will be
 11 exporting to multiple destinations.

12
 13 Consultant Town Engineer Barbagallo noted that the pollutant loading
 14 analysis has been revised to his satisfaction.

15
 16 Chair Currie asked Director of Planning Dym to review the Draft Negative
 17 Declaration (Neg Dec) with the Board and the applicant.

18
 19 Director of Planning Dym mentioned that she provided change pages on
 20 the Neg Dec to the Board. She said that the purpose of the Neg Dec is to
 21 determine that there are no significant additional impacts beyond that
 22 previously discussed and mitigated. Director of Planning Dym said the
 23 Board has to determine changes to the Concept Plan as it was developed
 24 and how that was analyzed in the DEIS, FEIS and what the findings were
 25 and if any of the changes have occurred as a result of this particular last of
 26 the subdivisions and any impacts that were created are significant and
 27 need additional mitigation over and above what was identified in the
 28 original Findings Statement.

29
 30 Director of Planning Dym mentioned that she added another change to the
 31 16 listed in the Neg Dec. She said that number 17 is provision of
 32 easements by Somers Realty in favor of the Town of Somers from the
 33 terminus of proposed Road "D" across newly to be created Lot 3C to
 34 access the potential future water tower on a parcel to be dedicated to the
 35 Town of Somers by Somers Realty as part of the Subdivision of Lot 3.

36
 37 The Board and the applicant reviewed the question, *Will the proposed*
 38 *action result in a change in the use or intensity of use of land.* Director of
 39 Planning Dym noted that although this portion of the disturbance is greater
 40 than what was proposed during review of the Master Plan, there is a

1 decrease in overall site disturbance from 51.2 acres to 50.5 acres by the
 2 current proposed Clearing and Grading Limit Line (CGLL). She said that
 3 accordingly it is the determination of the Planning Board that there is no
 4 significant additional impact beyond that previously discussed and
 5 mitigated.

6
 7 Director of Planning Dym asked *Will the proposed action result in an*
 8 *adverse change in the existing level of traffic or affect existing infrastructure*
 9 *for mass transit, biking or walkway.* She said that the original plan resulted
 10 in a balanced site, there is now an excess of 70,000 cubic yards of soil
 11 stockpile of which 25,000 cubic yards will be used on site. She said that
 12 the soil export will begin prior to project construction to decrease impacts of
 13 construction related traffic. Director of Planning Dym said that the
 14 maximum number of truck trips anticipated are 12 trucks per hour for
 15 approximately one and a half to two months prior to the construction phase
 16 of the project. She said that based upon this the Planning Board
 17 determined that the project will not result in a significant adverse
 18 environmental impact.

19
 20 Director of Planning Dym asked *Will the proposed action impact existing*
 21 *public/private water supplies.* She mentioned that as part of the Water
 22 District expansion it was determined that a hydro pneumatic system was to
 23 be provided to allow the Somers Realty Planned Hamlet to continue to
 24 receive water during periods of maintenance on or blockage of the existing
 25 16-inch water transmission line rather than closing the Water District main
 26 loop by installing a 10 inch water main between Windsor Farm and
 27 Mahopac Avenue. She noted that in the absence of such approval, the
 28 Town has determined that it will extend the line, at its own cost and
 29 expense to the point that would have been reached by the Hidden Meadow
 30 development to achieve a looped water system. She said that Somers
 31 Realty has agreed to install the system itself or provide the funds for the
 32 Town to undertake the connection from the Somers Realty property to the
 33 point at which the water main is extended by either Hidden Meadow or the
 34 Town, if such is the case.

35
 36 Ms. Gerbino asked who will be putting up the maintenance bond. She said
 37 that her concern is that the infrastructure that the Town will own and
 38 operate is growing.

39

1 Consultant Town Engineer Barbagallo noted that there was a meeting with
 2 the County on April 29, 2015 and it was determined that the County will be
 3 providing Housing Infrastructure Funds (HIF) for the improvements
 4 including the water main from Windsor Farms to Route 6. He explained
 5 that this will be implemented as a Town project and Woodard & Curran will
 6 be overseeing the installation of the infrastructure. He said that there will
 7 be a performance bond that is typical with a municipal contract.

8

9 Attorney Whitehead explained that the Town is receiving major
 10 infrastructure with no cost to the Town.

11

12 Director of Planning Dym continued reviewing the Neg Dec and asked Will
 13 the proposed action result in an adverse change to natural resources such
 14 as wetlands, waterbodies, groundwater, air quality, flora and fauna. She
 15 said that the change in the CGLL around Route 6 also results in an
 16 increase in disturbance to Wetland A from 0.09 acres to 0.19 acres. She
 17 said that disturbance to the wetland buffer of Wetland A is also proposed to
 18 increase to 1.92 acres from 1.86 at the time of the Master Plan review.
 19 She indicated that as a result of the increased disturbance to Wetland A,
 20 total disturbance within the development has been calculated an increase
 21 from 0.43 to 0.53 acres based upon comparison of the Master Plan. She
 22 said that based upon this the Planning Board has determined that the
 23 proposed Mitigation Plan is adequate to offset the additional disturbance to
 24 Wetland A and that there is no significant additional impact beyond that
 25 previously.

26

27 Town Consultant Engineer Barbagallo said that due to changes in the
 28 phosphorous loading calculation methodology prescribed by NYS
 29 Department of Environmental Conservation (DEC), the development
 30 phosphorous loading analysis and results are different from what was
 31 considered during approval of the Planned Hamlet Master Plan. He said
 32 that while both the Master Plan and current proposed development rely on
 33 "The Simple Method" equation published effluent mean concentration
 34 (EMC) values for phosphorous loading have been updated by NYSDEC
 35 since the time of the Master Plan. He further noted that in addition, loading
 36 reduction credits for proposed stormwater management practices differ
 37 from those previously calculated during the time of the Master Plan review.
 38 Consultant Town Engineer Barbagallo said that due to changes in design of
 39 the proposed residential parcel and reduced overall site disturbance,
 40 proposed grading has been modified from what was considered at the time

1 of the Master Plan review. He indicated that based upon the revised
2 development program and proposed grading, site drainage area to
3 respective design points have been adjusted. He said that the current
4 development proposed a net decrease in the size of the northern drainage
5 area.

6
7 Engineer Williams interjected that the analysis includes the future
8 development of Lot 6 and the Firehouse parcel.

9
10 Director of Planning Dym said that it is the determination of the Planning
11 Board that the change in total impervious surface coverage, drainage area
12 and proposed stormwater management practices to each identified design
13 point have maintained decreased peak flows similar to those previously
14 calculated and result in a positive impact on natural resources.

15
16 Director of Planning Dym said that the Board decided on a change in the
17 design of the Village Green. She noted that the modification of design from
18 a passive village green shown in the conceptual Planned Hamlet Master
19 Plan to a design that combines a passive green with an active play area for
20 children and a picnic area is a design that will serve all users of the
21 Planned Hamlet and the public.

22
23 Director of Planning Dym talked about the *changes in provision of*
24 *Completed Town Road D*. She explained that Town Road "D" was
25 approved as part of the Planned Hamlet Concept Plan to provide future
26 access to adjacent land locked parcels including a Town of Somers land
27 locked parcel previously created by Somers Realty Corp. for the Town to
28 use to construct a water tank if it is determined to be necessary. She said
29 that until such time this road is dedicated as a public road it shall be graded
30 and maintained by the applicant. Director of Planning Dym mentioned that
31 the final subdivision plat shall include an easement between Road "D" and
32 the water tank parcel to provide access to it by the Town.

33
34 Consultant Town Engineer Barbagallo interjected that the Board discussed
35 what the finished surface of the road would be and after review he noticed
36 that there are portions of that road that are porous pavement through the
37 wetland area. He said that he determined that the road would not be paved
38 but left to a binder course so that asphalt put in now would not have to be
39 dug up later.

40

1 Director of Planning Dym mentioned *the modification in location of*
2 *sidewalks* and said that site plan designs indicated that the sidewalks fall
3 outside rather than inside the subdivided parcels.

4 Director of Planning Dym noted that *change in provision and location of*
5 *required residential parking spaces* shows that landbanked spaces are not
6 shown within the parcels to be owned by Avalon that will meet a portion of
7 the residential parking requirement where all residential parking was to be
8 provided on individual fee simple lots envisioned on the Planned Hamlet
9 Concept Plan. She said that if these landbanked parking spaces are
10 required to meet residential parking remain in the future, they will be
11 constructed by AvalonBay.

12

13 Director of Planning Dym said that under *provision of easement* to Somers
14 Realty in favor of the Town of Somers from the terminus of proposed Road
15 D across newly to be created Lot 3C to access the potential future water
16 tower on parcel to be dedicated to the Town of Somers by Somers Realty
17 as part of the Subdivision of Lot 3 has been modified in the Neg Dec.
18 She also said that a Tree Removal Permit is necessary and has been
19 modified in the Neg Dec.

20

21 Director of Planning Dym noted that under *Changes in fiscal impacts and*
22 *school children generation due to change from owner occupied residential*
23 *development to a renter occupied development*, that utilizing school
24 children generation rate data projected from other Avalon projects, the
25 number of school children anticipated to be generated range from the same
26 number projected in the DEIS at 22 children to less at 16 children.
27 Therefore, although estimated revenue would be approximately half of that
28 projected in the DEIS. Director of Planning Dym said that since the project
29 will still result in a net economic benefit the Planning Board determines that
30 the proposed subdivision will not result in significant additional impacts
31 beyond that previously discussed and mitigated and will have a somewhat
32 positive fiscal impact.

33

34 Director of Planning Dym explained that the Planning Board conducted an
35 independent review and an analysis of the entire record and the potential
36 environmental effects of the proposed project. She said that the Findings
37 was issued on February 10, 2009 after a review of the DEIS and FEIS of
38 the Planned Hamlet and those Findings are the basis for this Negative
39 Declaration as well as the Short Environmental Assessment Form
40 submitted by the applicant. She mentioned that the Planning Board has

1 determined that the potential small and larger impacts identified in Part 2 of
2 the EAF, as well as other elements of the proposed action that may or may
3 not result in significant adverse environmental impacts, either individually or
4 cumulatively, although they are determined to be modified from the
5 approved Master Plan Concept Plan, and the Planning Board determined
6 there is no significant impact beyond that previously discussed and
7 mitigated.

8
9 Mrs. DeLucia suggested that the wording “adequately addressed and
10 mitigated to the maximum extent practicable” be used in the motion and the
11 conclusion.

12
13 On motion by Chairman Currie, seconded by Mr. Goldenberg
14 and unanimously carried, the Board moved to issue a Negative Declaration
15 under 6 NYCRR Part 617 State Environmental Quality Review Act of the
16 Environmental Conservation Law. Such that the Planning Board
17 determines that the proposed action Somers Realty Phase 3 Preliminary
18 Subdivision to create seven lots, lots 1, 3b, 3c and 3d (45.1 acres) relative
19 to the Site Plan application of AvalonBay Communities, Inc. and Lot 4 (4.9
20 acres) and Lot 5 (7.1 acres) to be marketed for an Assisted Living facility,
21 stormwater management improvements, including road right-of-ways as
22 part of the Planned Hamlet proposed subdivision will not result in a
23 significant adverse environmental impact beyond that previously identified
24 and mitigated to the maximum extent practicable, as amended.

25
26 Attorney Whitehead said that the applicant agrees to an extension
27 to review the Resolution of Preliminary Subdivision Approval as the 62
28 days are up since the close of the Public Hearing.

29
30 At Director of Planning Dym’s suggestion the Board scheduled a second
31 meeting on May 27, 2015 for Somers Realty Planned Hamlet Subdivision
32 3.

33
34 **INFORMAL APPEARANCE WITH SKETCH PLAN (CONTINUED)**

35
36 **SOMERS CROSSING [TM: 17.15-1-15.1]**

37
38 Mr. Goldenberg recused himself and did not participate in the discussion
39 and review of the application.

40

1 Chairman Currie said that the Board will be discussing and reviewing the
2 Informal Appearance with Sketch Plan for the approval of the preliminary
3 development concept plan that includes a grocery store and an 80 unit
4 multifamily residential community.

5
6 Chairman Currie asked the applicant's representative to update the Board
7 on the project.

8
9 Timothy Allen, the applicant's engineer, explained that the site is behind the
10 Somers Shopping Center. He said that a grocery store is proposed at the
11 front end of Route 202, 80 units of single family residence will be
12 interconnected to the shopping center at a couple of points. Engineer Allen
13 noted that the FEIS is being prepared and will respond to all the letters and
14 concerns that were received. He said that he would like to get comments
15 from the Planning Board on their vision on how this project will be
16 developed.

17
18 Engineer Allen said that in keeping with the feel of the hamlet the grocery
19 store will be moved forward with parking in the rear. He noted that he
20 wants to encourage people from the development to walk to the shopping
21 center but discourage them from going through the development and
22 mentioned that there has been positive feedback from residents on the
23 grocery store. Engineer Allen stated that the Planning Board cannot taken
24 action on the application until the Negative Declaration is adopted.

25
26 Chairman Currie said that the Board wants to make sure that there is
27 access from the front entrance into the Somers Town Shopping Center.

28
29 Mrs. DeLucia said that at the March Planning Board meeting Mr.
30 McNamara suggested putting the parking behind the store and moving the
31 grocery store closer to Route 202.

32
33 Gus Boniello, applicant, said that the front entrance is a change that will be
34 done. He said that multiple comments have been received asking about
35 interconnection to the Shopping Center. He mentioned that the grocery
36 store has been moved up closer to Route 202 with parking behind the
37 store. Mr. Boniello said he is working on keeping everything out of the
38 wetland and wetland buffers.

39
40 Consultant Town Engineer Barbagallo asked if there will be sidewalks.

1 Mr. Boniello said that there will be sidewalks around the grocery store and
2 along the frontage of the buildings.

3
4 Consultant Town Engineer Barbagallo said that another positive change is
5 the interaction between the two sites is the use of the drive isle.

6
7 Chairman Currie asked Fred Wells, Senior Planner with Tim Miller
8 Associates, if he had any comments or questions for the applicant.

9
10 Planner Wells said that the idea of the gateway on Route 100 and 202 is
11 because the property fronts on both gateways. He said that there is
12 greenspace on both sides of the road on Route 100 and that wood space
13 has to be discussed. He indicated that with the grocery store moved up
14 closer to Route 202 that has to be looked at in terms of pedestrian and
15 individual aspects and that of a village theme.

16
17 **PROJECT REVIEW**

18
19 **NORTH COUNTY HOMES, WETLAND, STEEP SLOPES, TREE**
20 **PRESERVATION AND STORMWATER MANAGEMENT AND EROSION**
21 **AND SEDIMENT CONTROL PERMITS [TM: 36.20-1-59]**

22
23 Chairman Currie said that this is the application of North County Homes
24 (applicant) and Thomas Caracciolo (owner) for property located on the
25 west side of Bedell Road for permits for the construction of a single family
26 home, well and septic system. He said that the Board will be considering a
27 Conditional Resolution of Approval.

28
29 Chair Curie asked the applicant’s representative to update the Board on the
30 application.

31
32 John Karell, the applicant’s engineer, said that the applicant is constructing
33 a single family house, septic system and well on Bedell Road He noted
34 that the septic system has been approved by the Health Department.
35 Engineer Karell mentioned that he met with Steve Woelfle, the Principal
36 Engineering Technician, and Joe Barbagallo, the Consultant Town
37 Engineer at the site to address their concerns. He explained that the pipe
38 was taken out of the road right-of-way and relocated into the existing
39 wetland to provide water to the wetland.

40

1 Consultant Town Engineer Barbagallo said that he has been working with
2 the applicant's engineer and even though there are things that have to be
3 addressed in his memo they are just details and nothing that will change
4 the environmental impact. He said that he is comfortable with the Board
5 acting on the Resolution.

6
7 Chairman Currie asked if the issue with the neighbor's shed has been
8 resolved.

9
10 Consultant Town Engineer Barbagallo noted that the neighbor was issued
11 a violation by the Building Inspector for the shed but that does not impact
12 this application.

13
14 Charles Banks, attorney representing the Singers residing at 36 Bedell
15 Road, asked when the Board considers the language in 2.b. that relates to
16 the easement agreement, that he would like the language changed. He
17 said that he is addressing the general right to drain land downhill not from
18 any particular point. Attorney Banks said that this is why he questioned the
19 language that the final easement agreement for maintenance of the
20 diversion outlet pipe is in the language of the resolution.

21
22 Consultant Town Engineer Barbagallo changed the language under 2.b. to
23 read *Furnish documentation that the final easement for the drainage from*
24 *the neighboring lot at 36 Bedell Road...*

25
26 On motion by Chairman Currie, seconded by Mr. Goldenberg, and
27 unanimously carried, the Board moved to adopt Resolution #2015-1
28 Granting Conditional Approval for Wetland, Steep Slopes, Tree
29 Preservation and Stormwater Management and Erosion and Sediment
30 Control Permits to North County Homes and Thomas Caracciolo, as
31 amended.

32
33

34 **PROJECT REVIEW**

35
36
37

38 **GRANITE POINTE FINAL SUBDIVISION [TM: 27.05-3-2, 5]**

39 Chairman Currie said that this is the application for Final Subdivision
Approval, Wetland, Steep Slopes and Stormwater Management and

1 Erosion and Sediment Control Permits for the development of 23 lots in a
2 Cluster Subdivision.

3
4 Chair Currie asked the applicant's representative to update the Board on
5 the application.

6
7 Timothy Allen, the applicant's engineer, explained that the project is located
8 on 29 acres with a proposal for 23 lots. He mentioned that just before Final
9 Subdivision Approval was granted lead was found on the site from a
10 shooting range on the property. Engineer Allen noted that Final
11 Subdivision Approval was rescinded and the status of the application
12 review reverted to the Preliminary Subdivision Plat Approval stage. He
13 said that the application was referred to the Brownfield Program to clean up
14 the lead on the site. He commented that the applicant submitted a
15 Supplemental Environmental Impact Statement (SEIS) for the cleanup of
16 the lead on the property that was approved by the Board over a year ago.
17 Engineer Allen mentioned that the cleanup has been approved. Engineer
18 Allen stated that once Final Subdivision Approval is granted that will
19 facilitate the cleanup of the Granite Pointe property.

20
21 Engineer Allen stated that he is here for the Final Subdivision application.
22 He explained that the Planning Board can waive the Public Hearing on
23 Final Subdivision Approval if the plan is in conformance with the
24 Preliminary Subdivision Approval. Engineer Allen said that there has been
25 a long time between Preliminary and Final Subdivision Approval and he
26 requested for the protection of the Board and the applicant that a Public
27 Hearing be scheduled.

28
29 Mr. Goldenberg noted that the applicant, John Harkins, appeared before
30 the Board to ask that they act on this application because there was a
31 possibility that the Brownfield Program may not be funded next year. He
32 said that he is disturbed when he drives on Route 202 and sees all the
33 trees that have been cut down.

34
35 Ms. Gerbino mentioned to Mr. Goldenberg that a representative of the
36 Department of Environmental Protection (DEP) came to a Planning Board
37 meeting and explained how the cleanup process will work.

38

1 Mr. Goldenberg said that nothing has been done to clean up the Granite
2 Pointe property so he questions why the application for Final Subdivision is
3 before the Board.

4
5 Consultant Town Engineer Barbagallo interjected that the DEC is cleaning
6 up the DEP property that is contaminated. He explained that the reason
7 the trees are cut down is because they are nesting areas for bats and the
8 material will be removed from the site this spring. Consultant Town
9 Engineer Barbagallo noted that the Granite Pointe area that is
10 contaminated with lead has to be cleaned up before there is a shovel in the
11 ground.

12
13 Engineer Allen said that the Board approved the SEIS in 2012. He noted
14 that the Brownfield Program was in danger of expiring but was extended
15 and he hopes to have the cleanup take place by the end of the year.

16
17 Mrs. DeLucia said that this project started in 1990. She read from Sarah
18 Brown's memo, *The Planning Board will need to determine if a Public*
19 *Hearing should be held on the Final Subdivision application. The criteria for*
20 *determining whether a Public Hearing is required is set fourth in Section*
21 *150-13.F of the Somers Town Code, "In the event that an application for*
22 *Final Subdivision Plat approval is submitted more than six months after the*
23 *date of approval of the application for Preliminary Subdivision Plat, the*
24 *Planning Board may, in its discretion, conduct a Public Hearing on the*
25 *application for Final Subdivision Plat Approval, notwithstanding that the*
26 *Final Subdivision Plat is in substantial agreement with the approved*
27 *Preliminary Subdivision Plat.*

28
29 Engineer Allen said that the idea that the Town does not accept drainage is
30 foreign to him. He indicated that it was always contemplated to have Town
31 drainage for the main stormwater system.

32
33 Consultant Town Engineer Barbagallo suggested having a meeting with the
34 Highway Superintendent to discuss Town drainage. He said that his idea
35 was for a Homeowners Association to maintain the drainage instead of the
36 Highway Department.

37
38 Sarah Brown, the Town's Consultant Planner, said that Mrs. DeLucia
39 mentioned her comment on the waiving of the Public Hearing and the rest
40 of her comments do not have to be addressed before the Public Hearing.

1 She said that it is up to the Board if they want to waive or schedule a Public
2 Hearing but her recommendation is to schedule a Public Hearing.

3
4 Consultant Town Engineer Barbagallo said that he is comfortable with the
5 Board scheduling the Public Hearing.

6
7 On motion by Chairman Currie, seconded by Mr. McNamara, and
8 unanimously carried, the Board moved to schedule a Public Hearing for
9 Final Subdivision Approval for Granite Pointe Subdivision for Wednesday,
10 June 10, 2015 at the Somers Town House.

11
12 Ms. Gerbino suggested scheduling a site walk to the Granite Pointe site.

13
14 Chairman Currie directed that a site walk be scheduled for Saturday, May
15 30, 2015 at 9:00 AM.

16
17 **PROJECT REVIEW**

18
19 **GREENBRIAR SOMERS CORP. [TM: 6.14-1-28, 29]**

20
21 Chairman Currie noted that this is an application for a Wetland, Steep
22 Slopes, Tree and Stormwater Management and Erosion and Sediment
23 Control Permits for property located on the north side of Greenbriar Drive
24 for the construction of 2 residential townhouse units with connection to
25 existing utility lines and roadway.

26
27 Chair Currie asked the applicant's representative to update the Board on
28 the application.

29
30 Timothy Allen, the applicant's engineer, said that the applicant would like to
31 build on the last two lots in Section 7 of Greenbriar. He noted that all
32 outstanding comments have been addressed and the plan is in
33 conformance with the original plan. Engineer Allen mentioned that there
34 was an issue with a tree that was cut down on the property but that issue
35 was adjudicated.

36
37 Consultant Town Engineer Barbagallo said that the project has changed
38 over time and the only reason why there is a need for a wetland permit is to
39 stabilize the slopes that are eroding within the buffer area. He mentioned
40 that the applicant has requested that the requirement of a mitigation plan

1 be reconsidered as all utility connection work is located outside of the 100
2 foot regulated buffer of the recently updated wetland boundary. Consultant
3 Town Engineer Barbagallo said he supports this request but the decision is
4 up to the Planning Board.

5
6 Chair Currie said that it is the consensus of the Board to waive the
7 requirement for the mitigation plan.

8
9 Consultant Town Engineer Barbagallo said that a condition of approval is
10 that the applicant revise the silt fence detail, the SWPPP include a soil
11 restoration requirement and that the applicant reroute the roof drain leader
12 on the "B" unit to first drain into the catch basin labeled CB#1 that lies
13 immediately west of infiltration pit #1.

14
15 Consultant Town Engineer Barbagallo noted that the Planning Board
16 requested that he inspect the outfall of the pipe to which the applicant is
17 connecting to determine whether or not additional improvements are
18 required to protect the wetland area. He said that there were two things he
19 asked for at the last meeting; one was a calculation that shows the
20 increase of how much water was put in and second, was for him to look at
21 the discharge. He mentioned that Ms. Gannon accompanied him to take a
22 look at the outfall of the pipe. Consultant Town Engineer Barbagallo said
23 that there is a sediment trap that is full of silt and will not meet today's
24 standards. He commented that the silt has gotten into certain portions of
25 the wetland. Consultant Town Engineer Barbagallo noted that the Board
26 wanted him to look at the outfall of the pipe to see if it needed cleaning and
27 he felt that was warranted.

28
29 Consultant Town Engineer Barbagallo said that he wants to look at the
30 sizing because the forebay looks very small.

31
32 Engineer Allen said he will work with the Consultant Town Engineer to
33 resolve the issue.

34
35 On motion by Chair Currie, seconded by Mrs. DeLucia, and unanimously
36 carried, the Board moved to schedule a Public Hearing for Greenbriar
37 Wetland, Steep Slopes, Tree Removal and Stormwater Management and
38 Erosion and Sediment Control Permits be scheduled for June 10, 2015 at
39 7:30 PM at the Somers Town House.

40

1 Chairman Currie directed that a conditional resolution of approval be
2 prepared for the next meeting.

3
4 There being no further business, on motion by Ms. Gerbino, seconded by
5 Ms. Gannon and unanimously carried, the meeting adjourned at 9:15 P.M.
6 The Chair announced that the next Planning Board meeting will be held on
7 Wednesday, June 10, 2015 at 7:30 P.M. at the Somers Town House.

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11

12 Respectfully submitted,

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14

15
16 Marilyn Murphy
17 Planning Board Secretary

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18

19