

John Currie, *Chairman*
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara
Bruce Prince
Christopher Zaberto

PLANNING BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
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**SOMERS PLANNING BOARD AGENDA
SEPTEMBER 11, 2019
7:30PM**

MINUTES: Draft Minutes for consideration of approval: June 12, 2019,
July 10, 2019 and August 14, 2019

PROJECT REVIEW:

**1. THE PARAMOUNT AT SOMERS: ENTRY RENOVATIONS:
TM: 28.17-1-19.1**

Application to enclose an existing open entry canopy to create a large weather tight vestibule. Replace the existing concrete entry patio and planting beds with new ornamental concrete, an open walkway canopy to the vehicle drop-off area, new landscaping and site lighting. The property is located on the west side of Route 100 and is located in an R-80 Residential District.

**The next meeting of the Somers Planning Board is scheduled for
October 16, 2019**

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SOMERS PLANNING BOARD MINUTES
JUNE 12, 2019

ROLL:

PLANNING BOARD

MEMBERS PRESENT:

Chairman Currie, Mr. Zaberto, Mr. Prince,
Ms. Gerbino and Mr. McNamara

ABSENT:

Mr. Goldenberg and Ms. Gannon

ALSO PRESENT:

Director of Planning Syrette Dym,
Consulting Town Engineer Joseph Barbagallo
Town Attorney Joseph Eriole and
Planning Board Secretary, Barbara J. Sherry

The meeting commenced at 7:30pm. Planning Board Secretary Barbara J. Sherry called the roll and noted that the required quorum of four members was present in order to conduct the business of the Board.

Chairman Currie stated the first item on the agenda is the minutes from March 13, 2019. On a motion by Chairman Currie, seconded by Ms. Gerbino and unanimously carried, the Board moved to approve the Minutes of March 13, 2019.

Chairman Currie stated he was moving the two (2) time extensions ahead on the agenda.

**GARY & ANN MITCHELL – 4 LOT CONDITIONAL FINAL
CONSERVATION SUBDIVISION RE-GRANT: TM: 16.09-1-9**

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Chairman Currie stated this is a request for a fourth (4th) 90-day time extension to the Re-Grant of a 4-lot Conservation Subdivision, three of which are new building lots and one existing lot on a 7.1 acre parcel from June 18, 2019 up to and including September 15, 2019, in accordance with §150-13.M of the Code of the Town of Somers. Each lot is to be served by individual wells and septic systems. The subject property is located on the west side of Tomahawk Street, Route 118 in the residential R40 Zoning District.

Engineer Tim Allen approached the Board and stated they are in front of the Town Board on June 13, 2019 for the acceptance of the Conservation Easement that was overlooked by the Town Board. He added this is the last hurdle for this plat.

Ms. Gerbino asked how that relates to this.

Engineer Allen asked Director of Planning Dym if it is her understanding that this will be done at tomorrow night's Town Board meeting.

Director of Planning Dym stated Engineer Allen is here for an extension and is providing the Board with some information.

Ms. Gerbino stated, in other words, this does not impact our desire to renew the time extension.

Director of Planning Dym stated no.

On a motion by Chairman Currie, seconded by Mr. McNamara and unanimously approved, the Board moved to grant the fourth (4th) 90-day time extension to the Re-Grant of a 4-lot Conservation Subdivision, three of which are new building lots and one existing lot on a 7.1 acre parcel from June 18, 2019 up to and including September 15, 2019, in accordance with §150-13.M of the Code of the Town of Somers.

**TAMARACK & VINE FINAL SUBDIVISION RE-GRANT:
TM: 16.07-1-1**

Chairman Currie stated this is a request for a fifth (5th) 90-day time extension of the Final Subdivision Re-Grant from June 8, 2019 up to and including September 5, 2019 pursuant to Town Law Section 276 (7)(c) and Town Code Section 150-13.M. The property is located on the westerly side of Lovell Street and is in an R40 Zone.

75

76 Ms. Jody Cross, Attorney with Zarin & Steinmetz approached the Board and
77 stated they are now in the final phase; all the fees have been paid, bonds have
78 been posted and we are getting the mylar together to bring in for signing. This
79 last request is to allow them the time to get everything together.

80

81 Ms. Gerbino stated she has a question and that is not intended in any way interfere
82 with Ms. Cross's plans and this renewal. This question is for Consulting Town
83 Engineer (CTE) Barbagallo, the town has expanded the Sewer District for
84 Lincolndale which will include Tamarack & Vine, if this subdivision never gets
85 built and we end up with a working sewer district that could be a viable thought
86 for this approved subdivision, they could come back and ask to access the sewer
87 district.

88

89 CTE Barbagallo stated there are a couple of things, the Sewer District is not
90 approved for Lincolndale, but are moving in that direction, ultimately it will be
91 built out in phases. Once the pipe is in front of their property, if they choose to,
92 they can come back in, make some modifications and want to use that instead of
93 using septic's. That would be our preference in the future.

94

95 Chairman Currie asked if there were any other comments. There were none.

96

97 On a motion by Chairman Currie, seconded by Mr. Zaberto and unanimously
98 approved, the Board moved to grant the fifth (5th) 90-day time extension of the
99 Final Subdivision Re-Grant from June 8, 2019 up to and including September 5,
100 2019 pursuant to Town Law Section 276 (7)(c) and Town Code Section 150-
101 13.M. The property is located on the westerly side of Lovell Street and is in an
102 R40 Zone.

103

104 **PUBLIC HEARING:**

105

106 **HERITAGE HILLS SOCIETY CULVERT WORK: TM: 17.06-10-16**

107

108 Application for a Wetland and Watercourse Protection Permit for the repair of an
109 open bottom arch culvert and slope stabilization. The property is located on the
110 North-West side of the intersection of Heritage Hills Drive and West Hill Road in
111 a DRD zoning district and is designated on the Town Tax Map as Sheet 17.06-10-
112 16.

113

114 Planning Board Secretary Barbara J. Sherry stated the Public Notice was
115 published in the Somers Record on May 30, 2019 and the notices were mailed on
116 the same day.

117
118 Engineer Richard Williams, Insite Engineers, approached the Board and stated
119 this project is part of the ongoing maintenance in Heritage Hills (HH). He added
120 HH has a very active maintenance program where they keep the infrastructure up
121 and the roadway networks and drainage and collection systems. As part of that
122 network they identified part of a road culvert that has some rotten pieces of pipe.
123 This is at the intersection of Heritage Hills Drive (which runs north to south) and
124 West Hill Drive which is just south of the main recreation facility for Heritage
125 Hills. Upstream from the road crossing, which sits in a fill section, there is a pond
126 that overflows over a concrete weir, comes down the stream and is conveyed
127 under the road with a corrugated metal pipe arch culvert that sits on concrete
128 footings. On the northern side of West Hill Drive there are curb cuts which lets
129 the stormwater, instead of going into a traditional catch basin system, the
130 Stormwater passes through the curb cuts down a steep slope and enters the stream
131 right at the inlet into the culvert. Over the years this has caused ongoing erosion
132 and has actually lead to the inlet section of the culvert rusting out and corroding.
133 This was identified as something that should get repaired before it become a larger
134 problem.

135
136 Engineer Williams continued when they were contacted Insite actually called
137 Contec, which is the manufacturer of the culvert, to have their structural experts
138 come out and make recommendations. What they recommended we do is to
139 replace nine (9) panels within the culvert section. The way the culverts are
140 fabricated, they are made from corrugated sheets and then bolted together in a
141 staggered fashion to form a long arch. The first nine (9) panels need to be
142 replaced. The plan is to install a sandbag coffer dam at the concrete weir
143 upstream of the work area, place a pipe on the weir and pass it through the arch
144 culvert to top the stream flow through the site. There will be no active machine
145 work in the stream as explained at the May 8th meeting, we just need to stop the
146 flow of water to enable people to get in there to unbolt the existing panel and bolt
147 the new ones in. An excavator will be sited above the culvert and that will allow
148 us to remove the soil on either side of the culvert. We have to be careful when we
149 do that we have to remove the soil in a balanced fashion so that the soil is not

150 pulled away from one side and not the other because then the whole culvert
151 system can rack.

152

153 Engineer Williams added exposing the nine (9) panels unbolting and rebolting
154 them then the backhoe will begin the restoration. Instead of restoring things to the
155 way they were, a diversion swale will be placed along the curb line that brings the
156 water away from the inlet of the culvert and discharge it further uphill into the
157 stream after we create a small stilling basin. The swale will provide some filtering
158 of runoff as well as the stilling basin that does not currently exist today. Right
159 now the water comes straight into the stream and is eroding the soil, which is a
160 problem, in addition we are going to better armor the side slopes with rip rap to
161 prevent further erosion. As water does not like to turn, it likes to flow in a straight
162 line unfortunately the angle at which the water leaves the pond is not in a straight
163 line with the culvert, there is a dogleg so the sides will be reinforced with riprap to
164 prevent the embankments from eroding out in the future.

165

166 Engineer Williams stated they have received the latest memo from Woodard and
167 Curran and believe the comments that are left are very technical in nature and will
168 be addressed. We do not think there will be a major change or substantial changes
169 to the plan. The goal this evening is if everything goes well with the Public
170 Hearing, to close the Hearing and hopefully ask for a Resolution to be authorized
171 for Chairman's signature so that we do not have to come back for another
172 meeting.

173

174 Chairman Currie asked Consulting Town Engineer (CTE)Barbagallo if he has any
175 comments.

176

177 CTE Barbagallo stated a memo was issued for the May meeting and a vast
178 majority of the comments were addressed. There are still a couple of comments
179 that need to be addressed and we added to the memorandum some more detailed
180 comments about the bypass to make sure we are in full understanding, they are
181 listed in the memorandum and I went through them with Engineer Williams.
182 What we want is to make certain that once this is opened, and we get the storm we
183 do not want, I want to make sure we understand the twenty four (24) inch pipe, the
184 type of conveyance – what kind of flows that pipe can convey compared to the
185 storm events or operational procedures that we might be able to implement. He
186 added that the twenty four (24) inch pipe has to be able to handle the base flow

187 coming through the stream plus some additional stormwater. Some design storm
188 levels have been added in the memo around the one hundred (100) year storm.

189

190 CTE Barbagallo stated the other item he wanted to discuss is to make certain the
191 pipe is anchored to make certain it is stable in the event there is a storm, it does
192 not wash away.

193

194 CTE Barbagallo express some concerns about the details of the Cofertam to make
195 sure there is no erosion underneath it, keying in of some of the plastic that is there.
196 These are all technical comments, but conceptionally, the system that is proposed
197 will work, the kind of changes to the plan at this point would be those associated
198 with the temporary condition during construction and not the permanent
199 condition. Engineer Williams adequately represented the permanent condition
200 and I am very comfortable with that, there are a couple of clean up comments to
201 go through, I am really focused on the temporary condition during construction to
202 ensure that we are not going to have any releases from the site.

203

204 Ms. Gerbino asked are you replacing something that is forty four (44) years old. I
205 am guessing at that, as Condo 2 was completed in 1977, and assuming that
206 particular streambed was probably being dealt with prior to that. Am I correct?

207

208 Engineer Williams said he was not certain and CTE Barbagallo added it has to be
209 at least that old.

210

211 Ms. Gerbino asked as you say you are only going to be there for ten (10) days to
212 two (2) weeks but the history of this spot happens to be an area and a stream that
213 fed into annual flooding that took place at the foot of Warren Street, that is where
214 Brown Brook goes and that stream fed into that and it flooded heavily every year.
215 It doesn't anymore thanks to Heritage Hills and other things that have been done.

216

217 CTE Barbagallo added and the Highway Department, they did some work at the
218 bottom of Warren Street to help that situation.

219

220 Ms. Gerbino stated that Engineer Williams speaks of rip rap, and as this is a
221 perennial stream, we would not be talking about dissipaters or anything like that.
222 CTE Barbagallo stated dissipaters are used where there is velocity, to minimize
223 erosive velocity, the distilling basin where the bypass swale is going into, that is

224 dissipating energy coming off the road, it is going to flow through the swale, sit in
225 the basin and will overflow within the basin, so the water is not rushing down the
226 hill. That is one aspect to eliminate outside the channel to minimize erosion from
227 velocity. In the channel itself, the water will come over the weir and when it does
228 there is splashing and that creates some velocity. That action itself will dissipate
229 some energy, but once it is in the stream the rip rap is going to help slow the water
230 down. It is not a formal energy dissipater that you would put in the stream itself,
231 as the velocity of the water is not moving that quickly at that moment. It is just
232 coming over the weir. The rip rap is there to make certain that as storm flows
233 increase and the depth of flow over the weir increases and we start getting more
234 flow, the more volume we have the more velocity we have. The rip raps are sized
235 to ensure they will not roll during that condition. The side slope will be armored
236 to make sure that when the water is flowing at those higher velocities that the
237 rocks will stay in place and not wash away and they will protect the slopes. This is
238 a calculation of velocity, size and slope and that has been done. The applicant has
239 actually provided a thicker bed of rip rap than would normally be required. For
240 the size stone we are looking at would be about eighteen (18) inches and they are
241 using twenty four (24) inches. CTE Barbagallo explained when we say twelve
242 (12) inch stone, that is an average diameter so there will be bigger stones than
243 smaller stones which allows them to build those in a way that they really key in
244 together.

245
246 Mr. McNamara added they knit better that way also.

247
248 CTE Barbagallo added at that location there is sufficient armoring to protect
249 around the velocities, he has asked for more around the footings instead of just the
250 outside where the velocities will be the maximum, let's make sure we get them on
251 the inside because you may get some back eddy's, so let's just protect the
252 footings, and they have agreed to do that, so I am comfortable with the level of
253 erosion control.

254
255 CTE Barbagallo stated the other area that has been looked at is for the temporary
256 trying to get a sense of how much water actually think we are going to have to
257 pump out of the sump and into the dirt bag to determine if it is overkill or not to
258 armor that side because if we are putting a lot of water in there and I would not
259 want the water coming off that bag flowing down creating some rill.

260

261 Engineer Williams stated on the temporary condition, they are absolutely going to
262 look at the sizing calculations with CTE Barbagallo to ensure they are at a safe
263 point as well. In addition, one of the luxuries of this project is that we are not
264 actually disturbing the stream bed and the luxury in that is, in the event of a storm
265 we can pull the coffer dam back out of the work zone, let the storm come through
266 and it will not impact us. That is one of the reasons they were talking with CTE
267 Barbagallo about which is the right storm to look at.

268

269 CTE Barbagallo stated that would be ok as long as the side slopes are not open or
270 other areas that would prevent us from doing that. We might have to come up with
271 a process or procedure, a decision making tool in the field. We obviously want to
272 streamline this process for Heritage Hill so that we can get this constructed.

273

274 Mr. Zaberto asked how far below grade is the stream bed to the road, what is the
275 height, if I was standing on the road looking down.

276

277 Engineer Williams responded about fifteen feet (15').

278

279 Mr. Zaberto asked will this project require any shoring in that area to prevent side
280 collapse.

281

282 CTE Barbagallo stated the project is on a side slope and I do not believe so.

283

284 Engineer Williams stated the center of the road is fifteen feet (15'), at the edge of
285 the road is fifteen feet (15') but then there is a slope that comes down. Where we
286 are working it is only a couple of feet so there will be no shoring.

287

288 Chairman Currie asked if there are any other Board Member comments. There
289 were none.

290

291 Chairman Currie stated if he understands correctly, CTE Barbagallo is fine with
292 the plan as presented and the actual implementation can be worked out in the
293 resolution.

294

295 CTE Barbagallo stated he is open to hearing any additional information the Board
296 may have on the temporary construction condition. I see right now the issues we

297 need to work out are on the temporary conditions, so if you have any comments
298 on this we should talk about this.

299

300 Mr. McNamara stated he would like to look at a critical path method, a perk chart,
301 on how this is going to go. If in fact there is a storm coming can we get some
302 comfort to move up or put extra resources to get it done before the storm. He
303 added he does not want a contract of “they will get to it when they get to it”.

304

305 Engineer Williams stated his experience working in Heritage Hills is that is not
306 how this will go. He believes Heritage Hills will not want their roads, their
307 network disrupted for any longer then they have to. They have a regular set of
308 contractors that they work with, that they trust. We are not going out to public bid
309 and bringing in just anyone.

310

311 A brief discussion was had about the possibility of a hurricane coming through
312 within the next couple of days.

313

314 CTE Barbagallo stated he knows that Heritage Hills is a very well run operation
315 and they know how to start, stop and manage contractors. Unfortunately I have to
316 think about what if those things do not happen. We cannot write into a resolution
317 that says if a hurricane is coming you have to finish sooner. I think we can get a
318 commitment from the applicant that they are going to do their best; however what
319 I have to do in the resolution, I have to assume the worst.

320

321 Mr. McNamara stated that he wanted the comfort, not necessarily the language.

322

323 Engineer Williams stated procedures can be put in place on the plans that the
324 Town can enforce. My other experience is when events like that happen, your
325 Engineering Department reaches out to open construction sites, we actually reach
326 out to our clients, when storm events happen, and nobody just sits and waits.

327

328 CTE Barbagallo stated our bigger challenge here is not going to be the hurricane
329 because we are going to see it coming up the coast. It is going to be the
330 August event where we get an inch of rain in twenty (20) minutes, which will be
331 the more likely scenario here that we have to make sure we are addressing. I
332 appreciated the commitment and we will be developing the procedures to try and
333 pin that down as best we can, but it is hard to mandate that.

334

335 Mr. Zaberto asked if an analysis was done of the functionality of this culvert, it
336 has been working, this repair is not because it is not working, it is because it is
337 degrading.

338

339 CTE Barbagallo responded that is correct. He added, like Engineer William
340 stated, one of the things that is extremely beneficial toward big storm events and
341 the overall functioning, is that this culvert does not have a bottom, it is an open
342 bottom culvert, it is almost like the stream was there and you just dropped the arch
343 over the top of it. The natural protection is there and has been there for at least
344 forty four (44) years, if not longer, that has been protecting that streambed. The
345 only thing that would prevent us from removing the coffer dams is maybe there
346 are other areas that are opened up that we would have to be concerned about if the
347 coffer dams were opened up that there would be erosion coming from those areas
348 that might make things worse. That would be the issue we will be looking at
349 during construction condition, is what flows do we need to pass and what is the
350 procedure to make sure we do not send any sediment downgrading it.

351

352 Mr. Prince stated just as a point of information, there was a concern about this
353 mystical storm that may appear. The contractor that will be doing this work,
354 however Heritage Hills has landscaper contractors on site all day long so if excess
355 workers are needed to remove the sandbags, which can be done within a ten (10)
356 minute period. It is not like they have to call an outside contractor, there is that
357 secondary service that is available.

358

359 Mr. McNamara opined he did not care where the resources come from as long as
360 they are used if needed.

361

362 Chairman Currie asked if there were any other Board member comments. There
363 were none.

364

365 Chairman Currie asked the Board if they had a chance to read Director of
366 Planning Dym's comments stating that a couple of the Boards have not met so we
367 have nothing from them. He asked how the Board feels about making this for
368 Chairman's Signature.

369 CTE Barbagallo stated he is fine with that, and that he will meet with Engineer
370 Williams, work out the details, get the resolution drafted and get it off for
371 Chairman's Signature before the July 10, 2019 meeting.

372

373 At this point Chairman Currie opened the Public Hearing. There being no one
374 with any comments Chairman Currie made a motion to close the Public Hearing,
375 seconded by Ms. Gerbino, and unanimously approved, the Public Hearing was
376 closed.

377

378 On a motion by Chairman Currie, seconded by Ms. Gerbino, and unanimously
379 approved, the Board moved for the approval of this project and preparation of a
380 resolution for Chairman's Signature.

381

382 **TOWN CENTRE AT SOMERS – EXTENSION OF SEWER DISTRICT:**
383 **TM: 17.15-1-13**

384

385 Chairman Currie stated this item is for review of the draft resolution and possible
386 approval.

387

388 Ms. Jody Cross Attorney with Zarin & Steinmetz, approached the Board and
389 stated she went through the draft resolution and had three (3) other comments. The
390 first is based on a response she received from counsel for the Heritage Hills Sewer
391 Works regarding the comment on page 8 of the red lined version. On page 2 it
392 states "the applicant shall provide documentation that the Consent Order issued by
393 the New York State Department of Environmental Conservation (NYSDEC) for
394 the SPDES violations to Heritage Hills Water Treatment Plant has been resolved."
395 There is a letter dated May 17, 2019 which states that the O&M Plant has been
396 found acceptable and is approved, that an Engineering Report has satisfied the
397 order and that the current monitoring data indicates that the plant is meeting
398 permit limits. Ms. Cross stated she believes that the letter indicated that they are in
399 compliance with the Consent Order.

400

401 Consulting Town Engineer (CTE) Barbagallo asked if that was Town Attorney
402 Roland Baroni's comment. He stated he thought Town Attorney Baroni's
403 comment was that the Consent Order was completed.

404

405 Attorney Cross stated Urstadt Biddle is not party to the Consent Order. We have
406 no control over a Consent Order between other parties and we cannot control
407 whether or not they are in compliance. We have been provided this letter which
408 we are told demonstrates that they are in compliance and that this fulfills the
409 Consent Order.

410

411 Mr. Zaberto stated he was reading Town Attorney Baroni's email and the way he
412 interprets it is, that it is a condition of approval for your project that we are
413 confirming that we can hook up to it. That is how I am understanding this.

414

415 Attorney Cross stated that is correct.

416

417 Mr. Zaberto continued saying, you are saying that you have that approval in your
418 hand.

419

420 Attorney Cross responded saying that she has been told that the letter she has
421 indicated that Heritage Hills Sewer Works has fulfilled the Consent Order with the
422 NYSDEC.

423

424 CTE Barbagallo stated this says that the order is satisfied.

425

426 Attorney Cross replied that, that is her issue with this condition is that Urstadt
427 Biddle cannot speak to an Order that they are not party to. We were told that this
428 is evidence and that is the best we can do as a non-party to this order.

429

430 Town Attorney Eriole stated this says submission of the report satisfies the
431 requirement.

432

433 Attorney Cross stated as a non-party to the Consent Order, it was represented to
434 her that the Consent Order has been fulfilled. So either someone needs to speak to
435 the NYSDEC or Heritage Hills. As a non-party to that Order I can only relay
436 what has been told to me, which was my issue with this Condition. I have no
437 problem having a Condition in our Resolution saying that we cannot connect until
438 the NYSDEC says we can, but having a Condition saying that they have to
439 represent that their Condition is fulfilled I am not sure how we can comply with
440 that.

441 Town Attorney Eriole stated he does not know if you have to represent that it has
442 been fulfilled, but what we are saying is it has to be fulfilled.

443

444 CTE Barbagallo stated that the intent here is exactly what is stated, we do not
445 want you to think you can connect or try to connect until the NYSDEC says it is
446 ok.

447

448 Attorney Cross responded that is fine as we do not want to connect until it is ok.

449

450 CTE Barbagallo stated to keep in mind where the Town coming from on this, we
451 were silent on the last one because it was private to private and we wound up with
452 a building that was built within four (4) months because the private to private
453 parties were not talking, so now we are trying to put more controls in place to
454 ensure that it is crystal clear what needs to happen and what we are going to ask
455 for.

456

457 CTE Barbagallo continued stating that he would have no problem if Town
458 Attorney Eriole agrees to change the Resolution that says they have to provide us
459 with a letter from the NYSDEC that says they can connect.

460

461 Town Attorney Eriole agreed and said that is what we are really concerned about,
462 and this may say that, it looks like what they are saying is that it is consistent with
463 the Consent Order they are under and made a part of it, and that this plan is going
464 to be part of the Consent Order.

465

466 Attorney Cross stated and the Resolution condition is asking us to interpret
467 someone else's Consent Order.

468

469 CTE Barbagallo stated they converted that condition to say they cannot connect
470 until they provide a letter to the Town that says they can from the NYSDEC, not
471 from Heritage Hill, the NYSDEC.

472

473 Attorney Cross said she is fine with that.

474

475 Director of Planning Dym stated lets rework the language on Item No. two (2) the
476 Applicant shall not connect to the Heritage Hills Wastewater Treatment Plant
477 until...

478 CTE Barbagallo stated “the applicant shall provide documentation from the
479 NYSDEC stating that UBP can connect the Somers Towne Centre to the Heritage
480 Hills Water Treatment Plant.

481

482 Attorney Cross stated that they did send a letter saying the applicant could not
483 until the Consent Order was fulfilled. So it is only fair to ask them to now say that
484 we can connect. The letter was sent in response to the Lead Agency circulation.

485

486 CTE Barbagallo stated the Consent Order can still be active and you can still
487 connect. To say you have to satisfy the Consent Order, is not the greatest
488 language either.

489

490 Attorney Cross stated that as long as they can connect, it does not matter what is
491 going on elsewhere.

492

493 CTE Barbagallo stated as long as the NYSDEC says you can connect, we are ok
494 with that also.

495

496 Attorney Cross stated the last two (2) comments are on page ten (10). Under the
497 “Be it Resolved” paragraph there is a holdover from their 2017 Site Plan
498 Resolutions, so everything from “no construction” on should be deleted and the
499 next paragraph states “our approval will expire today, so that should be 2020.”

500

501 Director of Planning Dym stated there has been discussion with the Bureau of Fire
502 Prevention regarding the location of the above ground propane tanks and their
503 relationship to the emergency generator and both to the property line. Fire
504 Inspector William Premuroso from the Bureau of Fire Prevention stated that they
505 were satisfied with the revised plan.

506

507 Director of Planning Dym also stated that she saw an earlier smaller version and
508 asked what the status of that plan showing that.

509

510 Mr. Richard Cordone, of JMC, stated he can get it to her electronically first thing
511 in the morning and hard copies possibly by Friday.

512

513 Director of Planning Dym stated that revised version would be part of the final
514 Site Plan.

515 Mr. Richard Cordone stated in response to CTE Barbagallo's comment memo, it
516 appears that there is an added requirement for some additional screening, and that
517 will be depicted on that plan as well.

518
519 CTE Barbagallo stated the Board should look at the additional screening and make
520 certain they are comfortable with it, as they have a couple of thoughts on some
521 items, there will be tanks and generators and I do not want the Board to be
522 surprised what that looks like. This may be something the Board would like to do
523 this evening.

524
525 Mr. Richard Cordone approached the Board and stated, they shifted the location of
526 the propane tanks & generator to comply with the Fire Code. The propane tank
527 had to be shifted to provide ten feet (10') clearance from the property line as well
528 ten feet (10') off the generator.

529
530 Mr. Cordone added that based upon CTE Barbagallo's comment to provide
531 additional screening right now there are four (4) American Hollies that are
532 basically screening the generators and propane tanks. Additional screening can be
533 added for the southerly generators.

534
535 Chairman Currie asked if the Hollies are inside a fence as they will not survive the
536 winter with the deer.

537
538 Discussion ensued regarding the use of Green Giant Arborvitae trees, with Mr.
539 Cordone stated the Green Giant Arborvitae are deer resistant and they would
540 replace the American Hollies with Green Giant Arborvitae if the Board would
541 prefer.

542
543 CTE Barbagallo stated the screening is to screen the generators from off-site
544 properties looking in. If you are driving around that road you are going to look
545 right at it, the screening is for outside the site looking into the site.

546
547 Mr. Zaberto asked how big the propane tanks are.

548
549 Mr. McNamara stated your eyes should be on the road not on the scenery.

550

551 Mr. Cordone stated the propane tanks are five hundred gallons (500) and are about
552 three feet by about six feet (6') long. The generators are about three feet by five
553 feet (3' x 5').

554

555 Mr. Zaberto asked if there was any consideration to putting the tanks sub terrain.

556

557 Mr. Cordone stated the property is in a Groundwater Protection Overlay District
558 and that was frowned upon.

559

560 Mr. Zaberto asked even propane you would not be able to put that underground.

561

562 CTE Barbagallo stated it has been done before and would require a waiver.

563

564 Mr. Cordone added it is less than desirable.

565

566 Mr. Zaberto stated he was asking because those that are not familiar with the
567 regulations might say just bury it, and now you are only looking at a small
568 generator that is visible because the tanks are underground.

569

570 Mr. Cordone stated he understood, adding that the generators are only about two
571 and a half feet (2 ½) high and three feet (3') by five feet (5'). They are depicted
572 larger on the drawings because if he showed them any smaller they would be lost
573 on the plans.

574

575 CTE Barbagallo stated the screening is fine but it should be changed to make it
576 more deer resistant. The question is when this is built as you drive down that road
577 before you make the left hand turn to DeCicco's are you going to be ok seeing the
578 generator and tank that is there.

579

580 Chairman Currie asked what about bringing the screening all the way around
581 them.

582

583 CTE Barbagallo stated he was thinking you do not have to bring it all the way
584 around because you have to provide access on the other side, but maybe on the
585 travel lane.

586

587 Mr. Cordone stated he did not see this as a problem with the applicant.

588 CTE Barbagallo stated on the other one down below he did not think there was
589 any screening there, and would ask for some.

590

591 Mr. Cordone stated he can add the additional screening to make certain it is
592 blocked off, the initial thought was that was the back of the house and not a
593 primary concern and will add the screening as required.

594

595 Mr. Prince asked aren't those going to be in view of the new Boniello units.

596

597 Director of Planning stated they had them moved to a different location further
598 away.

599

600 Mr. Cordone pointed out on the plans where the Boniello units are and the
601 wetland area.

602

603 CTE Barbagallo stated if there is a line of sight that one tree could help reduce
604 what you are looking at.

605

606 Mr. Cordone stated there is also some screening around the cell tower that will
607 block them from one direction.

608

609 Ms. Gerbino asked if they found out about the automatic running.

610

611 Mr. Cordone responded he did not.

612

613 A short discussion ensue about the automatic running of the generators, and Mr.
614 Zaberto stated it is recommended that the generators run about seven (7) minutes
615 every week.

616

617 Mr. Zaberto asked if everything will be on concrete pads.

618

619 Mr. Cordone stated yes the generators as well as the propane tanks.

620

621 Chairman Currie asked if there were any other Board Member questions or
622 comments.

623

624 Ms. Gerbino stated she had a question on one of the Whereas'. On page two (2)
625 normally when correspondences are listed, they are listed by date, the second
626 Whereas does not list the dates, it says the Town received a copy of a letter from
627 Westchester County Planning Board and from New York City Department of
628 Environmental Protection.

629

630 Director of Planning Dym stated the dates will be added.

631

632 In addition, Ms. Gerbino added a letter was received from the New York State
633 Department of Conservation, dated May 17, 2019, addressed to Mr. Marc
634 Brassard of Heritage Hills and stated she also has a letter dated March 19, 2019
635 from New York State Department of Conservation acknowledging that the Town
636 Board is the Lead Agency and nowhere in that letter does it mention the Consent
637 Order.

638

639 On a motion by Chairman Currie, seconded by Ms. Gerbino and unanimously
640 approved, the Board moved to approve the Groundwater Protection Overlay
641 District, Special Exception Use Permit, pursuant to Section 170-32(a)(c), based
642 upon the recommendation from the Bureau of Fire Prevention to move the
643 propane tanks.

644

645 Chairman Currie asked the Board and applicant if they were satisfied with the
646 changes. Everyone stated yes.

647

648 On a motion by Chairman Currie seconded by Mr. McNamara and unanimously
649 approved, the Board moved to approve Resolution #2019-07, as amended, and
650 Site Plan to read "the granting of Conditional Site Plan Approval for the
651 Extension of the Heritage Hills Special Sewer District to incorporate the Towne
652 Centre at Somers Shopping Centre, the Stormwater Management and Erosion and
653 Sediment Control Permit, Wetland and Watercourse Protection Permit and a
654 Groundwater Protection Overlay District and a Special Exception Use Permit to
655 Urstadt Biddle for the extension of the Heritage Hills Special Sewer District to
656 incorporate the Towne Centre at Somers Shopping Center. The Town Tax
657 number is 17.15 - 1 - 13.

658

659

660

661 **63 Route 6 – Coral Seafood Restaurant: TM: 4.20-1-5**

662

663 Mr. Kevin Desharnais, applicant's agent for the project, approached the Board and
664 stated the project Engineer was unavailable this evening.

665

666 Mr. Desharnais stated two months ago he was before the Board seeking Site Plan
667 approval, and at that time the Board declared themselves Lead Agency. There is
668 an existing parking lot they would like to enlarge in addition to building a
669 bump out that requires the Board's permission and a side terrace.

670

671 Mr. Desharnais stated one item that was previously discussed was the wetland.
672 They had this restaked and found the wetland buffer in a different location and
673 taking that into account the parking lot was reduced in size and he pointed out a
674 paved area they are going to give back.

675

676 Mr. Desharnais stated they have met with CTE Barbagallo to go over the
677 treatment of the Stormwater for the entire parking lot. The treatment – as
678 identified by Mr. Desharnais - will be outside of the buffer, new drawings have
679 been submitted to CTE Barbagallo and the Town and they are on their second
680 round of responses on comments and questions from the engineer. The last round
681 of questions should be complete this week, we just have to get a machine out to
682 the site for some deep tests to prove the separation of rock and groundwater and
683 verify the design.

684

685 CTE Barbagallo stated they are still working through the engineering, there are a
686 fair amount of comments and some have been addressed.

687

688 CTE Barbagallo asked Mr. Desharnais about their interaction with the New York
689 State Department of Environmental Protection (NYSDEP). Once you start putting
690 in the infiltrators you are going to increase your disturbance.

691

692 Mr. Desharnais stated that was figured in the calculations for the disturbance.

693

694 CTE Barbagallo stated your limit of disturbance is less than an acre.

695

696 Mr. Desharnais stated yes.

697

698 CTE Barbagallo stated from our consideration, as far as a Stormwater Pollution
699 Prevention Plan goes, we really only need soil erosion and sediment control. The
700 reason why we are doing infiltrators is really for the wetland buffer impact
701 mitigation. The Infiltrators are being installed to deal with the run off from the
702 parking lot as a mitigation measure for the impact inside of the wetland buffer.
703 However, the New York City Department of Environmental Conservation
704 (NYCDEC) has indicated they have jurisdiction because this is a “Main Street
705 Area” and they are adding impervious surfaces.

706
707 CTE Barbagallo added right now the SWPP includes all the infiltrators, so expect
708 comments on them from the NYSDEP, but remember the infiltrators are not there
709 to satisfy NYSDEP regulations, they are in place to satisfy the Town’s Wetland
710 Mitigation.

711
712 CTE Barbagallo asked if this conversation was had with his team or with
713 NYSDEP.

714
715 Mr. Desharnais stated his Engineer has been handling that part of the application
716 and he is away this week, but an application has been submitted to NYSDEP for
717 this project with drawings, but does not know the result of that application.

718
719 CTE Barbagallo stated they had some comments on the Stormwater; there was
720 one other issue and a maintenance agreement. We are getting pretty close to
721 testing.

722
723 Chairman Currie asked Director of Planning Dym if she had any questions or
724 comments.

725
726 Director of Planning Dym stated she had identified a number of items that have
727 largely been distinguished on the new Site Plans and will be looking at them, and
728 feels they are pretty close to what she needed.

729
730 CTE Barbagallo stated he really just thinks they are down to the Stormwater that
731 they test out and prove out what they are proposing.

732
733 Chairman Currie asked if there were any Board Member comments before
734 scheduling the Public Hearing.

735 Mr. McNamara asked if the perk tests will be done before that.

736

737 CTE Barbagallo asked Mr. Desharnais if the field testing will be next week.

738

739 Mr. Desharnais stated yes, adding they should have all CTE Barbagallo's
740 comments back to them next week.

741

742 CTE Barbagallo stated by the time the Public Haring occurs the drawings should
743 be upgraded to show the locations of the infiltrators. We need to make certain that
744 all the information is available to the public. The public hearing cannot be closed
745 until after we are fully satisfied with the SWPPP.

746

747 On a motion by Chairman Currie, seconded by Ms. Gerbino and unanimously
748 approved, the Board moved to schedule the Public Hearing for 63 Route 6, Coral
749 Seafood Restaurant for July 10, 2019.

750

751 Mr. Desharnais added they provided an extra row of screening because there is a
752 building there.

753

754 **NORTH COUNTY HOMES – CARDINAL WAY: TM: 16.17-2-7&4**

755

756 Director of Planning Dym stated she has prepared a draft resolution, but that
757 Principal Engineer Technician, Steven Woelfle brought up two items that should
758 be added as conditions. At the end of the list of Conditions it should be added that
759 the applicant will obtain a Somers Highway Work Permit and that the applicant is
760 required to tie into the Amawalk Shenorock Water District and pay all necessary
761 fees.

762

763 On a motion by Chairman Currie, seconded by Mr. McNamara and unanimously
764 approved, the Board moved to approve Resolution 2019-08, as amended, to
765 include the Conditions set forth by Director of Planning Dym, Granting of
766 Conditional Final Subdivision Approval, Stormwater Management and Erosion
767 and Sediment Control Permit, Steep Slopes Permit, Tree Removal Permit, for
768 North County Homes, Cardinal Way, for the North County Homes Inc.
769 Subdivision, Tax Map ID Number 16.17 - 2 - 7&4.

770

771

772 **HIDDEN MEADOW: 16 ROUTE 6: (TM 15.07-1-6)**

773

774 Chairman Currie stated this is a request for the waiving of the Site Plan approval
775 and the changes are insignificant.

776

777 CTE Barbagallo stated a negotiated access easement to the Town parcel next to
778 them and they were very accommodating. The plans that were presented to this
779 Board reflected the figures that are in the easement agreement and are consistent
780 with the agreements with the Town and he would support the Board waiving the
781 Site Plan approval.

782

783 Director of Planning Syrette Dym stated this is not a straight out waiving of the
784 Site Plan approval. This needs to be done under separate condition that the Board
785 is provided in the Code.

786

787 On a motion by Chairman Currie, seconded Ms. Gerbino, and unanimously
788 approved the Board moved "Whereas the Planning Board determines that the
789 modifications to the site plan proposed by the Hidden Meadow applicant to
790 change the entries of Townhouse Units 1 through 21 to reduce exterior stairs
791 resulting is a deminimus increase in imperious surface of just over 600 square
792 feet, to change the grading in the area of the future Town road to be treated with
793 seed and the addition of a row of evergreen screening between Townhouse #1 and
794 the future road are not significant and their adjustment would not nullify any
795 intent of the Town Code regulations and, therefore finds that the requirement of an
796 application for amended site plan approval is waived."

797

798 **CROWN CASTLE – SPECIAL USE PERMIT RENEWAL (MAJESTECH**
799 **TOWER): TM: 28.10-1-6.1**

800

801 Director of Planning Syrette Dym stated there was a request from Mr. David
802 Kenny of Snyder & Snyder on whether he needed to appear this evening, and with
803 the Chairman's agreement it was decided that Mr. Kenny did not have to appear
804 before the Board this evening.

805

806 Chairman Currie stated this is a renewal of a Special Use Permit Renewal
807 Application for existing Telecommunication Facility of a 100' monopole tower.

808 The property is located at 247 Route 100 (Majestech) and is in an Office and
809 Light Industry (OLI) Zoning District.

810

811 Director of Planning Dym stated that on one of the approvals prior to this, some of
812 the antennae were on a pole that was not in compliance with renewal, and one of
813 the conditions was that they apply to make certain that they renewed and were in
814 compliance. That is what this is achieving.

815

816 Director of Planning Dym added on the Resolution on page 5 of 5, 6 lines from
817 the top please delete the April 9, 2024 date.

818

819 On a motion by Chairman Currie, seconded by Ms. Gerbino and unanimously
820 approved, the Board moved to declare this a Type II action under Section 6 -17-
821 5(c)7 of SEQRA.

822

823 On a motion by Chairman Currie, seconded by Mr. McNamara and unanimously
824 approved, the Board moved to waive the Public Hearing pursuant to Section 170-
825 129.6 (f) of the Code.

826

827 On a motion by Chairman Currie, seconded by Ms. Gerbino and unanimously
828 approved, the Board moved to approve Resolution 2019-09, as Amended, which is
829 a granting of Conditional Renewal of Amended Special Permit Approval to
830 CCATT LLC, Crown Castle for the renewal of an existing approved Special Use
831 Permit Renewal Application at 243 Route 100 (Majestech) and the Town Tax
832 Map is 28.10 -1 -8.

833

834 Chairman Currie announced the next Planning Board meeting will be held on July
835 10, 2019.

836

837 On a motion by Mr. Zaberto, seconded by Mr. McNamara, and unanimously
838 carried, the meeting was adjourned at 8:45pm.

839

840 Respectfully submitted,

841

842

843 Barbara J. Sherry

844 Planning Board Secretary

845 Z:\PE\Planning Board meetings\Minutes\2019\June 12, 201 Minutes.doc

John Currie, *Chairman*
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara
Bruce A. Prince
Christopher Zaberto

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**SOMERS PLANNING BOARD MINUTES
JULY 10, 2019**

ROLL:

PLANNING BOARD

MEMBERS PRESENT:

Acting Chairman McNamara, Mr. Prince,
Mr. Goldenberg, Ms. Gerbino and Ms. Gannon

ABSENT:

Chairman Currie and Mr. Zaberto
Consulting Town Engineer Joseph Barbagallo

ALSO PRESENT:

Director of Planning Syrette Dym
Town Attorney Joseph Eriole and
Planning Board Secretary, Barbara J. Sherry

The meeting commenced at 7:30pm. Planning Board Secretary Barbara J. Sherry called the roll and noted that the required quorum of four members was present in order to conduct the business of the Board.

Acting Chairman McNamara stated the first item on the Agenda is the minutes from April 10, 2019. On a motion by Acting Chairman McNamara, seconded by Mr. Goldenberg and unanimously carried, the Board moved to approve the Minutes of April 10, 2019.

GRANITE POINTE RE-GRANT: TM: 27.05-1-2&5

Acting Chairman McNamara stated this is a request for the 8th – 90 day time extension for the Granite Pointe Subdivision Re-Grant of Final Subdivision

33 Approval, Wetland, Steep Slopes, Tree Preservation and Stormwater Management
34 and Erosion and Sediment Control Permits, as per Resolution 2017-10, from
35 August 1, 2019 up to and including October 29, 2019 pursuant to Town Law
36 Section 276 (7) (c) and Town Code Section 50-13M. The Property is located on
37 the east side of Route 118/202, adjacent to the Amawalk Reservoir and is located
38 in an R-40 Zoning District for the development of 23 lots in a Cluster Subdivision.
39

40 On a motion by Ms. Gannon, seconded by Ms. Gerbino and unanimously
41 approved, the Board moved to grant the eighth (8th) 90 day time extension for the
42 Granite Pointe Subdivision Re-Grant of Final Subdivision Approval, Wetland,
43 Steep Slopes, Tree Preservation and Stormwater Management and Erosion and
44 Sediment Control Permits, as per Resolution 2017-10, from August 1, 2019 up to
45 and including October 29, 2019 pursuant to Town Law Section 276 (7) (c) and
46 Town Code Section 50-13M. The Property is located on the east side of Route
47 118/202, adjacent to the Amawalk Reservoir and is located in an R-40 Zoning
48 District for the development of 23 lots in a Cluster Subdivision.
49

50 **PUBLIC HEARING:**

51
52 **63 ROUTE 6, CORAL SEAFOOD: TM: 4.20-1-5**

53
54 Acting Chairman McNamara stated this is a Public Hearing for 63 Route 6, Coral
55 Seafood for an Application for Amended Site Plan approval for site modifications
56 to existing Grille and Restaurant. The property is located at 63 Route 6 and is in
57 the Neighborhood Shopping (NS) District.
58

59 Acting Chairman McNamara stated he drove by the site this morning and saw the
60 posting sign for the Public Hearing. He asked the Secretary for the Publishing and
61 Posting of the Notice.
62

63 Planning Board Secretary Barbara Sherry stated the notice was published in the
64 Somers Record on Thursday, June 27, 2019, the sign was placed on June 30, 2019
65 and the mailing went out on June 27, 2019.
66

67 Mr. Kevin Desharnais, applicant's representative, approached the Board and stated
68 they are seeking approval for additional parking, the side terrace and modification
69 to the front walkway. They have been in front of the Planning Board twice,
70 Woodard & Curran has told them they are satisfied with everything at this point
71 and they could handle anything else administratively.
72

73 Acting Chairman McNamara asked if there were any Board comments or concerns.
74

75 Director of Planning Syrette Dym stated there are a list of items that Consulting
76 Town Engineer (CTE) Barbagallo will want changed. They have had discussion
77 with the applicant and were ready to move forward with this, and the items will be
78 changed prior to any resolution.
79

80 Ms. Gerbino stated she would like to bring up a request made from the Open Space
81 Committee. They are asking for a pervious blacktop surface.
82

83 Mr. Desharnais stated that is something they could possibly accommodate, it will
84 need to be discussed with the Engineer, as the treatment system has been designed
85 for that parking space, it would almost defeat the purpose to put in pervious
86 pavement.
87

88 Mr. Desharnais added, for having a collection system and treating all the water, if
89 you are letting it spill through the parking lot.
90

91 Mr. John Karell, applicant's Engineer, stated impervious pavement allows the
92 water to infiltrate down into the pavement. It is usually used in an area where you
93 cannot collect and treat the water with infiltrators. The back yard can be treated
94 with infiltrators. The pervious surface would take away the water before it reached
95 the infiltrators.
96

97 Mr. Prince stated the pervious paving is somewhat of a misnomer, because the
98 problem with it is you need to make certain that it is maintained and cleaned
99 because it gets clogged very fast. What they are doing is a better way because the
100 runoff will be caught and dealt with. If they put the expense into the paving, it is a
101 lot more expensive, you have to dig down a couple of feet for the needed absorbent
102 surface is underneath the four (4) to six (6) inches of paving, if the town thinks
103 they are successfully dealing with collecting the water, it is a much better way to
104 go.
105

106 Ms. Gerbino stated this discussion will become part of the minutes.
107

108 Director of Planning Syrette Dym stated in addition to the minutes, in the
109 Resolution she will ensure that it is noted that the request for the pervious surface
110 was considered by the Planning Board.
111

112 Ms. Gerbino stated the second item the Open Space Committee brought up was
113 that the curbing be Cape Cod Style to accommodate amphibians.

114

115 A brief discussion ensued on the purpose of this request, with Acting Chairman
116 McNamara stating although not fully understanding the request, the Board
117 considered it.

118

119 Acting Chairman McNamara opened the Public Hearing.

120

121 With no one wishing to speak, on a motion by Mr. Goldenberg, seconded by Mr.
122 Prince and unanimously approved, the Public Hearing was closed.

123

124 Director of Planning Dym stated the Board will now review the Environmental
125 Assessment Form (EAF).

126

127 Acting Chairman McNamara added the EAF Part II and then make a SEQA
128 Determination.

129

130 Director of Planning Dym stated essentially what you are looking for is he
131 Negative Declaration which identifies those areas in the EAF Part II that have
132 potential for impacts. Those were the impacts on land and Historic and
133 Archaeological Resources. The impact on the land is based on the fact that this
134 area is in a New York State designated "Main Street Area" within the New York
135 City Watershed boundary and it requires New York City Department of
136 Environmental Protection (NYCDEP) approval of a SWPPP, which is ongoing
137 here. As part of that in the provision of the SWPPP will provide mitigation, so
138 there is no impact as a result of that provision and the Environmental Mapper
139 program had identified the potential in the area for Archeological Resources and
140 there was a response from SHPO (State Historic Preservation Office) indicating
141 that there are no archeological resources of concern so there is no negative impact
142 based on those issues.

143

144 Director of Planning Dym stated, based on the above, the Board is in a position to
145 issue a Negative Declaration and a vote must be taken.

146

147 On a motion by Acting Chairman McNamara, seconded by Mr. Goldenberg and
148 unanimously approved, the Board moved to declare a Negative Declaration under
149 SEQRA for 63 Route 6, Coral Seafood Restaurant.

150

151 On a motion by Acting Chairman McNamara, seconded by Mr. Prince and
152 unanimously carried, the Board moved to authorize the preparation and completion
153 of the Resolution by Woodard & Curran for Chairman's signature with the next
154 two (2) weeks.

155

156 **STEVE WILKINSON & BRENDA JONES WETLAND PERMIT:**

157 **TM: 28.05-1-7**

158

159 Messrs. John Karell, Engineer, and Steve Wilkinson, homeowner, approached the
160 Board. Engineer Karell stated the parcel is located at 16 Anarock Drive and on
161 Plum Brook Lake. The proposal is for an addition on the house which, as shown
162 on the plan, consist of a bump out in the back for an office and addition of a utility
163 and laundry room, and a bump out in the front to increase the garage and put in a
164 covered porch. The total disturbance is about 4,300 square feet.

165

166 In a discussion with Steven Woelfle, Principal Engineering Technician about
167 mitigation, they discussed that part of the existing house is in within the 100' foot
168 wetland setback of the lake, there is also a Flood Plain and the red line indicated on
169 the map is the "X Zone" which indicates there is very little chance of flooding. All
170 of the construction is outside of that area that is subject to flooding.

171

172 Engineer Karell stated additionally, Mr. Wilkinson proposes to raise the roof on
173 the house and the reconstruction of the second floor is within the existing footprint.

174

175 Engineer Karell added they have to make modifications to the existing septic as
176 they are increasing the number of bedrooms. The Westchester County Health
177 Department (WCHD) has been out there testing and there is a water problem where
178 the proposed expansion is going.

179

180 Mr. Wilkinson added the existing septic works fine with Engineer Karell adding
181 half of the existing septic is not even used. Engineer Karell relayed to the Board
182 when the WCHD was there, of the six (6) boxes, three (3) of the boxes were
183 obviously used and three (3) were bone dry.

184

185 Acting Chairman McNamara asked if this was the expansion area.

186

187 Engineer Karell stated no, and since they are increasing the number of bedrooms,
188 they have to build a code compliant system, based upon today's standards. We
189 have encountered some strange ground water conditions here so we are proposing
190 a curtain drain along the driveway and across the front yard drop the groundwater

191 table but we have to go down to the lake with the discharge of the curtain drain, so
192 the curtain drain pipe for about 100' is going to be within the wetland setback of
193 the lake. The disturbance around the house is very small, it is mainly squaring the
194 house off.

195

196 Acting Chairman McNamara asked if the only water being piped around the septic
197 and down into the lake, is groundwater, it is not septic, gutters or anything else.

198

199 Engineer Karell responded no, adding that Steve Woelfle talked about infiltration
200 of some of the roof water as mitigation for the activities within the 100' setback, it
201 was also discussed with Consulting Engineer Joseph Barbagallo and a lot of his
202 comments were general comments, i.e. the design of the Stormwater system, which
203 we would rather not do, the important part is mitigation.

204

205 Acting Chairman McNamara stated if the WCHD is going to require a lower
206 groundwater table you are going to have to do it, but his concern is contaminants in
207 the lake.

208

209 Engineer Karell stated it just for clean ground water.

210

211 Mr. Prince asked since you said they are only using half of the existing septic that
212 the existing is not adequate for the new septic.

213

214 Chairman McNamara stated the existing is not up to code and when you make
215 changes now it has to be brought up to code.

216

217 Mr. Prince asked if you are increasing the septic.

218

219 Mr. Wilkinson responded yes.

220

221 Mr. Prince asked how you are dealing with the runoff from the roof and leaders.

222

223 Engineer Karell stated it is existing and it sheet flows into the ground and it is
224 infiltrated into the ground or in a large storm it would run across the backyard into
225 the grassed area and then into the lake, which is what has been happening for the
226 last fifty (50) years.

227

228 Mr. Prince stated you are changing the roof.

229

230 Engineer Karell stated they are increasing it by maybe 500 hundred square feet and
231 he outlined the area of the increased roof for the Board adding if the Board wants
232 mitigations we would put in infiltrators.

233

234 Chairman McNamara stated or drywells.

235

236 Engineer Karell asked about possibly scheduling the Public Hearing for the next
237 meeting.

238

239 Director of Planning Dym stated the question is does the Board feel they are ready
240 to schedule the Public Hearing or, whether or not the applicant has to come back
241 with solutions to all of this and then at the next meeting schedule the Public
242 Hearing.

243

244 Principal Engineering Technician Steven Woelfle has provided some suggestions,
245 Consulting Town Engineer Jospheh Barbagallo has done a preliminary review, but
246 they have not all seen this. This was a sketch that everybody looked at.

247

248 Ms. Gannon stated the Board needed a more thorough discussion and get close to
249 what the answers are and the public has to consider that in order to have a Public
250 Hearing.

251

252 Acting Chairman McNamara stated the Board may want to do a Site Walk on this
253 before the Public Hearing.

254

255 Director of Planning Dym stated at the next meeting if the applicant has brought in
256 different drawings, if you have worked out your solutions between Principal
257 Engineering Technician Steven Woelfle and Consulting Town Engineer Jospheh
258 Barbagallo's office at the next meeting once you come in with all of that and in the
259 meantime the Board can set up a site walk between now and the next meeting.

260

261 Mr. Prince asked if they are going to see some floor plans unless he is the only one
262 that feels this is difficult to make a judgement call on.

263

264 Engineer Karell stated they have floor plans and Mr. Wilkinson added the timing is
265 such that they need to do the curtain drain to design the septic, then getting the
266 septic approval, every month puts them back.

267

268 Engineer Karell stated most of Consulting Town Engineer Jospheh Barbagallo's
269 comments are related to the Stormwater system and he did not indicate that the

270 Stormwater mitigation was required, Principal Engineering Technician Steven
271 Woelfle told him that the Board would want to see some mitigation of this. We
272 would like to continue the sheet flow off the roof; it is not causing any problems,
273 there is no erosions and no rilling in the rear yard.

274

275 Acting Chairman McNamara stated that is why he would like the Engineers to
276 figure that out. If the increase in roof surface was going to adversely impact the
277 sheet flow, then they might suggest dry wells or some other mitigating measures.
278 Acting Chairman McNamara suggested that Consulting Town Engineer Jospheh
279 Barbagallo figure that out and advise the Board.

280

281 Engineering Karell asked if the Board wanted to schedule a Site Walk as that is the
282 best way.

283

284 Acting Chairman McNamara stated the Board is also asking for a copy of the plans
285 sketched out with some markings where they will be walking, where the septic is,
286 where the building is going to be, etc.

287

288 Engineer Karell stated everything will be staked.

289

290 Ms. Gannon added this needs to be coordinated with the Consulting Town
291 Engineer so he can be there for discussion.

292

293 After discussion the Board agreed to have a site walk on Saturday, July 27, 2019 at
294 9:00am.

295

296 After additional discussion between the Board and Town Counsel, it was
297 determined that the Public Hearing would be scheduled for Wednesday, August 14,
298 2019 pending receipt of all necessary documentation and answers in advance of the
299 Site Walk.

300

301 Acting Chairman McNamara stated an added item to the agenda is a discussion
302 regarding the New School.

303

304 **The New Private School in Somers: TM:17.19-1-1**

305

306 Director of Planning Dym stated the Board has received new submission packages
307 for the "New Private School in Somers" along with a newly revised schedule. A
308 meeting was held last Friday, July 5, 2019, with the applicants Engineer and
309 SEQRA Consultants and they identified from the January 10, 2019 memo items

310 that the Board wants addressed within those documents, whether they had been
311 addressed and/or adequately addressed and there were a number of items that still
312 needed further elaboration or inclusion, so the documents are being modified
313 further. A joint meeting will be held to which the Planning Board will be invited
314 to, and that will be held on Thursday, August 8, 2019. The Planning Board and all
315 the other Boards are being encouraged to go through the material you now have, to
316 be prepared for the August 8, 2019 meeting where you can ask questions, give
317 your comments, etc. based upon the material that has already been made available.

318

319 Acting Chairman McNamara asked if that was a Town Board Work Session. A
320 brief discussion was had on this topic.

321

322 Mr. Prince opined that the schedule that has been provided to us – that will be
323 updated - seems a bit aggressive, this is a huge project and it is going to be
324 analyzed by five (5) Boards, do you think that is realistic.

325

326 Director of Planning Dym stated first, schedules are always subject to change,
327 second the first goal is for the Town Board to make a SEQRA Determination and a
328 zoning determination and their hope is to be able to do that by the end of the year.

329

330 Director of Planning Dym continued, stating the Planning Board will still likely be
331 looking at the subdivision and site plan application which will follow. That is not
332 likely the Town Board is hoping to complete their work to happen until the end of
333 the year. During which time part of the whole process is that the applicant was
334 waiting for staff and consultant input on their first submission, to know whether or
335 not they were ready to finalize their site plan and subdivision. They have received
336 our comments, and will receive more on August 8th, 2019, then they will make the
337 site plan and subdivision application. As in other most recent applications, Somers
338 Crossing where there were Zone changes, site plan applications they start
339 simultaneously, but one preceded the other while the Planning Board was doing its
340 work on Site Plan/Subdivision and then that followed the change in zone in the
341 SEQRA. This will be somewhat similar to that.

342

343 Mr. Prince asked since this is somewhat of a sensitive area with regard to being
344 between Route 100 and the reservoir, we are going to be recovering all the sewer,
345 etc. Is that going to be under the Planning Board's domain?

346

347 Director of Planning Dym stated no that is part of SEQRA that is part of the Town,
348 Board's role as Lead Agency, and that is why there is the joint meeting, look at this
349 so that you can provide your input, questions and concerns.

350 Town Attorney Eriole stated, the Planning Board, like other Boards in Town will
351 be an "Involved Agency" because you have approval authority on aspects of the
352 process, so you are part of the SEQRA process. The determination based upon
353 whatever recommendations you make or concerns that you have are ultimately
354 made by the Town Board, but the fundamental answer to your question is, you will
355 be reviewing those impacts as part of the SEQRA process and then you will be
356 reviewing them in detail as part of the actual applications that have to be approved.
357 All the various Boards will come before you again and you will get that detailed
358 look at the plans, etc.

359

360 Ms. Gerbino stated her surprise that the Westchester County Planning Board is
361 invited to the August 8, 2019 meeting.

362

363 Director of Planning Dym stated that they were invited to the last ones and did not
364 come.

365

366 Acting Chairman McNamara asked other than the name change, are you aware of
367 any other changes to the business plan, are they still going to be for profit, are they
368 still phasing in the student population.

369

370 Director of Planning Dym yes, and that is in the material that has been distributed.
371 The general program that you heard about in the earlier meetings has not changed.

372

373 Mr. Prince added with the exception of the starting date, since the original date was
374 September 2020, I find that a bit optimistic.

375

376 Director of Planning Dym stated now it is going to be set back, as the approvals
377 have been set back.

378

379 Ms. Gerbino stated it is set back a year.

380

381 Director of Planning Dym added, in addition, when you look at all this, I think
382 before they were slated to have 15% day and 85% resident and now it is 20% day
383 and 80% resident.

384

385 Acting Chairman McNamara stated this is a guestimate of their marketability. He
386 added the resident portion of this has an impact on the Town, Town Service and
387 traffic.

388

389 Acting Chairman McNamara asked if there were any other questions, there were
390 none.

391

392 Acting Chairman McNamara announced the Planning Board Meeting is scheduled
393 for Wednesday, August 14, 2019 at 7:30pm.

394

395 There being no additional business, on a motion by Acting Chairman McNamara,
396 seconded by Mr. Goldenberg and unanimously approved, the meeting adjourned at
397 8:15pm.

398

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Respectfully Submitted,

Barbara J. Sherry
Planning Board Secretary

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John Currie, *Chairman*
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara
Bruce A. Prince
Christopher Zaberto

PLANNING BOARD

Town of Somers

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**SOMERS PLANNING BOARD MINUTES
AUGUST 14, 2019**

ROLL:

PLANNING BOARD

MEMBERS PRESENT:

Chairman Currie, Ms. Gannon,
Mr. McNamara, Ms. Gerbino,
Mr. Goldenberg, Mr. Prince and Mr. Zaberto

ABSENT:

ALSO PRESENT:

Director of Planning Syrette Dym,
Consulting Town Engineer Joseph Barbagallo
Town Attorney Joseph Eriole and
Planning Board Secretary Barbara J. Sherry

The meeting commenced at 7:30pm. Planning Board Secretary Barbara J. Sherry called the roll and noted that the required quorum of four members was present in order to conduct the business of the Board.

APPROVAL OF DRAFT MINUTES:

On a motion by Chairman Currie, seconded by Mr. Goldenberg and unanimously carried, the Board moved to approve the May 8, 2019 Minutes.

33 **PUBLIC HEARING:**

34

35 **STEVE WILKINSON & BRENDA JONES WETLAND PERMIT:**

36 **TM: 28.05-1-7**

37

38 Chairman Currie stated this is an application for a Wetland Permit by Steve
39 Wilkinson & Brenda Jones for an expansion and renovation of an existing
40 residence and construction of a curtain drain. The property is located on the west
41 side of Anarock Drive and is located in an R-40 zoning District.

42

43 Chairman Currie stated before opening the Public Hearing he asked if there were
44 any comments from either Director of Planning Syrette Dym or Consulting Town
45 Engineer Joseph Barbagallo (CTE Barbagallo).

46

47 CTE Barbagallo stated the site walk went very well and as a follow up it is clear
48 what the disturbance is. It is all in previously disturbed areas where they are going
49 to be building. They talked about mitigation for being in the buffer to provide for
50 the disproportionate treatment for the new impervious surface that has been added.
51 There has been some back and forth that needs to be done to resolve that, but he
52 has spoken to the applicant's Engineer, Mr. John Karell, and there is no concern
53 about resolving anything. All the conditions that were talked about in the field had
54 been met in concept, there are still some details that we need to get through to get
55 finalized. But what you have seen in the field and what we have talked about in
56 the field is what we will ultimately get on this project.

57

58 CTE Barbagallo added one of the key items we talked about in the field and was
59 also included in my memo is the approval process, as this is a two (2) stage
60 approval. The Wilkinson's are going to be installing curtain drains in order to
61 facilitate Westchester County Health Department (WCHD) approvals for the
62 expansion. They need to get that approval to make the disturbance to install the
63 curtain drains, then the approval from the WCHD, then they will come back and
64 get the permit in order to build the addition. Everything that was discussed in the
65 field has been agreed to in concept. There are a couple of details that we need to
66 work out, but I am very confident with conversations with the applicant as well as
67 in working through the details of the project that we will have what we discussed.

68

69 Ms. Gerbino asked what was finalized regarding the rain garden; is it now two (2)
70 rain gardens.

71

72 CTE Barbagallo stated right now it is showing as one, but believes that as they
 73 work through the details it may get a bit bigger or we may add another means of
 74 treatment. What we talked about in the field was treating half of the roof in a rain
 75 garden and then there is the new impervious surface. Ultimately I would like to
 76 get the new impervious surface plus the mitigation being half the roof and that
 77 would go into the rain garden, there may be other ways we can treat around the
 78 patio that may not be a rain garden. I think we will end up with a single rain
 79 garden and maybe a gravel trench around the impervious surface or something like
 80 that so the water would run into it. This would have the same effect as a rain
 81 garden but there are limitations on how big a rain garden can be installed and right
 82 now they are at that limit.

83 Ms. Gerbino stated she was glad to hear that, because when you mentioned two (2)
 84 rain gardens it set me back a little.

85
 86 CTE Barbagallo stated the better approach is to use a mechanism that as the water
 87 is running off of the new impervious surface there is a mechanism to treat it then
 88 and there and the rain garden will be able to handle the roof which it is already
 89 sized to do right now.

90
 91 Chairman Currie asked Director of Planning Dym if she had any questions, she did
 92 not.

93
 94 Chairman Currie asked CTE Barbagallo if he thought their agreement, as far as the
 95 approval, was there be one resolution now.

96
 97 CTE Barbagallo stated yes, a single resolution with a two (2) step process. The
 98 resolution will say you can get a permit for the curtain drain but prior to getting a
 99 building permit for the addition you need to provide WCHD approval.

100
 101 Chairman Currie asked if the notices went out.

102
 103 Planning Board Secretary Barbara J. Sherry stated the Public Notice was in the
 104 Somers Record on August 1, 2019 and the neighboring letters went out one (1) or
 105 two (2) days later.

106
 107 Chairman Currie opened the Public Hearing.

108
 109 There being no public comment or Board member comments, on a motion by
 110 Chairman Currie, seconded by Ms. Gannon, and unanimously carried, the Board
 111 moved to close the Public Hearing.

112 On a motion by Chairman Currie, seconded by Ms. Gannon and unanimously
113 carried the Board moved to authorize CTE Barbagallo to prepare the Resolution
114 for Chairman’s signature.

115
116 **PROJECT REVIEW:**

117
118 **COBBLING ROCK ESTATES: TM: 37.19-1-1**

119
120 Chairman Currie stated this is an application for a proposed nine (9) lot
121 Preliminary Subdivision Approval, Steep Slope Protection, Stormwater
122 Management and Erosion and Sediment Control, and Tree Removal Permits and
123 construction of two (2) town roads. The property is located south of Cobbling
124 Rock Drive and Dr. Tony’s Road and is located in an R120 Zoning District.

125
126 Engineer Tim Allen, Bibbo Associates approached the Board, stating he is here to
127 introduce the team; Matthew Girona, Senior Engineer is the project engineer and
128 manager, along with Vito Andriano and his son Joseph are the co-applicants.
129 Engineer Allen gave the Board a brief synopsis of Mr. Andriano’s previous
130 projects.

131
132 Engineer Allan stated, as eloquently described in the memo from Director of
133 Planning Syrette Dym, this is the Whittman Trust property which is part of
134 Cobbling Rock Drive and Dr. Tony’s Road. This was always intended to be a
135 further subdivision of that property, of which we are now before the Board. The
136 property has been rezoned since it was originally contemplated for subdivision and
137 that has been accommodated for. They can look at different alternatives for this
138 project, but this evening what they would like is for the Board to declare
139 themselves Lead Agency and schedule a site walk if the Board wishes to do so. At
140 this point Engineer Allen introduced Engineer Matt Girona, Senior Engineer with
141 Bibbo Assoc.

142
143 Engineer Girona stated this is a nine (9) lot single family subdivision, the parcel is
144 approximately thirty nine (39) undeveloped acres with frontage on Cobbling Rock
145 Drive and Dr. Tony’s Road. This subdivision proposes to construct two (2) roads
146 which will connect to Cobbling Rock Drive and Dr. Tony’s Road. Both roads now
147 terminate as a “hammer head intersection” which was designed and laid out to
148 accommodate for future road extensions, such as we are doing on this application.

149
150 Engineer Girona continued, as mentioned by Director of Planning Dym in her
151 memo to the Board and what Engineer Allen touched on, this parcel was

152 contemplated as a later phase to the subdivision that was approved in the early
153 1980's in two (2) sections known as the Land Grant Subdivision. This parcel was,
154 again, contemplated and identified to be part of that subdivision but has remained
155 vacant.

156
157 The parcel itself is bisected by an existing wetland and watercourse, and the layout
158 that is proposed is done to avoid any impacts to the wetland and buffers entirely
159 and to minimize steep slope to the greatest extent possible. We did have an
160 opportunity to review the correspondence from Director of Planning Dym and
161 Consulting Town Engineer (CTE) Barbagallo and it is understood that they need
162 the approvals of outside agencies and will pursue that to incorporate them into
163 future plan revisions.

164
165 Engineer Gironda concluded restating what Engineer Allen said, that they are here
166 this evening to hopefully get Lead Agency Designation, schedule a site walk and
167 answer any questions the Board may have.

168
169 Ms. Gannon asked about the difference with the two (2) EAF files on the USB
170 drive, they have slightly different names, they look the same, and they both have
171 the mapper at the end.

172
173 Engineer Gironda responded that based on the initial submission and subsequent
174 conversations with Director of Planning Dym, some minor revisions were made to
175 the project description and a couple of other questions.

176
177 Discussion ensued regarding the minor revisions and that the submission with the
178 latest date is the correct one.

179
180 Chairman Currie asked if there were any Board member questions or comments.

181
182 Ms. Gerbino stated she read the Engineer's report and her question is with this nine
183 (9) lot subdivision, you singled out four (4) lots that had some problems that you
184 asked to prove further, lot #1 and three other lots.

185
186 CTE Barbagallo intervened asking if this is about stormwater and around the
187 infiltration basin.

188
189 Ms. Gerbino stated yes, then to Engineer Gironda asked if that is going to be hard
190 to prove on the four (4) lots, is that going to be problematic as you have to prove
191 you can do nine (9).

192 CTE Barbagallo responded that he was not sure about problematic, but more
193 information is needed in order to determine if that lot can handle the Stormwater
194 coming off the individual lot. The concern is not that they are going to be able to
195 address them, there are additional demonstrations that need to be done and we will
196 see where that will take us.

197
198 Engineer Gironda stated that is understood and again this is the initial submission
199 for Preliminary Subdivision Approval.

200
201 CTE Barbagallo stated if your question is leading to, if we were going to do lot
202 counts and they might go from nine to five, I am not ready to say that. We do not
203 have the information to say that and I would be surprised if that was the case, only
204 because there are other ways to treat stormwater besides infiltration, if those
205 demonstrations did not work.

206
207 CTE Barbagallo added, the one item that to him is something that needs to be
208 changed is the location of one of the basins from the road. CTE Barbagallo
209 pointed out on the map which lot he was referring to and stated he thinks it could
210 be complicated – who is going to maintain the access to get back there. He has
211 seen this before where when it is out of sight it is out of mind, then they get
212 overgrown, could it be closer to the road so that it would be easier for the Town to
213 maintain. If the elevation reasons is not going to work I think we might have to
214 look at an access easement and make certain it remains passable.

215
216 Engineer Gironda added that is his thought also. As shown on the Constrains Map,
217 Lot #1 is constrained by a section of slopes between fifteen (15) & twenty five (25)
218 percent, which, according to the Stormwater Manual is not a suitable area for a
219 drainage basin. The intention is to capture runoff from all proposed impervious
220 surfaces, obviously number one (1) is the road, so at this point we can install some
221 drainage at our connection and pipe it down to an infiltration system where we did
222 complete some preliminary stormwater testing and found suitable soils.

223
224 Engineer Gironda continued, saying he agrees wholeheartedly that we do need to
225 show something additional to maintain that path as accessible for maintenance of
226 the basin.

227
228 CTE Barbagallo stated there is some area up by the road that is a bit spotty with
229 some twenty five (25) percent.

230

231 Engineer Gironda pointed out on the map where the septic area is for Lot # One
232 (1).

233

234 CTE Barbagallo asked what if you flip flop those and put the stormwater basin
235 close to the road and the septic in the back so it is easier to maintain. He asked that
236 they just take a look at that.

237

238 Engineer Gironda added they are exploring some options, if there is a way to keep
239 it less out of sight and mind from a maintenance standpoint, I think that is the
240 better thing to do.

241 CTE Barbagallo spoke of a previous application where the homeowner allowed the
242 Highway Department to pass through their property to fix the basin.

243

244 Engineer Gironda informed the Board that by the nature of constructing this
245 drainage pipe and intermittent manholes to access the basin, this access road will
246 almost be built during construction but we can certainly improve that.

247

248 CTE Barbagallo stated if in the end it has to be like this, I think we would have to
249 include provisions that would say “upon request of the Highway Superintendent if
250 this needs to be cleared, the owner will bear the cost of the clearing”.

251

252 Engineer Gironda stated as long as it is an easement over their property.

253

254 CTE Barbagallo added after that, the trees will be growing and the Highway
255 Department will not be able to get in there. They will need a trigger to be able to
256 say please clear the access within a month, as we need to get in there. If we could
257 flip flop those areas and put it up by the road that would be a better plan.

258

259 Engineer Gironda stated that is certainly something they can look at.

260

261 CTE Barbagallo stated although minor that is his biggest concern on this.

262

263 Mr. Vito Andriano asked since the area is now R120, once we prove that all the
264 lots are viable on the sketch, can we tighten up some of the lots and maybe move
265 the basin up the hill and not disturb so much of the site. Why do we have to create
266 all these lots?

267

268 Ms. Gerbino added the Board has the right to request that you Cluster.

269

270 Director of Planning Dym stated there is a procedure to do that called
271 Conservation Subdivision.

272
273 Engineer Girona stated they had discussed this and to proceed down that road, we
274 still have to prove the conventional subdivision first, which is what we are here for
275 this evening. There are obviously a lot of engineering items that we have to pursue
276 with a number of outside agencies and that may be a scenario where we may end
277 up at the end of the day. I just think it is premature that we start discussing
278 Conservation Subdivision at this point.

279
280 CTE Barbagallo stated that is always an option when we get to that point, do the
281 lot count based on this, it gets proved out and we find a way to cluster those in a
282 way to be environmentally protective. That is what the Open Space Committee
283 has requested, but I agree, there are a number of steps to get through before we can
284 start that conversation.

285
286 Chairman Currie asked if there were any other Board member questions or
287 comments.

288
289 Ms. Gerbino asked if there will be any need for getting rid of rock such as blasting.

290
291 Engineer Girona stated there may be some rock excavation incidental to the
292 development of the property. We did preliminary testing throughout for
293 stormwater and septic and actually I would say ninety five (95) percent of our
294 holes we did not hit rock until seven (7) feet. On his initial walk of the property he
295 expected more, but based on the testing they did not what was initially expected.

296
297 Engineer Girona added he does not expect anything beyond typical rock
298 excavation or mechanical excavation equipment to remove the rock. He then
299 asked Mr. Vito Andriano if he differed on this assessment.

300
301 Mr. Andriano stated there are some areas on the left side of the map that are hard,
302 the right side is all bank run as far as you can dig. There is rock there but is all
303 embedded with bank run so we can work around the rock.

304
305 Mr. McNamara asked about blasting.

306
307 Mr. Andriano stated he did not recall that there was any blasting done when
308 Cobbling Rock Drive and Dr. Tony's Road were built.

309

310 Mr. McNamara stated there was hammering but no blasting.

311
 312 CTE Barbagallo stated we will probably move in the direction of removal with no
 313 blasting. He added if you can chip rock in a week why blast, because people worry
 314 about the impact on their properties and all the monitoring required. It is easier to
 315 chip, however if it was a longer time period the Board might do the controls for
 316 that.

317
 318 Engineer Gironda added the roads lay out on the site pretty good, where they are
 319 fairly balanced, cut and fell and not a lot of access.

320 CTE Barbagallo added there is not a lot of grading in general, the subdivision lays
 321 out very nicely and if you look around these houses there is not a lot of grading
 322 required.

323
 324 After further discussion, on a motion by Chairman Currie, seconded by Mr.
 325 McNamara, and unanimously approved, the Board moved to declare themselves
 326 Lead Agency under SEQRA.

327
 328 Discussion ensued regarding a site walk. Mr. Andriano stated there are actually
 329 carriage trails throughout the site that are pretty walkable.

330
 331 CTE Barbagallo asked if the roadway could be staked out.

332
 333 Engineer Gironda stated yes, they will stake the center of the road.

334
 335 CTE Barbagallo asked the Board if they wanted the four (4) corners of each house,
 336 one on each side of the house.

337
 338 Chairman Currie asked about the square footage on the houses.

339
 340 Mr. Andriano responded the first floor about two thousand (2,000) feet.

341
 342 After discussion it was determined that the houses would be staked out at the
 343 center point of the house.

344
 345 Ms. Gerbino asked at what intersection we should meet at.

346
 347 Engineer Gironda stated it is probably easier at Dr. Tony's Road for parking and it
 348 is flatter.

349

350 After further discussion the Board set August 24, 2019 as the date of the site walk
 351 at 9:00am at the end of Dr. Tony's Road.

352
 353 Ms. Gerbino asked Engineer Allen if this estate and family are related to the
 354 original Van Rensselaer owners of some three hundred and eighty (380) years ago.

355
 356 Engineer Allen stated yes, this parcel is owned by the Wittmann Estate and the
 357 parcel was part of the original Land Grant

358
 359 Mr. Andriano stated it is called the Land Grant because they were Dutch settlers
 360 who were given all this property which in those times included the Lasdon Park
 361 property as long as they would produce fruit or vegetable on the land and so it
 362 became a tremendous apple orchard.

363
 364 Mr. Andriano said in the past, the Wittmann forbearers also owned what is now
 365 Lasdon Park.

366
 367 **NEW PRIVATE SCHOOL IN SOMERS: TM:17.19-1-1**

368
 369 Chairman Currie stated there is one last item on the Agenda in the event that
 370 anyone wished to discuss the meeting regarding the New Private School In
 371 Somers.

372
 373 Mr. Prince asked if there is a Community Benefit Package (CBP) that goes along
 374 with developments such as this. Is that something that is arbitrary or mandatory,
 375 how does that work.

376
 377 CTE Barbagallo stated it is not mandatory, there are conditions that may trigger
 378 this. In this instance there are some other items that might be more important to
 379 the Town then a CBP relative to historic tax issues. There are other things that
 380 may be more valuable to the Town.

381
 382 Ms. Gerbino asked then sidewalks?

383
 384 CTE Barbagallo stated the CBP it is not a mandate, it is a negotiation issue. It is a
 385 give and take.

386
 387 Chairman Currie stated the best example of this is Gus Boniello, in exchange for
 388 being a condominium he put in sidewalks.

389 CTE Barbagallo added that is an example of the give and take, it is not a pro forma
390 that we automatically get a CBP.

391
392 Mr. Prince added he thought the Town could use other benefits besides sidewalks.

393
394 Mr. Zaberto added there at the public meeting there were several residents that
395 were in favor for sidewalks to be incorporated into this project, to connect to Metro
396 North.

397
398 CTE Barbagallo stated that he wanted to report to the Board because sidewalks did
399 come up at the hearing that he was contacted by the applicant's engineer and was
400 asked about the sidewalks.

401
402 CTE Barbagallo explained to the Board they studied the building of sidewalks
403 from Purdys to the Town House and submitted a grant application and were
404 unsuccessful in that. Although segment one of the sidewalks is in now and the
405 connection to Metro North would be segment three and the segment two portion,
406 coming through Town, a good portion of that is built.

407
408 CTE Barbagallo continued, stating that the applicant's engineer asked for copies of
409 those document and they were provided. So they are looking at that.

410
411 Mr. Prince asked if at that point you had an estimate.

412
413 CTE Barbagallo responded that yes they did do an estimate because they had to
414 request a certain sum of money.

415
416 Mr. Prince asked about private property, is there room in the right-of-way for that.

417
418 CTE Barbagallo responded that along Route 116 it is highly constrained, there are
419 wetland areas, easements to look at. We did not have a survey to say exactly
420 where the limits of Rt. 116 are, typically there is room, but we did not have that
421 information.

422
423 Chairman Currie stated the reality is the Town Board is the Lead Agency and the
424 decision on something like that would come from the Town Board.

425
426 CTE Barbagallo added in his experience all of the Community Benefits
427 Agreements (CBA)'s have been negotiated by the Town Board, we provide input,

428 and from what I have seen CBA's are usually associated with a Zoning Change,
429 which run through the Town Board, i.e. sewers, water main and sidewalks here.

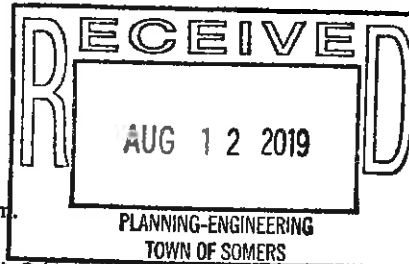
430
431 Chairman Currie announced the next Planning Board Meeting is scheduled for
432 Wednesday, September 11, 2019 at 7:30pm.

433
434 There being no additional business, on a motion by Chairman Currie, seconded by
435 Ms. Gannon and unanimously approved, the meeting adjourned at 8:20pm.

436
437 Respectfully submitted,

438
439
440
441 Barbara J. Sherry
442 Planning Board Secretary
443

444
445
446 Z:\PE\Planning Board meetings\Minutes\2019\August 14, 2019 Minutes.docx
447 9/3/2019 1:41 PM
448
449



TOWN OF SOMERS
PLANNING BOARD
APPLICATION FOR SITE PLAN APPROVAL

Application Processing Affidavit must also be completed. Click here for form.

I. IDENTIFICATION OF APPLICANT:

- A. Owner: Somers Manor Property LLC Applicant: Schopfer Architects LLP (Contact David A. Schlosser)
Address: 189 Rt. 100, Somers, NY 10589 Address: 1111 James Street, Syracuse, NY 13203
Tele #: 914/232-5100 Tele #: _____
- B. Architect: Schopfer Architects LLP Engineer: Fuegel Engineering PC
Address: 1111 James Street, Syracuse, NY 13203 Address: 109 S. Warren Street # 1804, Syracuse, NY 13202
Tele #: 315-474-6501 Tele #: 315-423-4270
- C. Surveyor: Ward Carpenter Engineers Tele #: 914-849-6000
Address: 76 Mamaroneck Ave. White Plains, NY 10601

II. IDENTIFICATION OF PROPERTY:

- A. Identifying Title: Somers Manor Nursing Home (The Paramount of Somers)
- B. Tax Map Design: Sheet: 28.17 Block: 1 Lot(s): 19.1
- C. Zoning District: R-80 Residential District
- D. Street which property abuts: Plumbrook Road & Somerstown Road (Rt. 100)
- E. Does property connect directly into State or County highway? Yes
- F. Is site within 500 feet of Town Boundary? No
- G. Total area of site: 58.01 acres Area of site activity: 1,880 SF
- H. Site coverage: 10.3 % Building coverage: 4.4 %
- I. Affected Wetland Area None Wetland Buffer Area N/A
- J. Affected Steep Slope Area: 15%-25% None Over 25% None
- K. Existing building size: 115,000 SF +/- New/additional building size: +420 SF
- L. Existing parking spaces: 156 New parking spaces: 0

III. APPLICATION FEE:

\$500 base fee plus \$50 per 1,000 sq.ft or part thereof plus \$25 per parking space to be paid by certified check to the Town of Somers. (\$500 base + 60 x 2 = 600)

Wetland Permit Fee: \$200 min. fee + \$100 per 5,000 sf. of regulated area or proposed area to be disturbed.

Steep Slope Fee: \$150 min. fee + \$75 per 10,000 s.f. of regulated area or proposed area to be disturbed.

Total Fee: \$600. Date Paid: _____

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:

Submit 14 copies of all correspondence and plans to the Planning Board.

- A. 14 copies of Site Plan with north arrow and location map drawn to scale of 1" = 1,000'.
- B. Survey Map defining precise boundaries of property.
- C. Copies of all existing and proposed deed restrictions or covenants applying to the property, including covenants and agreements restricting use, and establishing future ownership and maintenance responsibilities for all private roads, recreation and open space areas.
- D. Preliminary Architectural Drawings to be submitted to Planning Board prior to public hearing for referral to Building Inspector and Architectural Advisory Review Board.
- E. Environmental Assessment Form.
- F. Proof that taxes have been paid.

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, State Environmental Quality Review (SEQR) and Environmental Quality Review, Wetland and Steep Slope Ordinances of the Town of Somers.

All revised plans shall be accompanied by a letter indicating what changes were made. All costs incurred by the Town for professional services and SEQR review will be paid by the applicant.

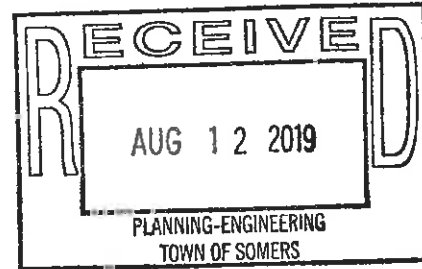
By submission of this application, the property owner agrees to permit Town Officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal. The property shall be identified on site as being proposed for site plan approval.

Signature of Applicant _____
Signature of Owner Mr. Fin

Date: June 17, 2019

Date: 7/10/19

David A. Schlosser, AIA
Robert J. Seigart, AIA



Architectural Narrative
Proposed Entry Patio/Canopy Upgrades
For
The Paramount at Somers
189 Rt. 100, Somers, New York

A. PROPOSAL SUMMARY

1. The Paramount at Somers (formerly Somers Manor Nursing Home) is an existing NYS DOH licensed nursing home situated on a 58 + acre parcel with access from both Plumbrook Road and Route 100.
2. The facility recently changed ownership. As part of a facility wide interior cosmetic upgrade including its main public entry lobby, the Ownership is proposing modifications to its existing public entry patio summarized as follows:
 - a. Enclose an existing open entry canopy to create a large weather-tight vestibule.
 - b. Replace the existing concrete entry patio and planting beds with new ornamental concrete, an open walkway canopy, landscape, and site lighting. This is proposed to resolve the following:
 - (1) Main entry visibility: currently projecting building elements make visibility of the recessed public entry very difficult.
 - (2) Provide some level of weather protection between the public entry doors and the visitor/resident drop off area over 100' away.
 - (3) Improve the site lighting between the entry and the drop off area for increased safety purposes.
 - (4) Improve the quantity and quality of entry patio seating and landscape.
3. It should be noted that as part of the proposed work there is no substantive change in impervious surface as the sidewalk, driveway, curbing and patio area before and after is essentially the same. The total net increase in impervious surface (decorative concrete walk & patio) is +298 SF.
4. The attached plans include the following:
 - a. Photos of the existing entry, entry patio, curbed drop-off, and landscapes.
 - b. Existing overall survey.
 - c. Vestibule, building expansion.
 - d. New patio, canopy, lighting, and landscape.
5. We have not provided data on wetlands, wetland buffers, steep slopes, soil data, etc. as none are impacted by the proposed limited site changes and the work is essentially just the replacement and redesign of the existing entry patio.

AFFIDAVIT TO BE COMPLETED BY CORPORATION OWNER

STATE OF NEW YORK)

ss:

COUNTY OF _____)

Mark Friedman, being duly sworn, deposes and says that he resides at 1076 E. 23rd St Brooklyn, NY in the County of KINGS, State of New York that he is the Manager of SOMERS PROPERTY LLC (Title)

(Name of Corporation)

which is the owner in fee of all property shown on plat entitled Somers Manor Nursing Home (The Paramount of Somers) application for approval of which is herein made. That said SOMERS PROPERTY LLC

(Name of Corporation)

acquired title to the said premises by deed from Somers Manor Nursing Home LLC recorded in the Office of the Clerk of the County of Westchester on 2-2-18 in Liber _____ of Conveyances at Page Control # 520123446

That the statements contained herein are true to the best of deponent's knowledge and belief, and are made for the purpose of obtaining the approval of the submitted application by the Planning Board of the Town of Somers.

(Signed) [Signature]

Sworn to before me this 10th day of July, 2019.

[Signature]
(Notary Public)

CHRISTABEL BATISTA-CRUZ
Commission # 50099712
Notary Public, State of New Jersey
My Commission Expires
February 25, 2024

**TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
CHAPTER 67 "APPLICATION PROCESSING RESTRICTIVE LAW"**

CERTIFICATION

I hereby certify that to the best of my knowledge no outstanding fees are due and owing to the Town of Somers for the following property:

Section 28.17 Block 1 Lot 19.1

Property Address 189 Rt 100, Somers, NY 10589

Permit Applying For Entry Path / Canopy upgrades
Site Plan Approval

Furthermore, I hereby certify that to the best of my knowledge no outstanding violation (as that term is defined for the purposes of the Application Processing Restrictive Law, Paragraph 4D) of local laws or ordinances of the Town of Somers exist with respect to the above cited property or any structure or use existing thereon.

Signed 
(Owner of Record)

Signed _____
(Applicant for Permit)

Mark Friedman
(Print Name)

(Print Name)

Date 7/10/19

Date _____

CONFIRMATIONS

Zoning Enforcement Officer

Date: _____

Director of Finance for Fees

Date: _____

Engineering Department

Date: _____

Receiver of Taxes

Date: _____

TOWN OF SOMERS-2019
Town: 555200 TOWN OF SOMERS

DO NOT PAY - This is a receipt.

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

SOMERS MANOR PROPERTY
 LLC
 36 AIRPORT ROAD SUITE - 102
 LAKEWOOD NJ 08701

BILL NO.	008900
NYS TAX FN.CD.	
STATE AID	0
TAX YEAR	2019
BANK	99
PER ASSESSMENT ROLL	05/01/2018
SCHOOL CODE	555201

TAX MAP NO.:	28-17-1-19-1	FISCAL YEAR	01/01/2019 - 12/31/2019
LOCATION:	189 RTE 100		
DIMENSIONS:	Acreage = 58.02		
PROPERTY CLASS:	633 - Homes for the Aged		
ROLL SECTION:	1		
WARRANT DATE:	3/18/2019		

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of 05/01/2018: \$18,407,944
 The ASSESSED VALUE of this property as of 05/01/2018 was: \$2,247,610
 The UNIFORM PERCENT OF VALUE used to establish assessment was: 0.12%

If you feel your assessment is too high, you have the right to seek a reduction in the future.
 A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov. Please note that the period for filing complaints on the above assessment has passed.

EXEMPTION INFORMATION

<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>	<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>
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PROPERTY TAXES

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Change From Prior Year</u>	<u>Taxable Value</u>	<u>Tax Rate Per \$1000</u>	<u>Tax Amount</u>
WESTCHESTER COUNTY	\$12,906,030	2.10	\$2,247,610	25.895969	\$58,204.04
TOWN OF SOMERS	\$7,431,106	2.00	\$2,247,610	14.903847	\$33,498.04
SOMERS FIRE	\$2,858,671	2.00	2,247,610	5.626353	\$12,645.84

\$104,347.92 PAID: 4/10/2019 (Base Amt: 104347.92 Pen Amt : 0.00 Misc : 0.00)

SOMERS SCHOOL TAXES 2018-19

School: 555201 Somers Central

DO NOT PAY - This is a receipt.

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

SOMERS MANOR PROPERTY LLC 36 AIRPORT ROAD SUITE - 102 LAKEWOOD, NJ 08701	BILL NO. 007376 NYS TAX FN.CD. 999 STATE AID \$0 TAX YEAR 2018 BANK 99 PER ASSESSMENT ROLL 05/01/2017 SCHOOL CODE 555201
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TAX MAP NO.:	28.17-1-19.1		
LOCATION:	189 RTE 100		
DIMENSIONS:	Acreage = 58.02		
PROPERTY CLASS:	633 - Homes for the Aged		
ROLL SECTION:	1		
WARRANT DATE:	8/23/2018	FISCAL YEAR	July 1, 2018 - June 30, 2019

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of 05/01/2017: \$17,643,251
 The ASSESSED VALUE of this property as of 05/01/2017 was: \$2,235,400
 The UNIFORM PERCENT OF VALUE used to establish assessment was: 0.13%

If you feel your assessment is too high, you have the right to seek a reduction in the future.
 A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov. Please note that the period for filing complaints on the above assessment has passed.

EXEMPTION INFORMATION

<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>	<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>
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PROPERTY TAXES

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Change From Prior Year</u>	<u>Taxable Value</u>	<u>Tax Rate Per \$1000</u>	<u>Tax Amount</u>
SOMERS CENTRAL	\$77,721,731	2.30	\$2,235,400	162.808737	\$363,942.65

\$181,971.33 PAID: 9/18/2018 (Base Amt: 181971.33 Pen Amt : 0.00 Misc : 0.00)
 \$181,971.32 PAID: 12/14/2018 (Base Amt: 181971.32 Pen Amt : 0.00 Misc : 0.00)

Short Environmental Assessment Form

Part 1 - Project Information

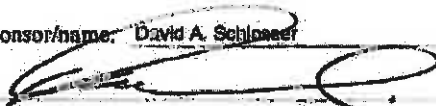
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: The Paramount at Somers Entry Renovations			
Project Location (describe, and attach a location map): 189 Route 100, Somers, New York 10589; Tax Parcel # 28.17-1-19.1			
Brief Description of Proposed Action: Construct a weather-tight main entry vestibule below an existing canopy. Extend a new open canopy from the building entry to the vehicle drop-off area. Upgrade the sidewalk/patio area and landscape below and adjoining the new canopy.			
Name of Applicant or Sponsor: Schopfer Architects, LLP (David A. Schlosser)		Telephone: 315-474-6501 E-Mail: dschlosser@schopfer.com	
Address: 1111 James Street			
City/PO: Syracuse		State: New York	Zip Code: 13203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Somers Planning Board			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		58.01 acres	
b. Total acreage to be physically disturbed?		0.043 acres (1,880 SF)	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		58.01 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify: _____			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____			
10. Will the proposed action connect to an existing public/private water supply?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If No, describe method for providing potable water: _____			
11. Will the proposed action connect to existing wastewater utilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If No, describe method for providing wastewater treatment: _____			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(Per NYS DEC EAF Mapper)			
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
No proposed alteration of any wetlands. All work includes restoration of existing concrete sidewalk/patio and landscaped planting beds			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? (Per NYS DEC EAF Mapper)	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan? (Per NYS DEC EAF Mapper)	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Per NYS DEC EAF Mapper)		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>David A. Schloesser</u>	Date: <u>June 17, 2019</u>	
Signature: 	Title: <u>Partner</u>	

PRINT FORM

Telephone
(914) 277-5366
Fax
(914) 277-4093

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
385 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoeffle@somersny.com



Syrette Dym, AICP
Town Planner
sdym@somersny.com

Date: August 13, 2019

To: Robert Kehoe
Director of Finance

Thomas J. Tooma, Jr.
Assistant Building Inspector

Steven Woelfle
Principal Engineering Technician

Michele McKearney
Receiver of Taxes

From: Wendy Getting
Senior Office Assistant

**RE Application Processing Certification
Somers Manor Nursing Home (The Paramount at Somers)
Site Plan Approval
TM: 28.17-1-19.1**

Pursuant to Somers Town Code Chapter 67 entitled "Application Processing Restrictive Law" please review your files and, if appropriate, sign the attached copy of the Certification confirming that the noted property does not have any outstanding fees or violations. The copy you return will become the original certification.

SW/wg

Att.

cc: Town Board
Town Clerk
Town Attorney

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5866
Fax
(914) 277-4093

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



Syrette Dym, AICP
Director of Planning
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: September 4, 2019

RE: Project: The Paramount at Somers
Applicant: Schopfer Architects LLP
Location: 189 Route 100 (Section 28.17 Block 1 Lot 19.1)
Zoning: R80 Residence District
Actions: Request for Modifications to Existing Public Entry Patio-
Site Plan Application

Submission - Dated June 17, 2019/July 7, 2019

The following items were submitted for review:

1. Application For Site Plan Approval dated June 17, 2019 and July 10, 2019
2. Architectural Narrative -- Proposed entry Patio/Canopy Upgrades from Schopfer Architects LLP received July 12, 219
3. Affidavit by Corporation Owner
4. Application Processing Restrictive Law Certification -- Dated July 10, 2019
5. Proof of Taxes Paid
6. Short Environmental Assessment Form Part 1- Dated June 17, 2019
7. Site Plan Drawings -- All Dated 06/17/19 prepared by Schopfer Architects LLC
 - T1.1 - Title Sheet and Existing Photos
 - Existing Conditions Survey -- dated January 25, 2018 Cover Sheet (with location map)
 - Survey -- Somers Property LLC -- dated January 25, 2018
 - EX1.1 -- Existing Site Plan Building D
 - D1.1 - Demolition site Plan Building D
 - L1.1 -- Partial Landscape Plan

- A1.1 Partial First Floor Plan Building D
- A2.1 Building Elevations Section & Enlarged Plans
- A4.1 Enlarged Canopy Plan & Sections
- E1.1 Building D Site Lighting Partial Plan and Details
- E1.2 Building D Site Lighting Partial Plan and Schedule
- E1.3 Site Lighting Photometric Plan Building D

The following are comments and responses to the above submissions.

Site Plan

There are several drawings that would seem to constitute the site plan. These would be L1.1 Landscape Plan and/or drawing A1.1 Partial First Floor Plan. Drawing A1.1 would seem to be the most appropriate to serve as such. Therefore, as the site plan, this drawing needs to contain a zoning bulk table that identifies the existing zone, current compliance under existing conditions and proposed compliance with project modifications with all district regulations.

The application and cover letter indicate, as well as does the plan, that there is 420 square feet of new building. It should be verified that this represents only the square footage of the new entry vestibule. The dimensions of the building footprint should be shown on the site plan and this building square foot change should be shown in the bulk table.

The cover letter indicates that there is a total net increase in impervious surface of 298 square feet. The bulk table should identify this as part of the existing and proposed conditions table.

The Application indicates that the area of site activity will be 1,880 square feet. The demolition plan and/or site plan should identify a limit of disturbance line by which to verify that number.

Construction Impacts

General Notes on Drawing D1.1 indicate several constructions related impacts that are shifted to undetermined resolution "by the Owner".

General Note #2. States: "The contractor's employees shall park within areas to be designated by the owner, or make arrangements for additional off-site parking. Storage of construction materials and staging areas is to be coordinated with owner."

Parking on the site is very tight and currently insufficient. As such, the proposed site plan modifications and plan must include a pre-designated area for construction employee parking and proposed area(s) of construction equipment and materials storage. If employee parking is to take place off-site, its location needs to be established and any agreements with other owners for use of such property need to be submitted to the Planning Board in advance of site plan approval.

General Note #4. States: "Special inspections and testing is provided through the owner. The contractor shall coordinate with the special inspectors and testing laboratories so that inspections and testing can be performed without delay. Every effort shall be made by the contractor to limit number of visits and time spent on site by special inspection and testing personnel."

First, the applicant needs to disclose what the purpose of the "special inspections and testing" is for. Is there an anticipated environmental or biomedical hazard on the site or some other type of contamination that is anticipated? Once the nature of this is explained, the anticipated required remediation needs to be identified including number of visits and what those visits entail over what period of time.

The use of the entryway is likely to be blocked during the construction period. The applicant needs to identify the length of the construction period and the access points to the buildings that will be designated for employees, visitor and residents.

Access to the site was restricted to Route 100 as part of the original site plan approval. A chain link gate is shown on the survey at the driveway to Plum Brook Road indicating that this was to be an emergency access point only. Therefore, the General Notes to the site plan as well as the site plan itself needs to identify that construction access will only be gained from Route 100.

Trees

The only trees shown on the Existing Site Plan Building D Drawing EX1.1 are four trees on the Lawn Area in front of the building. If any other trees are to be removed in other areas or within the courtyard, they need to be identified and a Tree Removal permit may be required.

Lighting

Drawing E1.2 Building D Site Lighting Partial Plan and Schedule identified the height of the light poles lining the new entrance walkway as 7 feet in height. These, along with pathway lighting in the entrance area, result in a light spill as seen in Drawing E1.3 beyond the new entrance area. That light spill, however, is reduced to almost zero approximately 90+ feet from the building entrance across the lawn towards Route 100. The light spill distance to the south of the building frontage is similar. So generally, this light spill would not affect homeowners along Plum Brook Road.

CC: Joe Barbagallo
Alvaro Alfonzo-Larrain
Jennifer Martinez
Roland Baroni
Joe Eriole
David A. Schlosser, AIA

Z:\PE\Site plan files\Paramount of Somers\Town Comments\Planner's Comments 09-04-19.docx

MEMORANDUM



TO: Town of Somers Planning Board
CC: Barbara Sherry, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: September 6, 2019
RE: The Paramount at Somers (189 Route 100)
Application for Site Plan Approval.
TM: 28.17-1-19.1, R-80 District



GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Site Plan Approval Application that has been submitted for The Paramount at Somers located at 189 Route 100 in Somers, New York.

The application proposes the construction of a weather-tight main entry vestibule below an existing canopy and extension of a new open canopy from the building entry to the vehicle drop-off area. The application also proposes to upgrade the sidewalk/patio area and landscaping below and adjacent to the new canopy. The project is expected to disturb less than 5,000 square feet (1,880 square feet), and results in a net increase of impervious surfaces of approximately 300 square feet.

The project site is located within the East of Hudson watershed but is not subject to approval by either the New York City Department of Environmental Protection (NYCDEP) or the New York State Department of Environmental Conservation (NYSDEC) given the proposed site disturbance and because the site is not located within a Designated Main Street Area.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

- Town of Somers Code, Chapter 93: *Stormwater Management and Erosion and Sediment Control*, and other sections, as applicable.
- *New York State Standards and Specifications for Erosion and Sediment Control*, dated November 2016.
- *New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual (SMDM)*, dated January 2015.
- *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources*, Chapter 18.

DOCUMENTS REVIEWED

- *Town of Somers, Westchester County, New York, Chapter 67 "Application Processing Restrictive Law,"* signed by Vito Andriano, dated July 8, 2019.



- *Town of Somers, Westchester County, New York, Application for Environmental Permit, Chapter 148 "Steep Slope Protection", signed by Mark Friedman, dated July 10, 2019.*
- *Affidavit to be Completed by Owner Other than Corporation, signed by Mark Friedman, dated July 10, 2019.*
- *Short Environmental Assessment Form, signed by David A. Schlosser, dated June 17, 2019.*
- *Architectural Narrative, Architectural Narrative, Proposed Entry Patio/Canopy Upgrades for The Paramount at Somers, 189 Rt. 100, Somers, New York, prepared by David A. Schlosser, AIA, and Robert J. Seigart, AIA, n.d.*
- *Surveys, prepared by Ward Carpenter Engineers, Inc., date January 25, 2018:*
 - *Sheet 1 of 2, ALTA/NSPS Land Title Survey prepared for Somers Property, LLC in the Town of Somers, Westchester County, New York.*
 - *Sheet 2 of 2, ALTA/NSPS Land Title Survey prepared for Somers Property, LLC in the Town of Somers, Westchester County, New York.*
- *Drawings, The Paramount at Somers Rehabilitation and Nursing Center, Existing Entry Patio Reconstruction, prepared by Schopfer Architects, LLP, including:*

Sheet Number	Sheet Name	Dated
EX1.1	Existing Site Plan – Building D	06/17/19
D1.1	Demolition Site Plan – Building D	06/17/19
L1.1	Partial Landscape Plan – Building D	06/17/19

PERMITS AND APPROVALS REQUIRED

- *Town of Somers Planning Board: Application for Site Plan Approval*

DISCUSSION

Based on submitted documents, proposed site disturbance is less than 5,000 square feet, which is the trigger for stormwater management and erosion and sediment control in the Town of Somers. In addition, the proposed project does not result in disturbance of steep slopes or wetlands/wetland buffer areas.

As part of this review, our office contacted the NYCDEP to confirm whether the project is located within a Designated Main Street Area. Projects located within the East of Hudson Watershed and within a Designated Main Street Area require NYCDEP SWPPP approval if there is an increase in impervious surfaces (independent of total disturbance). The NYCDEP confirmed that the project is



not located within a Designated Main Street area and will therefore not be subject to NYCDEP SWPPP approval.

In conclusion, neither a local SWPPP or a NYCDEP SWPPP will be required for this project. However, the Applicant shall provide silt fence to prevent migration of sediment off-site from the proposed site disturbance activities. The Applicant shall also note that if disturbance of the site is found to be greater than 5,000 square feet, a SWPPP shall be provided to the Consulting Town Engineer for review and the project will also be required to obtain construction coverage under the NYSDEC SPDES General Permit (GP-0-15-002).

Please feel free to contact our office with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be 'Alvaro Alfonzo-Larrain'.

Alvaro Alfonzo-Larrain, P.E., MEng
Assistant Consulting Town Engineer

On behalf of,

A handwritten signature in black ink, appearing to be 'Joseph C. Barbagallo'.

Joseph C. Barbagallo, P.E., BCEE
Consulting Town Engineer