

# 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 SEPTEMBER 10, 2014

4

5

6

### ROLL:

8

### PLANNING BOARD

10 **MEMBERS PRESENT:** Chairman Currie, Mrs. DeLucia, Mr. Keane,  
11 Ms. Gerbino, Mr. Goldenberg, Mr. Foley and  
12 Ms. Gannon

13

14 **ALSO PRESENT:** Consultant Town Engineer Joseph Barbagallo  
15 Planning Board Town Attorney Joseph Eriole  
16 Planning Board Secretary Marilyn Murphy

17

18

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

22

### APPROVAL OF DRAFT JULY 9, 2014 MINUTES

24

25 Chair Currie noted that Planning Board Secretary Marilyn Murphy prepared  
26 and submitted for the Board's consideration approval of the draft minutes of  
27 the Planning Board meeting held on July 9, 2014.

28

29 The Chair asked the Board if there were any comments or questions on the  
30 draft minutes of July 9, 2014 and no one replied.

31

1 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
2 carried, the draft minutes of July 9, 2014 were approved.

3  
4 The DVD of the July 9, 2014 Planning Board meeting is made a part of the  
5 approved minutes and is available for public viewing at the Somers Public  
6 Library. The text of the approved minutes is also on the Town's website  
7 [www.somersny.com](http://www.somersny.com) and is available for public review at the Planning &  
8 Engineering office at the Town House.

9  
10 **PUBLIC HEARING**

11  
12 **SOMERS REALTY CORP. SEWER CONNECTION**  
13 **[TM: 4.20-1-11.1, 15.1, 19]**

14  
15 Chairman Currie said that this is a Public Hearing on the application for  
16 Steep Slopes, Wetlands, Tree Removal and Stormwater Management and  
17 Erosion and Sediment Control Permits for Somers Realty Corp for property  
18 located at Clayton Blvd. and Route 6 for the installation of a gravity sewer  
19 line connection to the Somers Commons Shopping Center.

20  
21 Chair Currie asked Planning Board Secretary Murphy if the legal notice  
22 was published and the adjoining property owners notified.

23  
24 Planning Board Secretary Murphy stated that the legal notice was  
25 published in the Somers Record on August 28, 2014 and the adjoining  
26 property owners were notified via mail on August 29, 2014.

27  
28 Chair Currie commenced with the Public Hearing.

29  
30 Chair Currie asked the applicant's representative to explain the application  
31 for the benefit of the Board and the public.

32  
33 Linda Whitehead, the applicant's attorney, explained that the application is  
34 for Wetlands, Steep Slopes, Tree Removal and Stormwater Management  
35 and Erosion and Sediment Control Permits for the installation of a sewer  
36 line connecting to the Somers Commons Shopping Center. She noted that  
37 the new Pump Station will shortly be under construction at Somers Realty.  
38 Attorney Whitehead mentioned that in 2009 when Somers Realty Planned  
39 Hamlet was discussed the Planning Board required the granting of an  
40 easement through the Shopping Center so this connection could be made

1 in the future when the pump station was connected. She explained that  
2 Somers Realty has been working with Urstadt Biddle, the owner of the  
3 Somers Commons Shopping Center, to get this connection now so it is in  
4 place when the pump station starts working.  
5

6 Attorney Whitehead stated that she received comments from Woodard &  
7 Curran and the New York City Department of Environmental Protection.  
8 She noted that Insite Engineering responded to their comments as well as  
9 submitting revised plans.  
10

11 Chair Currie asked Consultant Town Engineer Barbagallo if he had any  
12 comments or concerns.  
13

14 Consultant Town Engineer Barbagallo explained that by installing the  
15 gravity sewer line it will bring the overall sewage conveyance system in line  
16 with the original intent. He noted that the original intent was for there to be  
17 a terminal pump station in this location at the Somers Realty project to  
18 pump over the hill to the gravity areas in Yorktown. Consultant Town  
19 Engineer Barbagallo said that previously there was a force main that was  
20 pumping all the way from The Preserve Subdivision to Yorktown. He  
21 indicated that he is very supportive of this change because it brings the  
22 system back in line with the intent when it was studied with The Preserve  
23 Subdivision.  
24

25 Consultant Town Engineer Barbagallo commented that the Planning Board  
26 contemplated this change as part of its approval and it meets the original  
27 intent of the pump station.  
28

29 Consultant Town Engineer Barbagallo said that most of his comments have  
30 been addressed except for the construction estimate for the bond and the  
31 documentation of Department of Environmental Protection (DEP) approval  
32 on the amended Stormwater Pollution Prevention Plan (SWPPP). He  
33 indicated that the application is very close at this point.  
34

35 Consultant Town Engineer Barbagallo noted that he has to make contact  
36 with Adam Smith, the Water Superintendent, before the final sign off.  
37

38 Chair Currie asked if there were any comments or concerns from the  
39 Board.  
40

1 Ms. Gerbino noted that she is concerned when the switch from one system  
2 to the other takes place.

3  
4 Consultant Town Engineer Barbagallo explained that is a construction  
5 detail with the Water Superintendent monitoring that switch from one  
6 system to the other. He said that the system will be installed while the  
7 other system is fully operating with a valve opening and another value shut  
8 off and then it will flow by gravity.

9  
10 Attorney Whitehead explained that once the pump station is up and ready  
11 to be put in service the old system will be shut down and the water will flow  
12 by gravity.

13  
14 Mr. Goldenberg mentioned that the Town Board in their memo dated  
15 September 3, 2014 stated that the Board was totally in favor of the  
16 important connection. He asked if the letter from the NYC Department of  
17 Environmental Protection dated August 14, 2014 has been addressed and  
18 noted that he just wants to make sure that the letters from outside agencies  
19 are addressed.

20  
21 Consultant Town Engineer Barbagallo stated that before final approval is  
22 recommended he will make sure that everything is addressed or if not that  
23 they are conditions of final approval.

24  
25 Chair Currie asked if anyone from the public would like to speak on the  
26 application and no one responded.

27  
28 On motion by Chair Currie, seconded by Mr. Keane and unanimously  
29 carried, the Board moved to close the Public Hearing on the Somers Realty  
30 Sewer Connection.

31  
32 Consultant Town Engineer Barbagallo suggested that a Resolution of  
33 Approval be prepared for the Chairman's Signature.

34  
35 On motion by Chair Currie, seconded by Mr. Keane and unanimously  
36 carried, the Board moved to have the Resolution of approval prepared for  
37 the Chair's signature.

38  
39  
40

1 **TIME EXTENSION**

2  
3 **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL**  
4 **[TM: 5.20-1-1]**

5  
6 Chairman Currie said that this a request for a 90-day time extension to the  
7 period of Final Subdivision Approval for the Merritt Park Estates Final  
8 Subdivision Approval from September 29, 2014 up to and including  
9 December 29, 2014. He noted that this is the seventeenth request for a  
10 time extension.

11  
12 Chair Currie acknowledged a letter dated September 3, 2014 from the  
13 applicant's attorney Geraldine Tortorella requesting the time extension. He  
14 mentioned that Director of Planning Dym in her memo of September 4,  
15 2014 stated that she had no objection to the extension of the subdivision  
16 approval.

17  
18 Mrs. DeLucia referred to Director of Planning Dym's memo dated  
19 September 4, 2014, *the additional infrastructure improvements including*  
20 *completion of the drainage system, item 4 in the roadway and paving and*  
21 *work requiring coordination with Lake Lincolndale Property Owners*  
22 *Association are not anticipated to be completed by September 29 and,*  
23 *therefore, an additional extension is required.*

24  
25 Mr. Goldenberg said that at 7:30 AM on Saturday the applicant was  
26 working and working near Condo 22 at Heritage Hills and there was a lot of  
27 noise. He asked if someone can look into this as eventually there will be  
28 complaints.

29  
30 Consultant Town Engineer Barbagallo said that he will ask for a project  
31 schedule.

32  
33 On motion by Mrs. DeLucia, seconded by Mr. Goldenberg, and  
34 unanimously carried, the Board moved to grant the request of Merritt Park  
35 Estates for a seventeenth 90-day time extension to the period of Final  
36 Subdivision Approval from September 29, 2014 up to an including  
37 December 29, 2014 in accordance with §150-13.M of the Code of the Town  
38 of Somers.

**1 INFORMAL APPEARANCE****3 HERITAGE 202 CENTER [TM: 17.11-10-20]**

5 Chairman Currie noted that there was no one present representing the  
6 Heritage 202 Shopping Center.

**9 PROJECT REVIEW****11 FABRY WETLAND PERMIT [TM: 47.20-1-12]**

13 Chairman Currie noted that this is an application for a Wetland Permit for  
14 property owned by Christopher and Dina Fabry located at 135 Pines Bridge  
15 Road for the installation of a detached three car garage west of their single  
16 family residence.

18 Chair Currie asked the applicant's representative to update the Board on  
19 the application.

21 Steve Marino, the applicant's wetland consultant, said that the application  
22 is for a three car garage with disturbance in the wetland buffer area. He  
23 mentioned that he responded to comments in the Woodard & Curran  
24 memo. Mr. Marino indicated that he received memos from the Open Space  
25 Committee and the Town Board and they had no issues with the  
26 application. He mentioned that there are a few minor details that have to  
27 be cleared up in the Woodard & Curran memo and they will be provided for  
28 the Public Hearing. Mr. Marino asked the Board to schedule a Public  
29 Hearing on the Fabry Wetland application.

31 Consultant Town Engineer Barbagallo stated that based on his review the  
32 applicant has provided documents and addressed the majority of his  
33 comments. He indicated that the remaining comments are minor in nature  
34 and relate to updated notes and should be included on the final drawing.  
35 Consultant Town Engineer Barbagallo noted that he is comfortable with the  
36 Planning Board scheduling the Public Hearing.

38 Chair Currie asked the Board if they had any questions or comments and  
39 no one responded

1 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously  
2 carried, the Board moved to schedule a Public Hearing on October 8, 2014  
3 for the Fabry Wetland application.

4  
5 Consultant Town Engineer Barbagallo asked if he should prepare a  
6 Resolution of Approval for the October 8, 2014 Planning Board meeting  
7 and that was agreeable to the Board.

8  
9  
10 **PROJECT REVIEW**

11  
12 **GREENBRIAR SOMERS CORP. [TM: 6.14-1-28, 29]**

13  
14 Chairman Currie explained that this is the project review for the Greenbriar  
15 application for Wetland, Steep Slopes, Tree Removal and Stormwater  
16 Management and Erosion and Sediment Control Permits for property  
17 located on the North side of Greenbriar Drive for the construction of 2  
18 residential townhouse units with connection to existing utility lines and  
19 roadway.

20  
21 Chair Currie asked the applicant's representative to update the Board and  
22 the public on the application.

23  
24 Joseph Buschynski, the applicant's engineer, mentioned that the  
25 application is for Lots 1 and 2 in Section 7. He explained that Lot 1 and Lot  
26 2 are undeveloped lots that were granted approval under Resolution 2006-  
27 26 for the re-subdivision of Lots 1-4 in Section 7. He noted that Building  
28 Permits were issued on Lots 3 and 4 with Lots 1 and 2 to remain  
29 undeveloped until such time as the Oak Tree on the property no longer  
30 survives. Engineer Buschynski explained that the owner took it upon  
31 himself to have the tree removed which resulted in a violation and  
32 settlement with the Town.

33  
34 Engineer Buschynski stated that he responded to comments from Woodard  
35 & Curran and revised the Stormwater Pollution Prevention Plan (SWPPP).

36  
37 Chair Currie asked the Board if they had any comments.

1 Mr. Goldenberg noted that a violation was issued because a significant tree  
2 was cut down on the property. He asked if the violation stated that nothing  
3 could be built on the property.

4  
5 Engineer Buschynski stated that a financial settlement was reached with  
6 the Town that allowed the applicant to apply to build on the property.

7  
8 Consultant Town Engineer Barbagallo noted that the applicant has  
9 prepared a revised SWPPP and site drawings in response to his  
10 comments. He said that following the applicant's appearance at the  
11 January 8, 2014 Planning Board meeting additional review comments were  
12 communicated to the applicant through his action memorandum, dated  
13 February 4, 2014. He explained that replacement plantings shall be  
14 coordinated with the wetland buffer Mitigation Plan to preserve the existing  
15 ecological functions of the wetland area. Consultant Town Engineer  
16 Barbagallo said the Board should determine if this comment has been  
17 satisfied. He commented that the applicant requested that requirement of a  
18 Mitigation Plan be reconsidered as all utility connection work is located  
19 outside of the 100 foot regulated buffer. Consultant Town Engineer  
20 Barbagallo reminded the Board that they requested that the wetland be  
21 redelinated and now this work falls outside the 100 foot buffer area. He  
22 stated that the Board can decide to have the wetland verified because now  
23 the wetland permit is not necessary. Consultant Town Engineer Barbagallo  
24 noted that he was out to the site and it seems that the flags are in the  
25 appropriate places but the Board can decide to have that verified. He said  
26 that if the Board decides not to verify the wetland delineation he is  
27 comfortable with that. He mentioned that the only work within the buffer is  
28 the stabilization of slopes which is a positive benefit to the environment.

29  
30 Consultant Town Engineer Barbagallo indicated that he asked for additional  
31 information relative to the constraints map and to revise the SWPPP that  
32 indicates that Steep Slopes and the Stormwater Management and Erosion  
33 and Sediment Control Permits are administrative and not Planning Board.  
34 Consultant Town Engineer Barbagallo noted that he asked the applicant to  
35 describe how grading of stabilization of steep slopes within the wetland  
36 buffer will be completed. He also requested that the construction sequence  
37 include the proposed slope stabilization work and that the construction  
38 details be revised for the silt fence and that weekly site inspections shall be  
39 completed by a qualified inspector. Consultant Town Engineer Barbagallo  
40 asked that the SWPPP be revised and the erosion and sediment control

1 drawing notes reference Chapter 5 of the NYSDEC Stormwater  
2 Management Design Manual latest edition. He requested that a note be  
3 added to the plan which indicates that wetland buffer areas be maintained  
4 as a “No Mow” area. Town Consultant Engineer Barbagallo asked that the  
5 detail sheet include a construction detail that describes seed and mulch  
6 placement on the steep slopes to be stabilized. He also asked that a note  
7 be added to the plans as the proposed crossings of water service and roof  
8 drain pipes to indicate that a minimum of 18 inches vertical separation must  
9 be provided.

10  
11 Mr. Keane said that the original plan showed the most westerly building  
12 partially in the wetland buffer.

13  
14 Consultant Town Engineer Barbagallo said that the most westerly unit  
15 shows the rear yard in the wetland buffer but there is no activity or  
16 proposed grading. He noted that there will be a physical barrier or a “No  
17 Mow” zone.

18  
19 Mr. Keane asked where the discharges with the concentrated flow that will  
20 leave the property be located. He said that the discharge will go directly  
21 into the wetland.

22  
23 Consultant Town Engineer Barbagallo said that there is a foundation drain  
24 that discharges into the westerly area and the storm water units that are  
25 placed in the front yard that preexisted.

26  
27 Engineer Buschynski said that there will be roof drainage.

28  
29 Mr. Keane opined that the soils are not very good for infiltration.

30  
31 Engineer Buschynski disagreed stating that there is Charleston Soils.

32  
33 Consultant Town Engineer Barbagallo said that there will be storm events  
34 that exceed the capacity of the infiltrators and will result with discharge into  
35 the street system which is the same system that had issues in the past.

36  
37 Mr. Keane opined that the wetland is important and the stream is an  
38 aerated stream. He noted that he does not want any sediment discharged  
39 into the wetland. Mr. Keane commented that the proximity of the two  
40 proposed buildings to the wetland have to be taken into consideration.

1 Engineer Buschynski said the culvert was not properly extended to the  
2 bottom of the slope and that created an erosive condition towards the east  
3 of the lots. He explained that any overflow from the infiltration will go to the  
4 street drain.

5

6 Consultant Town Engineer Barbagallo asked for the discharge rate from  
7 the storm events. He explained that the drainage system was designed and  
8 approved previously and this application will connect into it.

9

10 Consultant Town Engineer Barbagallo said that Mr. Keane would like to  
11 see that there is no contribution of stormwater from this site into the road  
12 system or for the applicant to demonstrate that it is a very small percent.

13

14 Mr. Keane noted that the mediation that was done to deal with the  
15 discharge of stormwater into the wetland from the street drain is insufficient  
16 based on today's standards.

17

18 Consultant Town Engineer Barbagallo stressed that this is not a Site Plan  
19 review but a Wetland Permit review for the connection of the utility and the  
20 review of a Steep Slopes and Tree Permit.

21

22 Mr. Keane said that this portion of the wetland must be taken into  
23 consideration.

24

25 Consultant Town Engineer Barbagallo explained that the wetland activity is  
26 to stabilize an embankment. He mentioned that the Stormwater System is  
27 already installed and this application will allow the connection to the  
28 system.

29

30 Engineer Buschynski noted that there are two infiltrators proposed for Lots  
31 1 and 2 in Section 7.

32

33 Consultant Town Engineer Barbagallo stated that he understands that this  
34 site contributes to the discharge to the wetland.

35

36 Planning Board Town Attorney Eriole stated that he will review the issue  
37 and report back to the Board.

38 Consultant Town Engineer Barbagallo asked the applicant to quantify the  
39 amount of runoff and what storm events are leaving the site and going into  
40 the system.

1  
2 Engineer Bushynski stated that the Stormwater Manual wants water put  
3 back in the ground and this plan accomplished that.

4  
5 Consultant Town Engineer Barbagallo said that he will look at the  
6 discharge and will take photos. He noted that he will look at how the  
7 system is functioning under the original conditions and determine if  
8 additional mitigation is needed as part of the wetland permit.

9  
10 Mr. Foley asked if this project is in the Groundwater Protection Overlay  
11 District.

12  
13 Engineer Bushynski said that the Groundwater Protection Overlay District  
14 loops around the site but this site is not in the district.

15  
16 Mr. Foley asked that the Groundwater Protection Overlay district boundary  
17 be clarified.

18  
19 **SEQRA**

20  
21 **GRANITE POINTE SUBDIVISION [TM: 27.05-3-2 & 5]**

22  
23 Chairman Currie said that the Board will be reviewing the draft Findings  
24 Statement and Stormwater Pollution Prevention Plan (SWPPP) for the  
25 Brownfields Plan.

26  
27 Chairman Currie acknowledged letters from the Watershed Inspector  
28 General (WIG) dated September 5, 2014, the Residents of Gwynne Drive  
29 dated September 8, 2014 and an e-mail from Marian Rose dated  
30 September 8, 2014.

31  
32 Chair Currie asked the applicant's representative to update the Board on  
33 the project.

34  
35 Timothy Allen, the applicant's engineer, said that he reviewed the memos  
36 that were submitted and the Findings Statement. He mentioned that the  
37 Board reviewed the Findings Statement a while ago and he had no  
38 objection to the Findings then and does not have any objections now.

39

1 Consultant Town Engineer Barbagallo explained that the Findings  
2 Statement was prepared by F. P. Clark and he added comments that are  
3 underlined in the document. He mentioned that Sarah Brown, Consultant  
4 Planner from F. P. Clark, prepared the document but cannot be present this  
5 evening.

6  
7 Consultant Town Engineer Barbagallo noted that he coordinated with the  
8 Watershed Inspector General and he clarified that the WIG was confusing  
9 the Remediation SWPPP and the Final SWPPP for the Subdivision.  
10 Consultant Town Engineer Barbagallo explained that the current letter  
11 dated September 5, 2014 received September 8, 2014 from WIG reflects  
12 the fact that there will be a future SWPPP relative to the Subdivision that  
13 will include a Stormwater Loading Analysis. He stressed that the process  
14 now is the remediation and to finalize the Findings Statement and the  
15 SWPPP. Consultant Town Engineer Barbagallo stated that the WIG's  
16 comments were minor and can be incorporated into the SWPPP. He  
17 mentioned that the WIG's comments are advisory but he finds their  
18 comments reasonable and will request that the applicant address their  
19 comments prior to the issuance of any Stormwater Permits for their  
20 activities associated with the remediation.

21  
22 Mr. Goldenberg said that he did not have time to review the letter from the  
23 WIG and feels that more time is needed to digest the meaning of the letter.  
24 He noted that there are questions he would like to ask such as the  
25 qualifying person, who he is paid by and who hires the person that will  
26 make sure the remediation is done correctly. Mr. Goldenberg said he  
27 wants to know how much insurance the owner has in case there is a  
28 disaster of some type and if Somers will be responsible. Mr. Goldenberg  
29 said that he wants to know if a bond is put up in case something goes  
30 wrong and he wants to see things in writing.

31  
32 Consultant Town Engineer Barbagallo said the way the Findings Statement  
33 was drafted protects the Board.

34  
35 Mr. Keane said that Mr. Goldenberg heard everything before as Paul  
36 Muessig, Senior Environmental Scientist, explained everything in detail.  
37 He said that the trucker has to have liability insurance to deal with pollutant  
38 discharge and other issues. He said that there is a Federal Law that  
39 determines the liability for this type of activity. Mr. Keane stressed that it is  
40 inappropriate to start things all over again.

1 Engineer Allen noted that the qualifying person and his qualifications are in  
2 the Remedial Action Work Program (RAWP) that was submitted.

3  
4 Chair Currie reminded Mr. Goldenberg that the Town hired Paul Muessig  
5 who submitted a plan.

6  
7 Mrs. DeLucia said that on October 30, 2013 there was a SEQRA  
8 discussion on Granite Pointe. Chairman Currie said that the Board will be  
9 discussing and considering the adoption of the SEQRA Findings  
10 Statement. She commented that at that meeting the Board reviewed all the  
11 issues and Paul Muessig spoke about the trucks.

12  
13 Mrs. DeLucia said that the DEC is cleaning up the lead contamination on  
14 the DEP property. She asked Mr. Goldenberg if they have to put up a bond.

15  
16 Ms. Gannon interjected that the Board has been talking about this project  
17 for months. She read from Consultant Town Engineer Barbagallo's memo  
18 dated September 5, 2014 *The Applicant should provide a summary of*  
19 *current coordination with the NYC DEP related to the NYC DEP property*  
20 *cleanup at the upcoming Planning Board meeting.*

21  
22 Engineer Allen said that yesterday he was in Albany with Mr. Harkins to talk  
23 about the cleanup of the site. He noted that the DEC is cleaning up the  
24 DEP property. Engineer Allen noted that the clean up of the DEP property  
25 was supposed to happen this fall and that is predicated on the use of the  
26 stormwater basin on Granite Pointe property and the use of the road into  
27 the site. He explained that beyond the wall of the Granite Pointe property  
28 is the DEP property.

29  
30 Mr. Goldenberg said that there is nothing in writing from the DEC that they  
31 are going to clean up the DEP property.

32  
33 Consultant Town Engineer Barbagallo stressed that the DEC could be on  
34 the property tomorrow and unfortunately the DEP is exempt from  
35 discussing their project with the Board. He noted that Engineer Allen just  
36 went on the record about his conversation with the DEC.

37  
38 Mr. Keane said that all that documentation has been provided. He said that  
39 the files state that the DEC is going to clean up the DEP property and

1 Suelain Realty will clean up the Granite Pointe property and there has been  
2 a plan that is documented in the Planning Board files.

3 Chair Currie asked Consultant Town Engineer Barbagallo to review his  
4 memo dated August 29, 2014.

5  
6 Consultant Town Engineer Barbagallo said that his review was on the  
7 SWPPP and there are some minor items that have to be addressed. He  
8 mentioned that these items are cross referenced in the Findings Statement  
9 and will be addressed.

10  
11 Consultant Town Engineer Barbagallo reviewed the draft Findings  
12 Statement dated August 29, 2014 with the Board and the applicant.

13  
14 Engineer Allen asked that the word **final** subdivision plat be added on Line  
15 10, Page 3.

16  
17 Consultant Town Engineer Barbagallo said that the Restoration Plan  
18 should be referenced under 3. C. on Page 8.

19  
20 Mr. Goldenberg asked if there will be an increase in phosphorous when the  
21 trees are removed.

22  
23 Engineer Allen said that the property will be remediated and there are  
24 provisions in the plan to reforest and replant trees that are removed.  
25 He indicated that from a phosphorous and stormwater standpoint there will  
26 not be much change in the phosphorous numbers.

27  
28 Consultant Town Engineer Barbagallo said that his conversations with the  
29 WIG support the idea that phosphorous for this interim condition is not an  
30 issue.

31  
32 Consultant Town Engineer Barbagallo added the word **Final** Subdivision  
33 Plat on Line 12, Page 9 and the word **then** current requirements, Line 13,  
34 Page 9 and **then** current, Line 22, Page 9.

35  
36 Engineer Allen said he does not understand the role of the WIG as he is  
37 advisory to the Board. He interjected that the letter from the WIG was  
38 written by Donald Lake P.E. and he did not have very much to say about  
39 the SWPPP.

40

1 Mr. Keane opined that originally the WIG's comments were inaccurate and  
2 now that they understand the proposals things have changed.

3  
4 Mr. Foley said that The Remedial Action Work Plan be followed by (RAWP)  
5 throughout the document.

6  
7 Consultant Town Engineer Barbagallo suggested the wording to read  
8 reporting to the **third party** Remedial Engineer **as defined in the RAWP**.

9  
10 Planning Board Town Attorney Eriole said that he would like to add  
11 language to Page 14, Number 5, General Findings c. which says that the  
12 Planning Board concludes that the areas of significant environmental  
13 impact associated with the project involves lead, other metals and SVOC  
14 impacts to site soils, surface runoff and exposure to contaminants during  
15 remediation, As such, the Planning Board has addressed in the FEIS and  
16 Findings how those impacts can be mitigated:

- 17  
18 I. All submissions of the applicant, review memoranda of  
19 Planning Board consultants and staff, and any written  
20 communications or comments of other agencies or persons,  
21 related to his action, all of which are a part of the record, and  
22  
23 II. All discussion and information had in any public meeting or  
24 public hearing on this matter, the minutes of which are  
25 incorporated herein and are also part of the record, and  
26  
27 III. The record related to the previously adopted SEQRA Findings  
28 and documents including the DEIS, FEIS, DSEIS, and FSEIS,  
29 which in the aggregate all deemed by the Planning Board to  
30 substantially support the findings herein.

31  
32 Engineer Allen asked that the two previous Findings Statements and the  
33 EAF be a part of the record.

34  
35 Ms. Gannon referred to Consultant Town Engineer Barbagallo's memo  
36 dated August 29, 2014, Number 8, Page 13 and asked that the Stormwater  
37 Maintenance Agreement be reviewed by the Town Attorney.

38  
39 Ms. Gannon referenced Number 10. on Page14 of Consultant Town  
40 Engineer Barbagallo's memo *minimum 100 foot length of tangent between*

1 *reverse curves* and she asked if there is concern with something that is not  
2 compliant with the Code.

3  
4 Consultant Town Engineer Barbagallo said that he is not concerned with  
5 that statement.

6  
7 Engineer Allen stressed that if the applicant does not remediate the  
8 property under the Brownfields Program the DEC will clean up the site  
9 themselves. He said that the applicant wants the Town and the applicant  
10 to have control over the clean up but it will happen one way or another.

11  
12 On motion by Mrs. DeLucia, seconded by Ms. Gerbino, and carried (Mr.  
13 Goldenberg voting nay) the Board moved that the Town of Somers  
14 Planning Board acting as Lead Agency in the project review of the  
15 application for Granite Pointe Subdivision finds that all of the potential  
16 impacts have been identified, adequately addressed and mitigated to the  
17 maximum extent practicable and will not result in significant adverse  
18 environmental impacts in accordance with all of the applicable procedural  
19 requirements pursuant to Article 8 of the Environmental Conservation Law,  
20 6 NYCRR of SEQRA Part 617 and Chapter 92 of the Code of the Town of  
21 Somers and adopts the draft Findings Statement, as amended, prepared  
22 by the Town of Somers Consultants Frederick P. Clark Associates, Inc.  
23 therefore ending the SEQRA process.

24  
25 There being no further business, on motion by Ms. Gannon, seconded by  
26 Mr. Goldenberg and unanimously carried, the meeting adjourned at 9:30  
27 P.M. The Chair announced that the next Planning Board meeting will be on  
28 Wednesday, October 8, 2014 at 7:30 P. M. at the Somers Town House.

29  
30  
31  
32  
33  
34  
35  
36  
37

Respectfully submitted,

Marilyn E. Murphy  
Planning Board Secretary