

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

## PLANNING BOARD

# Town of Somers

WESTCHESTER COUNTY, N.Y.



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## SOMERS PLANNING BOARD MINUTES JUNE 12, 2019

### ROLL:

#### PLANNING BOARD MEMBERS PRESENT:

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

#### ABSENT:

Ms. Gannon

#### ALSO PRESENT:

Director of Planning Syrette Dym  
Consulting Town Engineer Joseph Barbagallo  
Town Attorney Joseph Eriole  
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**

Chairman Currie stated this is a request for a fourth (4<sup>th</sup>) 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 (4<sup>th</sup>) 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 (5<sup>th</sup>) 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.

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

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

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

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

On a motion by Chairman Currie, seconded by Mr. Zaberto and unanimously approved, the Board moved to grant the fifth (5<sup>th</sup>) 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.

### **PUBLIC HEARING:**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

Mr. McNamara added they knit better that way also.

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

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

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

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

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

Engineer Williams responded about fifteen feet (15').

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Attorney Cross stated that is correct.

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

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

CTE Barbagallo stated this says that the order is satisfied.

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

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

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



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

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

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

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

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

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

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

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

Attorney Cross said she is fine with that.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Mr. Zaberto asked how big the propane tanks are.

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

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

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

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

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

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

Mr. Cordone added it is less than desirable.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

Mr. Cordone responded he did not.

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

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

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

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

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

Director of Planning Dym stated the dates will be added.

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

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

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

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



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

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

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

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

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

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

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

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

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

Mr. Desharnais stated yes.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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


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

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

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

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

Respectfully submitted,

*Barbara J. Sherry* 

Barbara J. Sherry

Planning Board Secretary

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