

1
Telephone 2
(914) 277-5366

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
MAY 10, 2017**

4

5

6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

11

12

13

14 **ABSENT:**

Director of Planning Syrette Dym

15

16 **ALSO PRESENT:**

Consultant Town Engineer Joseph Barbagallo
Consultant Town Planner Sarah Brown
Planning Board Town Attorney Joseph Eriole
Planning Board Secretary Marilyn Murphy

17

18

19

20

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

24

25 **APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING
26 BOARD MEETING HELD ON MARCH 8, 2017**

27

28 Chairman Currie noted that Planning Board Secretary Marilyn Murphy
29 prepared and submitted for the Board's approval the draft minutes and
30 DVD of the Planning Board meeting held on March 8, 2017.

31

1 The Chair asked if there were any comments or corrections from the Board
2 on the draft minutes and DVD of the March 8, 2017 Planning Board
3 meeting and no one replied.

4
5 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously
6 carried, the draft minutes and DVD of the March 8, 2017 Planning Board
7 meeting were approved.

8
9 Chairman Currie stated that the text of the approved minutes is available
10 on the Town's website www.somersny.com and is also available for public
11 review at the Planning & Engineering office at the Town House. The
12 approved DVD is available for public viewing at the Somers Public Library.

13
14 **TIME EXTENSION**

15
16 **MERRITT PARK ESTATES AMENDED FINAL SUBDIVISION**
17 **[TM: 5.20-1-1]**

18
19 Chairman Currie said that this is a request for a 90-day time extension for
20 Final Subdivision Plat Approval from June 5, 2017 up to and including
21 September 4, 2017 under Town Law Section 276 (7) (c). He mentioned
22 that this is the seventh request for a time extension.

23
24 Chair Currie acknowledged receipt of a memo from the Director of Planning
25 dated May 5, 2017 in which she states that work continues to be monitored
26 in the field.

27
28 Chair Currie asked if any Board members had a problem with the time
29 extension and no one responded.

30
31 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously
32 carried, the Board moved to approve a seventh 90-day time extension for
33 Amended Final Subdivision Plat Approval for Merritt Park Estates
34 Subdivision from June 5, 2017 up to and including September 4, 2017
35 pursuant to Town Law Section 276 (7) (c).

36
37 **PUBLIC HEARING**

38
39 **IL FORNO RESTAURANT AMENDED SITE PLAN [TM: 17.11-1-4]**

40

1 Chairman Currie noted that this is an application for Amended Site Plan for
2 the Il Forno Restaurant located at 343 Route 202 and is in the Business
3 Historic Preservation District (B-HP). The Chair explained that the proposal
4 is for a 140 square foot addition extending the existing vestibule on the
5 west side of the building to the front of the building.

6
7 The Chair asked the Planning Board Secretary if the legal notice was
8 published and the adjoining property owners notified and the sign posted
9 on the property.

10
11 Planning Board Secretary Murphy said that the legal notice was published
12 in the Somers Record on April 27, 2017 and the adjoining property owners
13 were notified via mail on April 28, 2017. She noted that the sign stating the
14 date and location of the Public Hearing was posted on the site on April 28,
15 2017.

16
17 Chairman Currie asked the applicant's representative to explain the project
18 for the benefit of the Board and the Public.

19
20 Timothy Allen, the applicant's engineer, said that the 140 square foot
21 addition extends the vestibule toward the front of the property line. He said
22 that there will be no additional seating, it will just provide more room in the
23 restaurant.

24
25 Engineer Allen noted that the application was before the Town Board who
26 recommended approval and that the Zoning Board of Appeals (ZBA)
27 granted front yard and overall coverage variances. He mentioned that the
28 Architectural Review Board (ARB) granted approval with some
29 modifications.

30
31 Engineer Allen mentioned that the application has to meet the requirements
32 of Section 170-32.8 for Groundwater Protection Overlay District Special
33 Exception Use Permit requiring preparation of a hydrogeologic analysis.
34 He added that the site consists of 88% impervious surface and that is not
35 being increased so that will not impact the Groundwater Protection Overlay
36 District.

37
38 Consultant Town Engineer Barbagallo stated that the Town Code does not
39 have a waiver for the requirement of Section 170-32.8 and he suggested
40 that Engineer Allen address the provisions of the Code for the record.

1 Planning Board Town Attorney Eriole advised that the record should show
2 that the Planning Board considered the requirement.

3
4 Engineer Allen said that the Code calls for a qualified hydrogeologist and he
5 passed that course in college.

6
7 Consultant Town Engineer Barbagallo noted that Engineer Allen is qualified
8 to act as a hydrogeologist for this application.

9
10 Chairman Currie opened the Public Hearing and asked if anyone from the
11 public would like to be heard. As no one wished to be heard he suggested
12 that the Public Hearing be closed.

13
14 On motion by Chair Currie, seconded by Ms. Corning, and unanimously
15 carried, the Board moved to close the Public Hearing for the Il Forno
16 Restaurant.

17
18 Engineer Allen asked that a Draft Resolution be prepared subject to his
19 letter addressing the provision of the Code in reference to the Groundwater
20 Protection Overlay District Special Exception Use Permit.

21
22 On motion by Chairman Currie, seconded by Ms. Gannon, and
23 unanimously carried, the Board moved to direct a Resolution be prepared
24 for the Il Forno application for the Chair's signature.

25
26 **RE-GRANT**

27
28 **GRANITE POINTE FINAL SUBDIVISION [TM: 27.05-3-2.5]**

29
30 Chairman Currie noted that this is an application for a re-grant of Final
31 Subdivision Approval, Wetlands, Steep Slopes, Tree Preservation and
32 Stormwater Management and Erosion and Sediment Control Permits. He
33 mentioned that the property is located on the east side of Route 118/202,
34 adjacent to the Amawalk Reservoir and is located in an R-40 Zoning
35 District for the development of 23 lots in a Cluster Subdivision.

36
37 Chairman Currie acknowledged receipt of a letter from Attorney Gordon,
38 Marc and Diane Houslanger and Attorney Whitehead.

39

1 Linda Whitehead, the applicant's attorney, said she is requesting a re-
2 approval of Conditional Final Subdivision Approval. She mentioned that
3 Final Subdivision Approval was granted in October 2015 and subsequently
4 an Article 78 proceeding was brought. Attorney Whitehead explained that
5 the Article 78 was dismissed in September 2016. She mentioned that a
6 Notice of Appeal was subsequently filed. Attorney Whitehead said that
7 there was a mix up on dates as the timeframe was not stated during the
8 pending appeal. She noted that Subdivision Approval expired on March
9 26, 2017. Attorney Whitehead said she discussed with the Town Attorney
10 how to proceed. She noted that a retroactive extension was considered but
11 the Town Attorney asked for a re-grant of the subdivision. Attorney
12 Whitehead commented that she submitted a letter dated April 12, 2017
13 explaining the situation. She stated that there has been no change in the
14 plan and the plans submitted for the re-grant are identical to what was
15 approved in October 2015. Attorney Whitehead commented that the time
16 to perfect the appeal was up two weeks ago and that appeal was not
17 perfected so that is now done.

18
19 Attorney Whitehead mentioned that she received letters from Attorney
20 Gordon dated May 9, 2017 and Marc and Diane Houslanger dated May 10,
21 2017. She said that she submitted a response to those letters in a letter
22 dated May 10, 2017. She noted that the letters mischaracterize the impact
23 of the NYS Department of Environmental Conservation (DEC) removing the
24 project from the Brownfield Cleanup Program (BCP). She said that the
25 removal of the property from the BCP does not mean that the NYSDEC will
26 no longer require the property to be cleaned up. She noted that all
27 requirements of the cleanup of the property, in fact, the approval of the
28 Remedial Action Plan (RAP) remain in effect. Attorney Whitehead
29 explained that the BCP provides to the property owner who is in the
30 program and cleaning up the property within that program some benefits
31 and incentives including tax credits. She stated that the fact that the
32 applicant is no longer in the program takes away those benefits. Attorney
33 Whitehead said that the DEC is cleaning up the adjacent property and they
34 have the right to clean up the Granite Pointe property and charge back the
35 property owner. She opined that the DEC might do that as that would be
36 one way that the property could get cleaned up. Attorney Whitehead said
37 that the site has to be cleaned up to the satisfaction of the DEC before any
38 work can be done in relation to the subdivision.

39

1 Attorney Whitehead explained that a covenant has to be placed on the
 2 property which prohibits the issuance of any permits for construction
 3 activities related to the subdivision development prior to the cleanup of the
 4 site. She stated that the Town is fully protected and being a part of the BCP
 5 was never a condition of Approval.

6
 7 Mr. Goldenberg said that the Final Environmental Supplemental Impact
 8 Statement Volume 1 and Volume 2 has an effect on this project. He said
 9 that the applicant has applied to the DEC in August 2008. He noted that the
 10 Remedial Action Plan is included and the project was accepted in 2010.
 11 Mr. Goldenberg mentioned that he has been on the Board for 11 years and
 12 he never had an application for a re-grant. He said that nothing has been
 13 done on the property for 20 years and he is concerned that someone could
 14 get poisoned on the property and the Town will have to pay millions of
 15 dollars because the Planning Board has not done its job. Mr. Goldenberg
 16 opined that there is no intention of cleaning up the property or the property
 17 owner would have taken the tax credits. He noted that the Town's legal
 18 fund is out of money and now the Town has to pay the lawyers.

19
 20 Attorney Whitehead explained that the Town had to pay lawyers to defend
 21 the Article 78 proceeding.

22
 23 Mr. Goldenberg said that the Article 78 was thrown out of Court because
 24 the people who sued did not have a right to sue.

25
 26 Attorney Whitehead stated that the RAP was the substantive piece of the
 27 approval and it has not changed. She said that the BCP does not protect
 28 the Town, it is the RAP and the DEC getting the site cleaned up. Attorney
 29 Whitehead explained that the property owner did not want to clean up the
 30 site because of the lawsuit as he did not know if he could develop the
 31 property.

32
 33 Sarah Brown, Planning Consultant of Frederick P. Clark Associates,
 34 mentioned that the Resolution is very similar to the one that was previously
 35 approved. She mentioned that all the conditions are the same because
 36 there have been no changes to the project. Consultant Town Planner
 37 Brown said that the only changes to the Whereas clauses are the changes
 38 to the expiration date and the BFP. She said that on page 4, the eighth
 39 Whereas clause, the date was changed to July 22, 2003.

40

1 Planning Board Town Attorney Eriole said that Attorney Whitehead stated
2 her position this evening and was under no obligation to submit a letter.

3
4 Attorney Whitehead mentioned that her April 12, 2017 letter addressed the
5 BFP and a new application was submitted. She said that her letter
6 submitted today addressed the letter from Attorney Gordon and Marc and
7 Diane Houslanger.

8
9 Consultant Town Planner Brown said that the Board needs to waive the
10 Public Hearing for the Final Subdivision Approval as there have been no
11 changes.

12
13 Planning Board Town Attorney Eriole said if there is no material change in
14 what is being proposed by the applicant the Board can waive the Public
15 Hearing on the Final Subdivision Approval.

16
17 On motion by Chair Currie, seconded by Mr. McNamara (Mr. Goldenberg
18 voting nay) and carried, the Board moved to waive the Public Hearing on
19 the Final Subdivision Approval pursuant to Section 150-13F. (2).

20
21 Consultant Town Engineer Barbagallo said that work is ongoing on the
22 DEP property and they have been in touch with Steve Woelfle of the
23 Somers Engineering Department who is happy with the ongoing work.
24 He stressed that the application before the Board has nothing to do with the
25 DEP property.

26
27 Attorney Whitehead noted that there is a tolling agreement with the
28 Watershed Inspector General (WIG) that must be complied with whether it
29 is a condition of approval or not. She mentioned that the Stormwater
30 Pollution Prevention Plan (SWPPP) will be further subject to the
31 agreements relating to the review process set forth in the tolling agreement.

32
33 On motion by Chair Currie, seconded by Mrs. DeLucia (Mr. Goldenberg
34 voting nay) and carried, the Board moved to approve re-granting of
35 Conditional Final Subdivision Approval, Wetland, Steep Slopes, Tree
36 Preservation and Stormwater Management and Erosion and Sediment
37 Control Permits for Granite Pointe Final Subdivision to Suelain Realty, LLC
38 pursuant to Resolution 2017-10, as amended, Town Code Section 150 and
39 New York State Town Law 276.

40

1 **PROJECT REVIEW**

2
3 **DISIENA PRELIMINARY CONSERVATION SUBDIVISION**
4 **[TM: 27.08-2-1, 2.1]**

5
6 Chairman Currie said that this is an application for Preliminary
7 Conservation Subdivision Approval, Stormwater Management and Erosion
8 and Sediment Control, Steep Slopes and Tree Preservation Permits for
9 property located at Primrose Street (Route 139) for the subdivision of two
10 existing lots into four new lots as proposed conservation lots.

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

14
15 Timothy Allen, the applicant’s engineer, said that the Board reviewed the
16 application under the Conventional Subdivision and now the applicant is
17 looking for Preliminary Subdivision approval for the Conservation
18 Subdivision. He mentioned that most of the engineering comments have
19 been addressed but the easements have to be discussed. Engineer Allen
20 noted that this is a unique situation as all the entities, the stormwater and
21 common driveway and that the conservation easements all be controlled by
22 the large DiSiena lot. Engineer Allen explained that there will be no
23 encumbrances on the new lots. He noted that the main lot owner will
24 provide an escrow fee for a professional to check the easements once a
25 year and provide a report to the Town.

26
27 Consultant Town Engineer Barbagallo asked who will hold the escrow
28 account.

29
30 Engineer Allen said that there will be a grantor and a grantee and an
31 escrow will be provided to the Town but they will not have to look at the
32 easements they will just administer the escrow account.

33
34 Christopher Foley, the applicant’s attorney, said that there are two portions
35 of the 11.7 acre lot that are proposed to be reserved for a conservation
36 easement or you may call it land subject to a restrictive covenant.
37 Attorney Foley explained that there will be a declaration that will apply to all
38 lots but which will permanently prevent development of any kind in those
39 two areas. He noted that work in the steep slopes and wetlands can be

1 developed with a permit application but a restrictive covenant will bar
2 development forever.

3
4 Attorney Foley noted that the owner of Lot 1 will be responsible for the
5 maintenance of the driveway and stormwater practices will be located on
6 Lot 1 as they will be responsible for the maintenance practices so there will
7 be no need for a Homeowners Association (HOA).

8
9 Ms. Gerbino said that the Somers Land Trust may be the organization that
10 will check on the easements. She mentioned that she is puzzled that the
11 Somers Land Trust is not endowed. Ms. Gerbino noted that the Open
12 Space Committee in their memo of April 26, 2017 asked who is going to
13 steward and enforce the conservation easement.

14
15 Attorney Foley stated that there may not be conservation easements as
16 there will be deed restrictions.

17
18 Consultant Town Engineer Barbagallo said that if the individual lot owner is
19 willing to take on all the responsibility and that is in the deed he does not
20 see a problem. He noted that a Town policy has to be created in the future.

21
22 Ms. Gannon asked what will happen to the escrow account when the
23 property is sold.

24
25 Planning Board Town Attorney Eriole explained that the escrow account
26 will be transferred to the Town but if it is a private escrow account it would
27 be transferred at the closing similar to a security deposit. He said that if the
28 Board agrees to a maintenance agreement where the owner of Lot 1 takes
29 on the obligation to maintain the stormwater system how will that be
30 represented.

31
32 Attorney Foley said that it will be a primary element of the declaration that
33 will be filed in White Plains.

34
35 Planning Board Town Attorney Eriole said that agreement has to be a
36 condition of approval.

37
38 Consultant Town Engineer Barbagallo said that he is working on a Water
39 Quality Improvement Fund similar to a recreation fee but he realizes that

1 the DiSiena's are anxious to move forward and he has no objection to
 2 Attorney Foley's suggestion of deed restrictions.

3
 4 Attorney Foley commented that it is the consensus of the Board that they
 5 agree with the deed restrictions.

6
 7 Consultant Town Engineer Barbagallo mentioned that there may be light
 8 intrusion on the neighbor and he asked Engineer Allen to look at that.
 9 He also wants to discuss with Engineer Allen the wetland buffer and what
 10 mitigation will be used.

11
 12 Engineer Allen summarized that he will work with Attorney Foley and
 13 submit the easement documents and asked that a draft Resolution be
 14 prepared.

15
 16 **TOWNE CENTRE AT SOMERS [TM: 17.15-1-13]**

17
 18 Chairman Currie said that this is an application for Site Plan Approval,
 19 Stormwater Management and Erosion and Sediment Control Permit and
 20 Special Exception Use Permit within the Groundwater Protection Overlay
 21 District for improvements to the Towne Centre at Somers to the area
 22 between the existing shopping center buildings "A" and "B" including re-
 23 orientation of parking, net addition of 7 parking spaces, addition of a
 24 median strip and related site improvements. He mentioned that
 25 identification of two vehicular connections to the adjacent property will be
 26 built by others which removes two parking spaces. Chair Currie said that
 27 the property is located in the Neighborhood Shopping District (NS) and the
 28 Groundwater Protection Overlay District.

29
 30 The Chair asked the applicant's representative to update the Board on the
 31 application.

32
 33 Jody Cross, the applicant's attorney, said that most of the comments have
 34 been addressed. She said that she is hoping that the Board can direct that
 35 a Resolution be prepared for the next meeting.

36
 37 Robert Aiello, the applicant's engineer, said that he addressed comments
 38 from the Public Hearing, from the Director of Planning and the Consulting
 39 Town Engineer. He mentioned that the area in the middle of the site, Area
 40 A, there was discussions with the Town's Traffic Engineer, on making the

1 aisle in the middle of the area wider. He noted that the aisle will be 15.5
 2 feet to enhance the ability of cars to move in and out of spaces. He
 3 commented that this resulted in the loss of parking spaces in that area as
 4 now the net will be 6 parking spaces instead of 9.

5
 6 Engineer Aiello referenced Area C and noted that additional information
 7 was provided including the dimensioning of the improvements, pavement
 8 removals and information on who is building what and the timing in terms of
 9 Somers Crossing and the Towne Centre. He mentioned that there were
 10 comments on vehicular staging where the stores will remain in operation
 11 and there will be a safe separation of work between the work areas and the
 12 area that will be maintained for access into the stores.

13
 14 Consultant Town Engineer Barbagallo asked Engineer Aiello to look at the
 15 photometric as they seem bright. He said that all fixtures are to be “dark
 16 sky” compliant. He asked about what the intensions are in regard to waste
 17 water in terms of tying into the sewer district.

18
 19 Engineer Aiello said that the plan was to have the application on the
 20 improvements finished before an application was made for the water and
 21 sewer district. He noted that eventually the Towne Centre will be tying into
 22 the forcemain at Somers Crossing.

23
 24 Mr. Goldenberg said that there is concern about the 18-wheeler trucks
 25 coming from the Towne Centre property into the Boniello property. He
 26 noted that the second easement should suggest how 18-wheeler trucks
 27 can make a turn and then go to the other property.

28
 29 Jim Boniello, representing Somers Crossing, stated that no one is
 30 proposing that trucks will cross from the Towne Centre property into
 31 Somers Crossing property.

32
 33 Brian Dempsey, the Town’s Consultant Traffic Engineer, explained that no
 34 trucks that are coming to the grocery store will go through the Towne
 35 Centre property. He said that a proposed new agreement would
 36 discourage large trucks from using the cut-thru drive, and use the new
 37 signalized intersection entrance to the grocery store to access the loading
 38 docks.

39
 40 Ms. Gerbino asked if the smaller trucks will still come in on the

1 Towne Centre easement.

2

3 Engineer Aiello said that there have been conversations with Somers
4 Crossing and the agreement is that the smaller trucks will come through the
5 cut- thru from the Towne Centre property.

6

7 Ms. Gannon mentioned that the Director of Planning in her memo dated
8 May 3, 2017 wrote:... *it does appear that the safety issues raised by the*
9 *public and by the Consulting Town Traffic Engineer have been addressed*
10 *by the modifications to the plan and removal of this parallel space. As*
11 *indicated by the applicant's engineer, issues involved with backing out of*
12 *spaces exist in all parking lots 90 degree spaces and if angled spaces are*
13 *not preferred by motorists, they have ample alternative 90 degree spaces*
14 *from which to choose.* Ms. Gannon said that this is still happening on a
15 curve and she wants an explanation on what effect it has on the main road.
16 She stated that there is no alternate route for the person who wants to drive
17 through.

18

19 Engineer Aiello said regarding the angled parking you have a curve with
20 parallel parking spaces that take more maneuvering than the angled
21 parking spaces. He noted that if you are not comfortable with parking on a
22 curve there are ample alternatives nearby.

23

24 Consultant Town Engineer Barbagallo said that there are calming devices
25 around the curve. He mentioned that if the sign in the back of the post
26 office that says "no thru traffic" could be reviewed it would be helpful.

27

28 Mr. McNamara asked if the construction chart has been developed yet. He
29 asked for consideration to be given for construction to take place Monday
30 through Friday 10 P.M. to 6:00 A.M. so as not to impact the tenants.

31

32 Engineer Aiello said that construction at other Shopping Centers takes
33 place during the day and it is managed.

34

35 Mr. Goldenberg noted that the costs for construction at night would be
36 expensive.

37

38 Ms. Corning said that phasing of the sewer connection should be a
39 condition of approval.

40

1 Attorney Cross stressed that the sewer proposal is not part of this
 2 application.

3
 4 Consultant Town Engineer Barbagallo said that some level of commitment
 5 for the sewer proposal should be in the Resolution. He said that he can
 6 prepare language in the Resolution and the applicant can react to it.

7
 8 Mr. Biddle, applicant, said that he is uncomfortable because he feels that
 9 the Board is holding up this project and is forcing him to connect to the
 10 sewer system. He said that he does not know what the costs will be and
 11 when Somers Crossing will be developed. He stressed that he wants to
 12 get going on this application.

13
 14 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously
 15 carried, the Board moved to direct a Draft Resolution be prepared for the
 16 next meeting.

17
 18 *At this time Mr. Goldenberg recused himself and did not participate in the*
 19 *next application.*

20
 21 **SOMERS CROSSING [TM: 17.15-1-15.1]**

22
 23 Chairman Currie said that this is the application for Site Plan Approval,
 24 Wetlands, Steep Slopes, Tree Preservation, Special Exception Use in the
 25 Groundwater Protection Overlay District and Stormwater Management and
 26 Erosion and Sediment Control Permits for Somers Crossing for separate
 27 proposed residential and commercial projects on separate subdivided lots.
 28 He said that the property is located at NYS Route 100 and US Route 202.

29
 30 Timothy Allen, the applicant's engineer, explained that the Resolutions
 31 cannot be acted upon until the plat is signed. He mentioned that Health
 32 Department (DOH) and the Department of Environmental Protection (DEP)
 33 approvals have been granted. He noted that the plat will be dropped off
 34 tomorrow for signatures.

35
 36 Engineer Allen said that there is some revised language in the Resolution
 37 regarding the Riverkeeper. He said that the tractor trailer trucks will enter
 38 and exit the commercial site from the new signalized entrance on Route
 39 202 and proceed through the site to reach the loading dock.

1 Brian Dempsey, the Town's Traffic Consultant, noted that he reviewed the
 2 Draft Environmental Impact Statement (DEIS) and the Final Environmental
 3 Impact Statement (FEIS) and said that the access just described by
 4 Engineer Allen was stated in the FEIS. Engineer Dempsey explained that
 5 back-up maneuvers including in the aisle way on the southside of the store
 6 as well as the southern parking lot are likely to be required. He said that
 7 trucks will need to travel in a portion of the opposing land of traffic to make
 8 the turn into the parking area before backing into the loading area.
 9 Engineer Dempsey said that there would only be 1 to 2 large trucks per day
 10 and they would try to schedule them during the off-peak hours. He
 11 mentioned that grocery store personnel will be assigned to retrieve the
 12 carts from the cart corrals and assist in both the entering and existing of the
 13 tractor trailers while they are proceeding through the loading area and the
 14 area in front of the grocery store to temporarily hold back patrons and
 15 pedestrians and vehicles while the truck maneuvers are being performed.

16
 17 Chair Currie asked if a condition in the Resolution can be that tractor trailer
 18 trucks make their deliveries to DeCiccoco's on off-peak hours.

19
 20 Planning Board Town Attorney Eriole said that can be a condition in the
 21 Resolution.

22
 23 Consultant Town Engineer Barbagallo said that what it comes down to is
 24 safety and the approval should be based on a safe ingress and egress.

25
 26 Engineer Dempsey said that what usually happens is the truck driver will
 27 call ahead and state if he is delayed or coming in earlier and employees will
 28 be waiting for the truck at that approximate time.

29
 30 Consultant Town Engineer Barbagallo advised that Engineer Dempsey
 31 draft the protocol that should be followed when deliveries are made and if
 32 they aren't followed there will be ramifications.

33
 34 Ms. Gerbino asked if cars have to stop when a delivery truck is making its
 35 maneuver.

36
 37 Engineer Dempsey noted that the truck could stop and let the car go
 38 through.

39

1 Engineer Allen said that safety is the priority but accidents happen but
 2 safety should be mitigated to the greatest extent practicable.

3
 4 Chair Currie said that Engineer Dempsey will draft conditions for safety
 5 protocol.

6
 7 *At this time Mr. Goldenberg rejoined the meeting.*

8
 9 **MCKENNA SUBDIVISION [TM: 37.15-1-22]**

10
 11 Chairman Currie said that the request is for Preliminary Subdivision, Steep
 12 Slopes and Stormwater Management and Erosion and Sediment Control
 13 Permits for property located at 2652 NYS Route 35 (Amawalk Road) to
 14 subdivide the existing property creating a lot for the existing house and one
 15 new residential building lot.

16
 17 Chair Currie acknowledged a letter from the Open Space Committee dated
 18 April 26, 2017.

19
 20 Chair Currie asked the applicant’s representative to explain the project for
 21 the benefit of the Board and the public.

22
 23
 24 Richard Williams, the applicant’s engineer, noted that the application is for
 25 a two-lot subdivision on a 35.3 acre property that is located along Route 35
 26 and Amawalk Road. He mentioned that the property is uniquely shaped
 27 and is located in the R-120 Zoning District. Engineer Williams commented
 28 that there was a site walk last year and the Board walked both sides of the
 29 property. He noted that there is a large Department of Environmental
 30 Conservation (DEC) regulated wetland in the middle of the property.
 31 Engineer Williams said that on the eastern part of the property the proposal
 32 is to subdivide 8.8 acres to create a new lot that will be serviced by well
 33 and septic. He explained that the property is in the Groundwater Protection
 34 Overlay District but does not require a special permit as it is permitted with
 35 regulations. Engineer Williams stated that the stormwater has to be treated.
 36 He said that stormwater testing has already been done on the site that was
 37 witnessed by the Town and the Health Department. Engineer Williams
 38 mentioned that testing was done on the existing lot with the old house
 39 because there was an old non-complying septic and he has to show that
 40 there is enough room for a new Code complying system.

1 Engineer Williams said that the feedback from the site walk was that site
2 distance tables and studies be provided and that was done. He said that
3 as part of the approval, Health Department Approval (HD) is needed for the
4 septic system and Approval from NYS Department of Transportation (DOT)
5 for the entrance onto Route 35.

6
7 Engineer Williams acknowledged comments from the Director of Planning
8 and the Consultant Town Engineer and they will be addressed.

9
10 Engineer Williams mentioned that the SEQRA distribution list has the DOT
11 listed as an Interested Party and they should be an Involved Party.

12
13 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously
14 carried, the Board moved to accept the Intent to Be Lead Agency on the
15 McKenna Subdivision.

16
17 There being no further business, on motion by Chair Currie, seconded by
18 Mr. McNamara, and unanimously carried, the meeting adjourned at 10:15
19 P.M. The Chair announced that the next Planning Board meeting will be
20 held on Wednesday, June 14, 2017, at 7:30 P.M. at the Somers Town
21 House.

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24 Respectfully submitted,

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28 Marilyn Murphy
29 Planning Board Secretary
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