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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
AUGUST 14, 2013**

4

5

6

ROLL:

8

PLANNING BOARD

MEMBERS PRESENT:

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

11

12

13

ALSO PRESENT:

Director of Planning Syrette Dym
Town Consultant Planner Brown
Consultant Engineer Robert Wasp
Town Attorney Eriole
Planning Board Secretary Murphy

15

16

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19

ABSENT:

Mr. Foley

21

22

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

26

Ms. Gannon joined the meeting at 7:45 P.M.

28

29

30

31

APPROVAL OF DRAFT JUNE 12, 2013 MINUTES

32

1
2 Chair Currie noted that Planning Board Secretary Marilyn Murphy prepared
3 and submitted for the Board's consideration approval of the draft minutes of
4 the Planning Board meeting held on June 12, 2013.

5
6 The Chair asked the Board if there were any comments or questions on the
7 draft minutes of June 12, 2013 and no one replied.

8
9 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and unanimously
10 carried, the draft minutes of June 12, 2013, were approved.

11
12 The DVD of the June 12, 2013 Planning Board meeting is made a part of
13 the approved minutes and is available for public viewing at the Somers
14 Public Library and that the text of the approved minutes is also on the
15 Town's website and is available for public review at the Planning &
16 Engineering office at the Town House.

17
18 **TIME-EXTENSION**

19
20 **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
21 **FINAL CONSERVATION SUBDIVISION APPROVAL**
22 **[TM: 16.12-1-41 & 42]**

23
24 Chairman Currie noted that this is a request for a 90 day time-extension of
25 Final Subdivision Approval from August 19, 2013 up to and including
26 November 18, 2013 in accordance with §150-13.M. of the Code of the
27 Town of Somers. He said that this is the eleventh request for an extension
28 of Final Subdivision Approval.

29
30 Chair Currie acknowledged receipt of a memo from Director of Planning
31 Dym stating that she had no issue with the Planning Board granting a
32 further time-extension for this project.

33
34 Chair Currie asked the Board if they had comments or questions regarding
35 the requested time-extension and there were no comments or questions.

36
37 On motion by Mr. Goldenberg, seconded by Ms. Gerbino, and unanimously
38 carried, the Board moved to grant a 90-day time-extension to the period of
39 Final Conservation Subdivision Approval from August 19, 2013 up to and

1 including November 18, 2013 in accordance with §150-13.M. of the Code
2 of the Town of Somers.

3

4 **TIME-EXTENSION**

5

6 **SOMERS REALTY PLANNED HAMLET**
7 **FINAL SUBDIVISION APPROVAL AND LOT LINE CHANGE,**
8 **WETLAND PERMIT, TREE PRESERVATION PERMIT AND**
9 **STORMWATER MANAGEMENT AND EROSION AND**
10 **SEDIMENT CONTROL PERMIT [TM: 4.20-1-15, 18]**

11

12 Chairman Currie said that this is a first request for a 90 day time-extension
13 to the period of Final Subdivision Approval from July 22, 2013 up to and
14 including October 20, 2013 in accordance with §150-13.M. of the Code of
15 the Town of Somers.

16

17 Chair Currie acknowledged receipt of a letter dated July 18, 2013
18 requesting the time-extension from the applicant's attorney Linda
19 Whitehead. He also noted that Director of Planning Syrette Dym provided
20 a memo stating that she had no issues with the Planning Board granting a
21 time-extension for this project.

22

23 The Chair asked the applicant's representative to explain the reason for the
24 request for a time-extension.

25

26 Linda Whitehead, the applicant's attorney, said that she anticipates having
27 the map filed within the next two weeks to meet funding deadlines for The
28 Mews 2. She explained that she is working closely with the Department of
29 Environmental Protection (DEP) and Woodard & Curran to make this
30 happen.

31

32 On motion by Mr. Goldenberg, seconded by Mr. Keane, and unanimously
33 carried, the Board moved to grant a first request for a 90-day time-
34 extension to the period of Final Subdivision Approval from July 22, 2013 up
35 to and including October 20, 2013 in accordance with §150-13.M. of the
36 Code of the Town of Somers.

37

38

39

40

1 INFORMAL APPEARANCE

2
3 DR. RALPH SMALL'S BUILDING [TM: 17.11-2-6]
4 LOCATED AT 356 SOMERSTOWN ROAD IN THE B-HP DISTRICT
5

6 Chairman Currie explained that this is an application for an informal
 7 appearance for the Board to determine the need for amended Site Plan
 8 approval for construction of an exterior elevator to a pre-existing building
 9 located at 356 Somerstown Road in the B-HP District in accordance with
 10 §170-16 and 170-114.

11
 12 The Chair asked the applicant's representative to bring the Board up-to-
 13 date on the project.

14
 15 Joseph Lazarcheck, the applicant's architect, explained that an elevator will
 16 be added to the exterior of the building to make the three story building
 17 accessible. He showed the Board the Site Plan and photograph
 18 highlighting the existing building and the proposed 5 X 7 elevator which is
 19 approximately 35 square feet. Architect Lazarcheck noted that the elevator
 20 will have access to the first and second floor.

21
 22 Chair Currie said the reason this is before the Board is because it is in the
 23 Business Historic Preservation District (B-HP).

24
 25 Planning Director Dym said that this is to be built upon existing impervious
 26 surface and will not create any new impervious surface.

27
 28 Architect Lazarcheck noted that disturbance will only be about 100 SF. He
 29 said that there is a gravel path with pavement and 20 SF of impervious
 30 surface will be removed.

31
 32 Mr. Goldenberg asked why an elevator is needed.

33
 34 Architect Lazarcheck explained that the entrance to the elevator will
 35 be at the parking grade level. He indicated that the elevator is necessary to
 36 bring the building up to the accessible code and there is a problem with
 37 accessibility to the second floor.

1 Ms. Gerbino asked if this application will go before the Architectural Review
2 Board (ARB). She said that her concern is safety and that the elevator
3 meets the Fire Department standards and has a call box.

4
5 Planning Director Dym interjected that the reason this application is being
6 reviewed is to determine if the Board feels it rises to the level of
7 §170-16 Site Plan Approval. She said that because this is an informal
8 application it was not sent to the ARB.

9
10 *At this time Ms. Gannon joined the meeting.*

11
12 Mr. Goldenberg asked if this is the first elevator in the B-HP District.

13
14 Mr. Keane noted that this is not the first elevator in the B-HP District.

15
16 Mr. Keane mentioned that §170-16, uses subject to Site Plan approval,
17 states *that proposed alterations of existing buildings and site conditions*
18 *shall be subject to amended Site Plan approval by the Planning*
19 *Board...Where such change in design, material, color or exterior*
20 *appearance is proposed and is not part of any activity requiring the*
21 *approval of a building permit, such change shall be undertaken in full*
22 *conformance with the provisions of §170-17.2C.D. and E.* He noted that C.
23 is architectural guidelines.

24
25 Planning Director Dym commented that the elevator will require a Building
26 Permit. She said that the applicant wanted to submit an Informal
27 application for discussion before embarking on a full Site Plan review.
28 She explained that the applicant wants the Board to determine if the
29 application falls under §170-16.

30
31 Town Attorney Eriole advised that because this application requires a
32 Building Permit the application is subject to Site Plan approval. He noted
33 that if the footprint is altered it is a modification to the Site Plan. Town
34 Attorney Eriole asked the applicant if his hope was that the application
35 would not need Site Plan approval.

36
37 Architect Lazarcheck indicated that at a meeting with the Building Inspector
38 and Planning Director it was suggested that an Informal application would
39 be the best course of action.

40

1 Mr. Keane said that the Board should have known about the discussion
2 that took place and in the future reference to the section in the Code so the
3 Board knows why this discussion is taking place.

4
5 Chair Currie noted that it was the consensus of the Board that amended
6 Site Plan approval is needed.

7 Mrs. DeLucia asked what year the building was built.

8
9 Architect Lazarcheck said the building was built in the late 1960's or early
10 1970's.

11
12 Ms. Gerbino said that this building was in existence before the B-HP
13 District was created.

14
15 Planning Director Dym referenced §170-18.5 Exemptions, noted that this
16 applies to a Site Plan that was approved but not executed.

17
18 Timothy Allen approached the podium and indicated that he represents Dr.
19 Small on other matters and suggested that a Site Plan application be
20 provided and the Board determines that the action is unlisted and a
21 resolution be prepared.

22
23 Planning Director Dym reminded the Board that there are a lot of
24 requirements in the B-HP District. She mentioned the Technical
25 Committee meeting that allows 31 days for that meeting to take place and
26 another 45 day requirement.

27
28 Town Attorney Eriole stated that a Type II Action under SEQRA can apply.

29
30 Engineer Allen indicated that he will review the Code to see if there is a
31 waiver process that can be used for this project.

32
33 Planning Director Dym suggested that the Planning Board request an
34 amendment to the Legislation and not have all the requirements applicable
35 when there is a small alteration.

36
37 **PROJECT REVIEW**

38
39 **JONATHAN VILLANI/SOMERS DEVELOPMENT, LLC.**
40 **APPLICATION FOR WETLAND PERMIT [TM: 16.05-1-1]**

1 Chairman Currie said that based on correspondence from the applicant
 2 dated August 13, 2013, the applicant is rescinding his application for a
 3 wetland permit for property located at 237 Tomahawk Street because he is
 4 redesigning the renovation to an existing building to stay out of the wetland
 5 buffer.

6

7 **DISCUSSION**

8

9 **GRANITE POINTE SUBDIVISION [TM: 27.05-3-2 &5]**

10

11 Chairman Currie noted that this is a discussion on the proposal for
 12 professional services from Frederick P. Clark Associates for the updated
 13 FSEIS completeness review.

14

15 The Chair asked the applicant’s representative to discuss the request for
 16 professional services.

17

18 Timothy S. Allen, the applicant’s engineer, stressed that he is upset that
 19 F. P. Clark Associates does not have a review memo this evening. He
 20 stated that the applicant has always kept up with the escrow on this project.
 21 Engineer Allen mentioned that the applicant approved the scheme of this
 22 proposal and has no objection to the new escrow proposal. He indicated
 23 that the subdivision is not being approved this evening and the process has
 24 already been approved by the Department of Environmental Conservation
 25 (DEC).

26

27 Engineer Allen gave the Board a history on this project and mentioned that
 28 he joined Bibbo Associates in 1986 and became a partner in 1996. He
 29 indicated that Granite Pointe has been a project for all that time. Engineer
 30 Allen stated that Mr. Harkins and his partners were not the owners at that
 31 time and the surveyor and attorney have passed away.

32

33 Engineer Allen mentioned that he met and talked with Woodard & Curran
 34 on their memo. He commented that the DEC is ready to clean up the
 35 Department of Environmental Protection (DEP) parcel.

36

37 Mr. Keane said he is not sure what completeness review means because
 38 the Planning Board has to arrive at its conclusions on the Final
 39 Supplemental Environmental Impact Statement (FSEIS). He asked who
 40 will write and take into consideration all the threads, facts and supporting

1 data and conclusions the Board will arrive at to complete the FSEIS from
2 the Planning Board's perspective as Lead Agency.

3 Sarah Brown, representing Frederick P. Clark Associates, explained that
4 they were not authorized to do any more work beyond the first
5 completeness review. She said she does not know who made the decision
6 to review the completeness one step at a time. Consultant Planner Brown
7 mentioned that this does not include the escrow for the Findings Statement.
8

9 Mr. Keane confirmed that the duties of the consultants were defined at an
10 earlier meeting. He said that a determination has to be made that the lead
11 on the site has been mitigated down to that level that is appropriate for the
12 use determined by the DEC under the Brownfield Program.
13

14 Engineer Allen stressed that the DEC is required to clean up the DEP
15 property. He said that the DEP stated that they have no approval over the
16 DEC or Somers plans.
17

18 Engineer Allen reiterated that everything has to be done correctly.
19

20 Mr. Goldenberg mentioned that the Board received a memo from Woodard
21 & Curran on the review of the Final Supplemental Environmental Impact
22 Statement (FSEIS) and a memo from Frederick P. Clark Associates, Inc.
23 on the proposal for the Provisions of Services on Granite Pointe FSEIS
24 Completeness Review. He asked what the Board is reviewing.
25

26 Mr. Keane explained that there are multiple consultants reviewing the
27 removal of lead on the site. He noted that the applicant applied to the
28 Brownfield Program for the clean-up of the site for particular uses. Mr.
29 Keane stressed that nothing can be done on the site until the applicant
30 receives a permit. He said that the fundamental issue is has the applicant
31 done what was necessary and working with the DEC have they mitigated
32 the lead contamination to a level that meets the proper criteria that allows
33 the applicant to build their residential development. Mr. Keane mentioned
34 that the next step is for the Board to do a Findings.
35

36 Mrs. DeLucia asked Consultant Planner Brown if she could prepare a draft
37 Findings Statement and send it via e-mail for the Board's input for the next
38 meeting.
39

1 Engineer Allen noted that Woodard & Curran's memo states that the
2 applicant has an approved Stormwater Pollution Prevention Plan (SWPPP)
3 from the NYSDEC.

4
5 Chairman Currie stated that the duties of the consultants have been
6 defined.

7
8 Consultant Planner Brown explained that F.P. Clark Associates did not
9 have authorization to continue their review and that is the reason that a
10 memo was not prepared for this meeting. She suggested that a memo be
11 ready for the September Planning Board meeting as well as a draft for the
12 Findings Statement. Consultant Planner Brown said that she wants to
13 make sure that the SEQRA record is complete.

14
15 Mr. Keane noted that the Findings have to state if the lead content on the
16 site has been reduced to the level dictated by the DEC. He indicated that
17 when you have a conclusion there has to be facts related to that
18 conclusion.

19
20 Ms. Gerbino asked when the DEC is going to clean up the DEP property.

21
22 Engineer Allen said that the applicant is hoping for a combined effort to
23 clean up the property but the DEC will clean up the property when they are
24 ready and may not wait for the Granite Pointe property clean-up.

25
26 John Harkins, applicant, mentioned that he has given the DEP permission
27 to use his road but wants to have input on how they use the road to get to
28 their property.

29
30 Chair Currie said that the applicant approved F.P. Clark Associate's
31 proposal and authorized them to proceed working on the completeness
32 review and Findings Statement. He noted that a consensus of the Board
33 authorized him to sign the proposal for services from F. P. Clark
34 Associates.

35
36 Consultant Planner Brown suggested preparing the Draft Findings
37 Statements for the Board's review via e-mail by August 28, 2013 and the
38 Board agreed.

39
40

FSEIS COMPLETENESS REVIEW RELATIVE TO STORMWATER**GRANITE POINTE SUBDIVISION****[TM: 27.05-3-2 & 5]**

Chairman Currie said that the Board will discuss the completeness review from Woodard & Curran on the Final Supplemental Environmental Impact Statement (FSEIS) for Granite Pointe relative to stormwater and the Remedial Action Plan.

Chairman Currie acknowledged receipt of an e-mail from a homeowner dated August 13, 2013.

Robert Wasp, representing Woodard & Curran, mentioned that he spoke to Engineer Allen about Woodard & Curran's memo and is comfortable that all the supplementary comments will be addressed prior to the issuance of the Town's permits. He indicated that the State has approved the SWPPP for the remedial site work. Engineer Wasp indicated that there are no outstanding environmental issues that will impair the Findings Statement.

Mr. Goldenberg said that there are a number of incomplete items in Consultant Engineer Barbagallo's memo and he is concerned because Engineer Barbagallo is not here this evening to answer his concerns.

Mrs. DeLucia said that a revised SWPPP will be submitted and all questions will be addressed.

Engineer Allen said that Engineer Wasp probably wrote the memo for Consultant Engineer Barbagallo's review and approval. He indicated that everything has to be done for the approval of Woodard & Curran.

Engineer Allen explained that the DEC is the authority on this process and they have signed off on the SWPPP.

Chair Currie noted that Woodard & Curran's memo states that *the applicant will need to provide documentation of Westchester County Department of Health (WCDOH) and NYCDEP approval for areas designated for future septic field construction.*

1 Mr. Goldenberg said that another not complete item says that the *applicant*
2 *shall provide a more thorough inspection and maintenance plan in the*
3 *SWPPP that specifically addresses inspections, schedules and reporting*
4 *for all site stormwater structures during and following the completion of*
5 *construction.*

6
7 Mr. Keane explained that the applicant has an approved SWPPP from the
8 NYSDEC which means that the application is in conformance with the
9 State’s Stormwater Manual. He said that based upon the applicant’s
10 commitment to address all comments prior to Town environmental permit
11 issuance, he feels comfortable that the Board can have confidence that all
12 environmental impacts relative to stormwater management will be
13 mitigated. Mr. Keane commented that the Town’s professional engineer
14 signed the memo stating the applicant’s compliance and he has to certify
15 the SWPPP.

16
17 Engineer Robert Wasp explained he assists the team at Woodard & Curran
18 with Consulting Engineer Barbagallo who oversees drafting the memos.

19
20 There being no further business, on motion by Chair Currie, seconded by
21 Mr. Goldenberg, and unanimously carried, the meeting adjourned at
22 9:15 P.M. and the Chair noted that the next Planning Board meeting will be
23 on Wednesday, September 11, 2013 at 7:30 P. M. at the Somers Town
24 House.

25
26
27 Respectfully submitted,

28
29 Marilyn Murphy
30 Planning Board Secretary
31
32