

Telephone 1
(914) 277-5366₂

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, *Chairman*
Jan Corning
Fedora DeLucia
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

3

**SOMERS PLANNING BOARD MINUTES
DECEMBER 14, 2016**

4

5

6

ROLL:

8

PLANNING BOARD

MEMBERS PRESENT:

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

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ABSENT:

Mrs. DeLucia

15

ALSO PRESENT:

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

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

PUBLIC HEARING

SOMERS PUBLIC SAFETY CENTER [TM: 17.18-1-1]

Chairman Currie said that this is the application for Preliminary Subdivision
Approval to create a separate 12-acre parcel of land for the construction of
a new Somers Public Safety Center to act as headquarters for the NYS
Police, Somers Fire District and Somers Emergency Services. He

1 mentioned that a helistop will be installed for emergency use. He noted
2 that the property is located a 295 Route 100 and is in the R-80 Zoning
3 District.

4
5 Chairman Currie asked Secretary Murphy if the legal notice was published
6 for this Public Hearing and the adjoining property owners notified and the
7 sign posted on the property with the date and location of the Public
8 Hearing.

9
10 Secretary Murphy replied that the Legal notice was published in the
11 Somers Record on December 1, 2016 and the adjoining property owners
12 notified via mail on December 2, and the sign was posted on the property
13 on December 1, 2016.

14
15 Mr. Goldenberg mentioned that at the last meeting it was said that the
16 Planning Board was being over powered by all the projects. He noted that
17 there are part-time employees and the Planning Department is short on
18 help. He noted that on November 30, 2016 this project was before the
19 Board and on December 2, 2016 there was a site walk with the Department
20 of Environmental Protection (DEP) and the Department of Environmental
21 Conservation (DEC). Mr. Goldenberg said that he received a call at 9:15
22 A.M. on December 2, 2016 asking if he wanted to go on an optional site
23 walk. He stressed that there was no representation from the Planning or
24 Engineering Departments on the site walk.

25
26 Peter Helmes, the applicant's architect, explained that the meeting in
27 November was to have the Planning Board declare its intent to be Lead
28 Agency on the project. He noted that once the wetland flags are down as a
29 matter of policy he contacts DEC and DEP and is typically done without the
30 Planning Board's involvement. Architect Helmes said that the DEP has to
31 validate the wetland flags to confirm that they are in fact in the proper
32 locations. He noted that he mentioned at the November meeting that there
33 would be a site walk and Chair Currie asked if he would let the Board know
34 the date and time of the site walk. Architect Helmes stated that the DEC
35 and the DEP both validated the wetland flags.

36
37 Mr. Goldenberg asked if there will be another site walk with the Planning
38 Board and the DEC and the DEP.

39

1 Architect Helmes said that it is not necessary for the DEC and DEP to
2 come out to the site as they already validated the wetland flags but the
3 Planning Board can have its own site walk.

4
5 Architect Helmes presented a power point presentation describing the
6 project. He noted that the proposal is for the creation of a two-lot
7 subdivision out of an existing 164 acre parcel. He said that many years
8 ago the State Police was looking for proposals to find a new headquarters
9 to replace their out of date building but that was put on hold. Architect
10 Helmes said that the Somers Fire District has a firehouse that is also
11 outdated and is not ADA compliant and is too small to house their fire
12 apparatus. He mentioned that the Fire District would like to construct a
13 larger code compliant firehouse in close proximity to the one on Route 202.
14 Architect Helmes explained that the Fire District is purchasing the 12 acre
15 site from IBM. He said that the firehouse property on Route 202 will be
16 conveyed to the Town for a new senior center once their new firehouse is
17 built.

18
19 Architect Helmes mentioned that Consultant Town Engineer Barbagallo
20 wanted proof that the proposed two lots will be viable lots and can support
21 a single family dwelling. He showed the Board that the lot that has access
22 off Route 202 is viable and can support a single family dwelling.

23
24 Ms. Gannon asked if someone from Planning or Engineering has to be
25 present during a site walk with DEC and DEP.

26
27 Assistant Consultant Town Engineer Wasp said that his office is not
28 present for wetland flagging and accepts the professional's determination.
29 He mentioned that this procedure is not unusual.

30
31 Ms. Gerbino said that she enjoyed the site walk but not the short notice.
32 She noted that it was not the fault of Architect Helmes as he e-mailed the
33 Secretary on Thursday and the secretary because she is part-time was not
34 in the office on Thursday and did not get the message until Friday morning.

35
36 Mr. Goldenberg said that IBM should not be used as they do not own the
37 property.

38
39 Frank Simeone, the applicant's attorney, stated that the Fire District has a
40 contract with IBM and only awaits the completion of the subdivision. He

1 explained that if IBM sold the property their successor would have to honor
2 the contract.

3
4 Mr. Goldenberg asked about the helicopter landing pad for emergencies.
5 Architect Helmes said that there will be a landing area for the helicopter.

6
7 John Markowitz, Chairman of the Board of Fire Commissioners, said there
8 will be a helistop for emergency medivac use for the State Police when
9 they have an emergency with their helicopter and now they use Fireman's
10 Field which is a safety hazard. He stressed that a helistop is a safer
11 environment for the firemen and now there is no established facility and
12 only a makeshift, unsafe loading zone.

13
14 Mr. Goldenberg said that a bond issue will fund the Public Safety Center.
15 He asked when the taxpayer will know the cost of the project and will the
16 State Police pay for the facility.

17
18 Mr. Markowitz said that there is no agreement with the State Police
19 because the Fire District does not own the property but they are interested
20 and will have discussions when the Fire District owns the property.

21
22 Assistant Consultant Town Engineer Wasp said that he needs more level of
23 detail and some level of site testing to be done in order to prove out the
24 Stormwater Plan.

25
26 Architect Helmes indicated that there are Charleston soils on the property
27 which is a very good draining soil. He mentioned that there will be no issue
28 meeting the Stormwater Pollution Prevention Plan (SWPPP) requirements.

29
30 Architect Helmes explained that the Fire District cannot do anything until
31 they own the property. He noted that Phase 1 is to get subdivision approval
32 only, with Site Plan approval to be done separately at a later date.

33 Architect Helmes indicated that when the property is owned by the Fire
34 District they will get into the Site Plan where Town Board and Zoning
35 approvals will be needed and that is at the risk of the Fire District. He
36 stated that he received a letter of approval from the Town Board. Architect
37 Helmes mentioned that the applicant has to satisfy the SEQRA process
38 before the public bond vote. He noted that the cost of the project will be
39 known to the taxpayer.

40

1 Attorney Simeone said that the current lease between IBM and the State
2 Police is for three years extending to September 2018 which the State
3 Police pays just under \$40,000 per year. He noted that if the project is
4 approved that lease will be assigned to the Fire District. Attorney Simeone
5 commented that the taxpayer will not have to pay the State Police's portion
6 of the project.

7
8 Chair Currie opened the Public Hearing and asked if anyone from the
9 public would like to speak on the project and no one replied.

10
11 Director of Planning Dym said that under SEQRA a Negative Declaration
12 has to be prepared and voted on. She mentioned that the cultural
13 resources has to be reviewed.

14
15 On motion by Chair Currie, seconded by Ms. Gannon and unanimously
16 carried the Board accepted Lead Agency status on the Somers Public
17 Safety Center.

18
19 Mr. Goldenberg said that the Public Hearing should be kept open until
20 Town staff has time to inspect the property.

21
22 Planning Board Town Attorney Eriole said that the issue is will the
23 engineer's review change the public's opportunity to comment.

24
25 On motion by Chair Currie, seconded by Ms. Gannon (Mr. Goldenberg
26 voting nay) and carried, the Public Hearing on Preliminary Subdivision
27 Approval for the Somers Public Safety Center was closed.

28
29 Chair Currie directed that the Negative Declaration and a Draft Resolution
30 be prepared for the January 11, 2017 Planning Board meeting.

31

32 **PUBLIC HEARING**

33

34 **NYS MESONET – STUART FRUIT FARM [TM: 26.11-1-2]**
35 **WEATHER STATION**

36

37 Chairman Currie said that this is an application for Site Plan Approval for
38 an early warning detention system designed to measure weather
39 observations around New York State. He said that the project will consist
40 of one (1) 33' tower in an open field at Stuart Fruit Farm.

1 Chairman Currie asked Secretary Murphy if the legal notice was published
2 and the adjoining property owners notified and the sign posted on the
3 property with the date and location of the Public Hearing.

4
5 Secretary Murphy replied that the Legal notice was published in the
6 Somers Record on December 1, 2016 and the adjoining property owners
7 notified via mail on December 2, and the sign was posted on the property
8 on December 1, 2016.

9
10 Chair Currie opened the Public Hearing and asked if anyone from the
11 public would like to speak.

12
13 Peter Choma, resident of 23 Granite Springs Road, said that his daughter
14 lives on Vine Lane that is adjacent to Stuart Farm, and the 33' weather
15 tower will be located near their home. He asked how the tower will affect
16 the future value of their property. He commented that the location of the
17 tower at the top of the hill is not a good location. Mr. Choma said that he
18 saw on line that there are camera photos and his daughter has children
19 and he is concerned that the camera will be shooting into her backyard and
20 home. He opined that this project is not beneficial to the Town of Somers
21 as there is a cost factor. Mr. Choma asked if trees will be cut down for the
22 tower and will there be radio waves that may affect his daughter's children.

23
24 Krissy Donohue, contractor for Pyramid, explained that the tower will be
25 located in an open field area and the project is funded by FEMA and part of
26 the conditions are that no trees can be removed. Ms. Donohue said that
27 there is no radio transmission and the camera can be faced in to an
28 agreed-upon direction. She explained that the camera is so you can see
29 the weather. Ms. Donohue said that the height of the tower will not be
30 changed. Ms. Donohue noted that the owner of the property is not
31 receiving any compensation for hosting the site but gets more detailed
32 weather information.

33
34 Mr. McNamara said that the camera can be positioned to view only
35 farmland property and the Board agreed to that stipulation.

36
37 Jerome Rascona, resident of 8 Vine Lane, asked how visible the tower will
38 be from Cottage Place and Granite Springs Road. He asked if the tower
39 will look like a cell tower.

1 Ms. Donohue said that the tower will not be visible from Granite Springs
2 Road and the tower is more like a telephone pole just 18 inches.

3
4 Dan Kessler, resident of 59 Raemont Road, asked if the tower will emit light
5 at night.

6
7 Ms. Donohue replied that there are no lights on the tower.

8
9 Robert Levine, resident of 10 Vine Lane, asked if there will be any noise
10 from the tower and will animals hear noise.

11
12 Ms. Donohue explained that the station is run by solar power and there is
13 no noise. She mentioned that the camera makes a small hum but she has
14 never heard any complaints that animals can hear noise from the tower.

15
16 Bennett Macaluso, resident of Cottage Place, mentioned that his property
17 backs up to Stuart Farm, he opined that there is not enough information for
18 the public to study the project.

19
20 Chair Currie noted that the public can review the file in the Planning office.

21
22 Leslie Levine, resident of 10 Vine Lane, asked when the tower will be
23 installed and how will it be installed.

24
25 On motion by Chair Currie, seconded by Ms. Corning, and unanimously
26 carried, the Board moved to accept Lead Agency on the Mesonet Weather
27 Station.

28
29 Ms. Donohue said that once approval is received the tower will be
30 constructed hopefully by March 2017. She said that there will be a pickup
31 truck that pulls a small excavator that will go through Stuart Farm.

32
33 Assistant Consultant Town Engineer Wasp said that he asked for an
34 Erosion and Sediment Control Plan which will define the area of
35 disturbance. He mentioned that there will be a construction sequence that
36 shows the procedures that have to be followed to build the tower.

37
38 Ms. Gerbino said that she has lived in Somers for 52 years and one of her
39 favorite places is Cottage Place. She said that the weather station
40 compared with a proposed airport over that strip is a great relief. She

1 complemented the residents who cared enough to come to the Public
 2 Hearing.

3
 4 Mr. Goldenberg mentioned that the Town of Somers committed itself to
 5 \$300,000 for Stuart Farm for easements and Westchester County
 6 committed one million dollars for easements so that nothing could be built
 7 there. He commented that the resolution says “as amended.”

8
 9 Director of Planning Dym explained that the reason for “as amended” is if
 10 the Board changed or added anything to the Resolution and the issue of
 11 the camera was added therefore the wording “as amended.”

12
 13 Mr. Goldenberg said that there was a deal with the Town of Somers and
 14 Westchester County and he asked if they are in agreement to allow the
 15 weather station at Stuart Farm.

16
 17 Director of Planning Dym stated that the Westchester Land Trust
 18 submitted a letter dated November 1, 2016 and said that they are aware of
 19 the weather station and will allow its use on the site and will incorporate it
 20 as part of the conservation easement.

21
 22 Ms. Gannon said that there will be no tree clearing in reference to the
 23 construction of the Mesonet Weather Station but the Planning Board does
 24 not have the right to preclude Mr. Stuart’s rights under the Town Code.

25
 26 On motion by Chair Currie, seconded by Ms. Corning and unanimously
 27 carried, the Board moved to close the Public Hearing on the NYS Mesonet
 28 Weather Station with a 10 day written comment period.

29
 30 Director of Planning Dym reviewed the Negative Declaration with the Board
 31 and the applicant and the Board agreed that the NYS Mesonet will not have
 32 any significant adverse impact upon the environment.

33
 34 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously
 35 carried, the Board moved to approve the Negative Declaration pursuant to
 36 Chapter 92 of the Town Code and Article 24 of NYS Environmental
 37 Conservation Law.

38
 39 The Board reviewed Resolution 2016-14 and three changes will be made;
 40 Number 7 will read, *the camera facility shall be focused only on the*

1 *direction of the farm and away from residential uses to the north. The*
 2 *Director of Planning Dym said that Number 8 will read no trees shall be*
 3 *removed for purposes of the erection of the Mesonet tower and 9 will read*
 4 *“construction vehicles will access the property site through existing Stuart*
 5 *Farm access driveways.”*

6
 7 On motion by Mr. McNamara, seconded by Ms. Gannon, and unanimously
 8 carried, the Board moved that a Draft Conditional Resolution be prepared
 9 for the next meeting, however; the Chair can sign the Resolution if there
 10 are no written comments from the public.

11
 12 **CONTINUATION OF PUBLIC HEARING**

13
 14 **GREENBRIAR SOMERS CORP. [TM: 6.11-1-77, 78]**

15
 16 Chairman Currie said that this is a continuation of the Public Hearing for the
 17 application for Preliminary Subdivision, Wetland, Steep Slopes, Tree
 18 Preservation and Stormwater Management and Erosion and Sediment
 19 Control Permits for property located on Driftwood Drive and is part of the
 20 Greenbriar development for the construction of one residential house for
 21 the re-subdivision of Section 6, Lots 77 and 78.

22
 23 Chair Currie explained that arrangements are underway to schedule a
 24 meeting with the Driftwood Drive residents and the applicant to discuss
 25 issues of concern. He said that due to a scheduling conflict the meeting
 26 will not take place before the Planning Board meeting this evening. Chair
 27 Currie suggested that the Public Hearing be adjourned to the January 11,
 28 2017 Planning Board meeting.

29
 30 Chair Currie asked if anyone from the public would like to speak or would
 31 they rather wait until the continuation of the Public Hearing on January 11,
 32 2017 and no one replied.

33
 34 On motion by Mr. McNamara, seconded by Mr. Goldenberg, and
 35 unanimously carried, the Board agreed that as no one from the public
 36 wished to speak he moved that the Public Hearing be continued at the
 37 January 11, 2017 Planning Board meeting.

38
 39 *Mr. Goldenberg recused himself and did not participate in the next agenda*
 40 *item.*

1 **DECISION**

2
3 **SOMERS CROSSING [TM: 17.15-1-15.1]**

4
5 Chairman Currie noted that this is an application for Preliminary/Final
6 Subdivision Approval. He said that the property is located at NYS Route
7 100 and US Route 202. He mentioned that the Board will be considering a
8 Draft Preliminary and Final Subdivision Resolution for the two-lot
9 subdivision of a 26.68 acre parcel into Lot 1 of 4.10 acres and Lot 2 of
10 22.58 acres.

11
12 Chair Currie asked the applicant’s representative to update the Board on
13 the application.

14
15 Richard O’Rourke, the applicant’s attorney, requested that the Public
16 Hearing on the Stormwater Pollution Prevention Plan (SWPPP) be closed.
17 He mentioned that the Watershed Inspector General (WIG) requested a 30-
18 day comment period that starts after Somers Crossing SWPPP Public
19 Hearing is closed.

20
21 Assistant Consultant Town Engineer Wasp said that his office is
22 comfortable with closing the Public Hearing on the SWPPP with a 30-day
23 written comment period for the WIG.

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

27
28 On motion by Mr. McNamara, seconded by Chair Curie, and carried (Mr.
29 Goldenberg abstained), the Board moved to close the Public Hearing on
30 the Stormwater Pollution Prevention Plan.

31
32 Attorney O’Rourke said that he is confused about the Resolutions because
33 they are for Preliminary and Final Subdivision Approval and some of the
34 conditions are for Site Plan Approval.

35
36 Director of Planning Dym reviewed the Preliminary Subdivision Resolution
37 with the Board and the applicant.

38
39 Timothy Allen, the applicant’s engineer, asked about condition iii on Page
40 10, *Provide a performance surety for proposed work related to water and*

1 *sanitary sewer infrastructure improvements intended for dedication to the*
2 *Heritage Hills Water Works and Sewer Works Corporation. The amount of*
3 *such surety shall be based upon cost estimate prepared by the applicant's*
4 *engineer for review and approval by the Heritage Hills Utility in conjunction*
5 *with the Consulting Town Engineer be removed as the system is a private*
6 *system between two private entities. The Board agreed to remove the*
7 *condition and revisit it in the Site Plan Resolution.*

8
9 The Board also removed conditions c. and d. on Pages 9 and 10 to Page
10 11.

11
12 Attorney O'Rourke asked that the Whereas clause on Page 5, line 31 read
13 *Whereas the Public Hearing on the Stormwater Management and Erosion*
14 *and Sediment Control Permit was closed on December 14, 2016 with a*
15 *thirty day comment period; and*

16
17 On motion by Chair Currie, seconded by Ms. Corning (Mr. Goldenberg
18 abstaining) and carried, the Board adopted Resolution 2016-15 Conditional
19 Preliminary Plat Approval to Somers Crossing LLC pursuant to NYS Town
20 Law Section 276 and Section 150-12M. of the Code of the Town of
21 Somers, as amended.

22
23 On motion by Mr. McNamara, seconded by Ms. Corning (Mr. Goldenberg
24 abstaining) and carried, the Board determined that the final Subdivision plat
25 is in substantial agreement with the Preliminary Subdivision Plat and,
26 therefore, waived the Final Subdivision Public Hearing pursuant to Section
27 150-13F (2) of the Town Code.

28
29 Director of Planning Dym reviewed the Final Subdivision Resolution for
30 Somers Crossing with the Board and the applicant. She noted that the
31 second to last Whereas clause on Page 5 should read *Whereas the Public*
32 *Hearing on the Stormwater Management and Erosion and Sediment*
33 *Control Permit was closed on December 14, 2016 with a thirty-day written*
34 *comment period; and*

35
36 Ms. Gannon suggested a change to the last Whereas clause on Page 9 to
37 add *granted on December 14, 2016 by Resolution 2016-16.*

38
39 Assistant Consultant Town Engineer Wasp said that numbers 3 and 4
40 have been moved to the Site Plan Resolution. He noted that number 7 on

1 Page 11 will be moved to “After Signing of the Plat.” He noted that number
2 12 on Page 14 will be moved to the Site Plan Resolution.

3
4 On motion by Chair Currie, seconded by Ms. Gannon, (Mr. Goldenberg
5 abstaining) and carried, the Board adopted Resolution 2016-16 granting
6 Conditional Final Subdivision Approval as amended, pursuant to NYS town
7 Law Section 276 and Section 150-13J of the Town Code.

8
9 Engineer Allen asked the Board to direct staff to work on the Site Plan
10 Resolutions for the next meeting.

11
12 Director of Planning Dym said that there are issues that still have to be
13 resolved.

14
15 Ms. Gerbino said that the Board needs to know where the pipe for the
16 waste sewer will be going and how to deal with pedestrian traffic at the
17 store. She said that she doesn’t see why the Board cannot review a draft
18 working document.

19
20 Mr. McNamara said that the Board needs a draft document and a short
21 punch list of items that have to be resolved.

22
23 Mr. Boniello said that he will have a meeting with the Consultant Town
24 Engineer in the next few days to work out his issues.

25
26 Director of Planning Dym said that there are issues in regard to pedestrian
27 safety and driveways. She suggested that Fred Wells, Consultant Town
28 Planner, be at the meeting.

29
30 *Mr. Goldenberg recused himself and did not participate in the next agenda*
31 *item.*

32
33 **PROJECT REVIEW**

34
35 **SOMERS POINTE COUNTRY CLUB [TM: 6.17-20-1.21]**

36
37 Chairman Currie noted that this is the application for a Site Plan for
38 property located on the southwest side of the Somers Pointe Clubhouse at
39 100 West Hill Drive for the construction of a swimming pool and cabana

1 building and two tennis courts with associated parking to provide additional
2 recreation activities.

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

6
7 Jeremy Ranado, the applicant's engineer, said that he received a memo
8 from Woodard Curran dated December 9, 2016 with a summary of
9 engineering conditions that may be incorporated into the resolution. He
10 said that he has no problem with the conditions in Woodard & Curran's
11 letter.

12
13 Assistant Consultant Town Engineer Wasp said that he met with
14 representatives of the Heritage Hills Society and their input was drafted into
15 the conditions.

16
17 Chair Currie asked if the applicant will extend the timeframe for Site Plan
18 approval to the end of January 2017 and the Applicant agreed.

19
20 Engineer Ranado mentioned the Director of Planning memo dated
21 November 4, 2016 where she states that the Board needs to
22 make a SEQRA determination regarding impacts and proceed to Site Plan
23 approval.

24
25 Director of Planning Dym said that a SEQRA determination will have to be
26 made.

27
28 On motion by Chair Currie, seconded by Ms. Corning, and unanimously
29 carried, the Chair directed that a Resolution be prepared for the January
30 11, 2017 meeting.

31
32 *At this time Mr. Goldenberg returned to the meeting.*

33
34 **TAMARACK AND VINE SUBDIVISION [TM: 16.07-1-1]**

35
36 Chair Currie noted that this is an application for Preliminary Subdivision
37 Approval, Stormwater Management and Erosion and Sediment Control,
38 Steep Slopes and Tree Preservation Permits for property located at the end
39 of Tamarack & Vine Roads. He noted that the project is for a four (4) lot
40 Conservation Subdivision. Chair Currie mentioned that three lots would be

1 accessed off a common driveway from Vine Road and one lot would be
 2 accessed off a driveway from Hickory Road. He said that each lot will have
 3 individual wells and septic systems and two conservations lots are
 4 proposed.

5
 6 The Chair asked the applicant’s representative to update the Board on the
 7 application.

8
 9 Jody Cross, the applicant’s attorney, noted that at the last meeting the
 10 Board felt that there were a lot of open issues in the Consultant Town
 11 Engineer’s and the Director of Planning’s memos. She mentioned that the
 12 comments have been responded to with only a few remaining open.
 13 Attorney Cross said that the Director of Planning raised an issue in
 14 reference to Phase I Archaeological Investigation Report. She noted that
 15 the prior 2000 Preliminary Subdivision Approval references the Report, and
 16 states that SARAC accepted the report’s conclusion that no further
 17 archaeological work was required, and this was acceptable to the Board.
 18 Attorney Cross stated that she sent a letter addressed to the NY Natural
 19 Heritage Program in connection with the applicant’s request for information
 20 pertaining to threatened and or endangered species. She mentioned that
 21 no answer has been received but will forward it to the Board once it is
 22 received.

23
 24 Attorney Cross said that there are issues in regard to the Stormwater
 25 Pollution Prevention Plan (SWPPP) in the Woodard & Curran memo but
 26 she believes those questions and issues will be answered by the next
 27 Planning Board meeting.

28
 29 Attorney Cross indicated that a Conventional Subdivision Plan has been
 30 submitted that shows that four (4) lots are achievable on the property. She
 31 explained that the applicant is seeking a four-lot Conservation Subdivision.
 32 She said that the environmental sensitive areas on the property will be
 33 protected. Attorney Cross mentioned that there will be two conservation
 34 lots with 9.5 acres of open space. She noted that there are steep slopes
 35 on the property and on Conservation Parcel “A” there is .5 acres of
 36 wetlands and on Conservation Parcel “B” there is 1.5 acres of wetland but
 37 there is no encroachment into the wetland or buffers and they will be
 38 preserved in perpetuity.

39

1 Attorney Cross noted that the applicant is now proposing a cul-de-sac
2 rather than a 24' road which will result in a reduction in impervious
3 surfaces. She said that she is asking for changes in lots 2 and 3 and the
4 lot line width where 100' feet is required she is requesting to go down to
5 79.93' so there can be a shared common driveway.

6
7 Attorney Cross asked the Board's authorization to go forward with the
8 Conservation Subdivision and for the Board to declare its intent to be Lead
9 Agency and for the Board to schedule a Public Hearing.

10

11 Assistant Consultant Town Engineer Wasp referred to his memo dated
12 December 12, 2016 under Planning Board Site Walk comments, *the*
13 *applicant shall provide turnaround and associated easements at the end of*
14 *Vine Road to facilitate traffic movements and activities of the Highway*
15 *Department. The design shall be coordinated with the Highway*
16 *Superintendent. Assistant Consultant Town Engineer Wasp said that he is*
17 *meeting at the site with the Highway Superintendent to get his input.*

18

19 Assistant Consultant Town Engineer Wasp noted that the applicant
20 prepared a subdivision landscaping and screening plan based upon the
21 proposed project limit of disturbance in proximity to parcels at the end of
22 Vine Drive, Hickory Road and Pine Court. He said that the plan shall note
23 that maintenance and replacement of deceased planting intended for
24 screening will be required. Assistant Consultant Town Engineer Wasp
25 indicated that the subdivision layout plan has been revised to show the
26 installation of evergreen plantings between the limits of development site
27 disturbance and adjoining existing dwellings. He opined that the plan can
28 be improved if there are additional plantings at the development limits in
29 proximity of Pine Court and Hickory Road.

30

31 Ms. Gannon mentioned that during the site walk she saw a storage shed on
32 the applicant's property.

33

34 Assistant Consultant Town Engineer Wasp said that a note was included
35 on the plat that states that the shed will be removed.

36

37 Ms. Corning mentioned that on the site walk there was an abandoned well
38 and she questioned if anyone has rights to that well.

39

1 Richard Zapp, the applicant's engineer, noted that the well is concrete
2 pipes that are only 3 feet into the ground. He said that it is not actually a
3 well and he is not sure what its purpose was but it will be removed.
4 Director of Planning Dym said that most of her comments have been
5 addressed.

6
7 On motion by Chair Currie, seconded by Mr. Goldenberg and unanimously
8 carried, the Board moved to declare its intent to be Lead Agency on the
9 Tamarack & Vine Subdivision.

10
11 Director of Planning Dym said that the Board needs to be able to make a
12 finding that creation of a Conservation Subdivision accomplished several
13 purposes stated in Section 170-13.1 of the Town Code in order to approve
14 a Conservation Subdivision pursuant to Section 170-13.2 (A).

15
16 Ms. Corning said that she is not 100% convinced because the intent
17 discusses important features. She said that she is not sure that
18 designating a steep slope piece of property as a conservation area
19 answers the intent of the Conservation Subdivision.

20
21 Attorney Cross said it will help if you know what the applicant is asking for
22 such as the changes between a Conventional and Conservation
23 Subdivision. She opined that when you look at what is being offered
24 versus what the applicant is asking for and what it preserves in perpetuity
25 needs to be viewed in that context.

26
27 Ms. Gannon said that the Board can see what the public thinks before
28 determining if the Conservation Subdivision meets the criteria threshold.

29
30 Director of Planning Dym said that she does not see any reason why a
31 Public Hearing cannot be scheduled.

32
33 Chair Currie directed that a Public Hearing be scheduled for the Tamarack
34 and Vine Subdivision for January 11, 2017, at the Somers Town House at
35 7:30 P.M.

36
37 **INFORMAL APPEARANCE WITH SKETCH PLAN**

38
39 **HERITAGE HILLS SEWER WORKS CORPORATION WASTEWATER**
40 **TREATMENT PLANT UPGRADE [TM: 17.10-10-18.1]**

1 Chairman Currie said that this is an informal application with sketch plan for
2 the addition of a temporary treatment system to ensure permit compliance
3 until a formal upgrade is complete.

4
5 Chair Currie asked the applicant's representative to update the Board and
6 the public on the project.

7
8 Richard O'Rourke, the applicant's attorney, said that this will be a
9 temporary improvement and he is requesting a waiver to Site Plan
10 procedures.

11
12 Mark Suozzo, the applicant's engineer, explained that he is in the process
13 of updating the plant. He mentioned that some of the equipment at the
14 facility would need to have a backup system before the final upgrade is
15 implemented. He noted that a temporary system will require the installation
16 of two sand filters outside of the existing building. Engineer Suozzo noted
17 that there will be a temporary enclosure installed around the proposed sand
18 filters for safety concerns. He mentioned that the temporary components
19 will remain in place until the proposed upgrade is completed and following
20 the upgrade these components will be completely removed. Engineer
21 Suozzo indicated that they will connect into the existing process and will
22 take wastewater from one portion, treat it and discharge it back into the
23 existing process. He explained that the reason that this has to be done
24 sooner rather than later is because the situation was not improving
25 although the facility has been in compliance with permit requirements, swift
26 action will be required to ensure continued compliance at the facility.

27
28 Engineer Suozzo stressed that due to the temporary nature of the project
29 he is requesting a Waiver of Site Plan Approval.

30
31 Assistant Consultant Town Engineer Wasp said that representatives from
32 his office attended a meeting with Engineer Suozzo and the Heritage Hills
33 Sewer Works Corporation where the issues were discussed and he
34 understands that due to the temporary nature of the project and the
35 requirement to ensure permit compliance a waiver from Site Plan review for
36 the temporary treatment system should be granted.

37
38 Assistant Consultant Town Engineer Wasp mentioned that the temporary
39 improvements are subject to the issuance of a Wetland Protection Permit
40 that is typically considered at the review authority of the Planning Board.

1 He noted that given the importance for construction to begin to expedite the
2 construction of the permanent improvements he asked that as part of the
3 waiver of Site Plan procedures that the Planning Board also consider that
4 the Wetland Permit be handled administratively by the Engineering
5 Department.

6
7 Ms. Gerbino asked if the upgrade will interfere with the efficiency of what
8 the plant is intended to do. She questioned if the temporary sand filters are
9 used to be sure that the treatment is going on.

10
11 Engineer Suozzo said that the original documents assumed that the
12 process equipment that is at the facility would be able to last until the plant
13 upgrade is complete but he is finding that he does not have that same
14 confidence. He stressed that to prevent an issue from arising he wants to
15 install the temporary equipment.

16
17 Mr. Goldenberg asked if the Department of Environmental Protection (DEP)
18 had any statement to make on this project.

19
20 Assistant Consultant Town Engineer Wasp replied that on December 13,
21 2016 the DEP granted approval of the temporary treatment system.

22
23 On motion by Chair Currie, seconded by Ms. Corning and unanimously
24 carried, the Board moved to waive Site Plan procedures under Town Code
25 170-114 F. (1) (b) and that the review of the Wetland Permit be handled
26 administratively.

27
28 There being no further business, on motion by Chairman Currie, seconded
29 by Ms. Corning, and unanimously carried, the meeting adjourned at 11:15
30 P.M. The Chair announced that the next Planning Board meeting will be
31 held on Wednesday, January 11, 2017, at 7:30 P.M. at the Somers Town
32 House.

33
34 Respectfully submitted,

35
36 Marilyn Murphy
37 Planning Board Secretary
38
39