

VILLAGE OF BUCHANAN
PLANNING BOARD
NOVEMBER 19, 2020

PRESENT: Sean Murray, Chairman
Tracey Armisto
Eileen Absenger
Jeffrey Faiella
Stephanie Porteus, Village Attorney
Marcus Serrano, Village Administrator
David Stolman, Planning Consultant
George Pommer, Village Engineer

ABSENT: Eileen Absenger (medical)
Jennifer Bakker (family emergency)

OTHERS: Village Trustee Nicolas Zachary
Brian Calabro
David Garcia
Dan Ciarcia
Tim Cronin
Ted Gado
Rich Burroni
Robert Thompson

CALL TO ORDER:

Chairman Sean Murray led the Board members in the Pledge of Allegiance. Chairman Murray called the meeting of the Planning Board to order at 7:30 PM on November 19, 2020. This meeting was done via Zoom and Zoom audio and it is being conducted in accordance with executive Order 202.1.

Please note that you may hear the meeting live by going to the Village Facebook page at the time of the meeting.

Chairman Murray advised there is a new Planning Board member, Jennifer Bakker, who could not be present tonight due to a family emergency.

Planning Board members Jeff Faiella and Tracey Armisto were present at the meeting so there is a quorum.

APPROVAL OF MINUTES:

Jeff Faiella, seconded by Tracey Armisto, with all present in favor, made a motion to approve the minutes of October 15, 2020 with the following corrections: Page 6, first line, change casts to casks; next paragraph, first line is "Original pad was complete in 2006"; seventh paragraph, fifth line, should read "The new site results in the smallest overall footprint." Second to last line change to "There was a dam to the east of the location." The minutes were accepted as corrected. Motion carried.

CALENDAR NUMBER 2-20-PB: PRELIMINARY SUBMISSION FOR SITE PLAN AMENDMENT AND BUILDING PERMIT APPLICATION FOR INITIAL SITE WORK FOR CONSTRUCTION OF INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI) ENTERGY

Chairman Murray asked if there is sufficient information to have a public hearing. Village Engineer Pommer noted he had a discussion with Project Engineer, Tim Cronin as how to move forward. The long Environmental Assessment Form (EAF) discussed the entire project and was submitted October 14th, 2020.

Jeff Faiella had questions that he had submitted for the meeting:

How many dry cask storage vertical canisters in over pack are presently on the existing pad? What type of canister (IE: multipurpose) and what type of over pack? He was told there are 52.

What present monitoring (and existing sensors on the dry cast systems) is done on each dry cask storage vertical canister system? What is the intervals of inspection? Jeff Faiella asked what type of sensors. He was advised there are none. By design do you do inspections. The applicant will verify that that it is free of debris.

Are the dry cask vertical canisters lifted and moved for inspections? He was advised they are 450,000 pounds and they are inspected where they sit.

What is the location of the air inlet vent and shielding structures on the dry cask storage vertical system?

The proposed ISFSI Pad dimensions are 152'x139' x 2.5'. This new concrete pad will be the only pad existing when the Nuclear Plant is decommissioned and demolition is complete.

How many proposed dry cask storage vertical canisters in over packs will be on the new pad? They are proposing 32 canisters.

Will they install perimeter monitoring wells to test for radiation level in ground water around the perimeter of the pad during the storage duration of the dry cask system? He was advised Entergy would not be doing this.

Jeff Faiella wanted to know how many dry casks there are. He was advised there are 52 dry casks.

Jeff Faiella asked what type of canister. He was advised there are 32 canisters and they are being manufactured by Holtec.

What type up inspection is done on the old pad. He was advised that is a protected area with 125 casks. Five casks are special radioactive casks.

Chairman Murray asked what is required to set a public hearing.

We have Part 1 of the EAF and if that is complete, the Board can set a public hearing. Part 2 is not needed at this time.

Tim Cronin, the engineer for the project pointed out there is an existing ISFSI pad.

There will be site grading. They are proposing to relocate the existing pond and he explained this on the plan. Tim Cronin had discussed the plan with Village Engineer Pommer.

Stormwater management was briefly explained. Tim Cronin stated the first thing they would like to do is construction of the new pond.

It was noted that the emergency diesel generator and fencing should be on the drawing.

Rich Burroni advised a new system is being designed with additional security by May 2024.

Chairman Murray asked should that be included in the site plan amendment. Tim Cronin stated there are some details they can place on the plan. Chairman Murray encouraged them to provide updates and told them the Planning Board would be flexible. Village Engineer Pommer recommended that there be a complete plan.

It was asked how big the generator is; how big of a footprint. Ted Gado advised it is not big. Rich Burroni explained. Chairman Murray asked them to indicate it on the plan and also note the location. There will be a tank within a tank. Rich Burroni advised the plans would be revised annotating where the diesel generator will go and the plan resubmitted. It will not be a large tank; just enough to keep the diesel going.

The Board members looked at the slides. Tim Cronin explained IPEC's existing pond and the proposed new pad and parking area. They will work with Village Engineer Pommer and are not looking to shortcut any of the requirements.

When any agency, department, body, board or officer of the Village of Buchanan contemplates directly carrying out, funding or approving any Type I action, a full environmental assessment form (EAF) must be prepared by it or on its behalf. When an unlisted action is contemplated, either a full or short EAF, as appropriate, must be prepared.

When any person submits an application for funding or a permit or other approval of a Type I or unlisted action to any agency, department, body, board or officer of the Village of Buchanan, an EAF must accompany the application. For Type I actions, a full EAF must be prepared; for unlisted actions, either the full EAF or the short form may be used, as appropriate. An applicant may choose to prepare a draft EIS in place of an EAF.

The lead agency must make a determination of environmental significance of the action. This determination must be based on the EAF, or, with respect to unlisted actions, its own procedures, as the case may be, and on such other information as it may require. The criteria stated in Section 11 of Part 617[1] must also be considered by the lead agency in making its determination of significance. The determination must be made within 20 days of its designation as lead agency or within 20 days of its receipt of all information it requires, whichever is later.

For Type I actions, the lead agency must give public notice and file a determination of nonsignificance. For unlisted actions, the lead agency must send a determination of nonsignificance to the applicant and maintain its own records.

If the lead agency makes a determination of nonsignificance, the direct action, approval or funding involved will be processed without further regard to SEQR.

The time of filing an application for approval or funding of an action commences from the date the determination of environmental nonsignificance is made. If the applicant prepared a draft EIS in lieu of an EAF, the time of filing commences from the date the lead agency accepts the draft EIS as adequate in scope and content and commences the public comment period.

For Type I actions, a full EAF must be prepared; for unlisted actions, either the full EAF or the short form may be used, as appropriate. An applicant may choose to prepare a draft EIS in place of an EAF.

Planning Consultant Stolman indicated as soon as the State Environmental Quality Review (SEQR) process is finished the Board can issue a Negative Declaration. The paperwork has to be reviewed. If it is Type 2 it is exempt from SEQRA.

The Planning Board is the only agency involved. If it is Type 1 or unlisted, it does not require circulation. If it is within 500 feet, we might have to circulate it.

Chairman Murray asked what information do we require from Entergy? Planning Consultant Stolman will prepare a draft resolution for the next meeting.

There was a notice of intent to use the facility for dry cask storage. This notice of intent (NOI) was submitted. Entergy prepared a stormwater pollution prevention plan.(SWPPP). The purpose of this SWPPP is to document Entergy's approach to the design of the drainage features for the ISFSI and plan for stormwater management and sediment and erosion control.

Village Engineer Pommer asked what the schedule is. Defueling of unit 2 is slated for April 22, 2021. Defueling of unit 3 is slated for April 21, 2024 or May 2024. They need to have the pad completed by April 2, 2021. When asked how long it would take to build this pad, the Board was advised it would take more than one year. Ted Gado stated there is construction work to be done. Material removed will be destined to be used as fill on the site.

Village Engineer Pommer asked if there was rock. He was advised by Ted Gado that 15 feet below the surface they will do core boring. It will be mechanically removed. They will not blast. When asked where it will be located, Rich Burrone stated it is close to the existing area of the pad.

Jeff Faiella asked will there be monitoring of the groundwater and will that be an issue. Ted Gado explained the radiation casks are sealed very tightly. The existing pad does not have monitoring.

Ted Gado stated in these casks there are no liquids. It is a dry cask system. Jeff Faiella asked are there well monitoring systems now. Rich Burrone explained they are monitoring some issues that they had in the past. They are strategically placed. There are no monitoring wells because this existing monitoring system pet. The pad is 90 feet elevation. Rich Burrone reported they will prepare a description for the next meeting.

Chairman Murray called for a public hearing for December 17, 2020. On a motion by Jeff Faiella, seconded by Tracey Armisto, with all in favor, the public hearing was set for December 17, 2020. This public hearing will be for site plan amendment

Chairman Murray advised the applicant of the procedures required for a public hearing. The code states "Notice of the hearing shall be published in the official newspaper at least 10 days prior to the date of such hearing. Notice shall also be sent by the applicant, at least 10 days prior to the date of such hearing, to all property owners within 250 feet of the perimeter of the property for residential uses and within 500 feet of the perimeter of the property for commercial or industrial uses. The Village Clerk shall furnish the applicant with signs indicating the date and

purpose of the public hearing. The applicant shall post the signs on the subject property on each street frontage. The costs of all such notices shall be paid for by the applicant."

Village Attorney Porteus will prepare a public hearing notice tomorrow and Planning Consultant Stolman will generate a draft resolution.

CALENDAR NO. 1-20-BZ: PUBLIC HEARING FOR STEEP SLOPES PERMIT TO CONSTRUCT A MODULAR CONCRETE RETAINING WALL FOR PROPERTY AT 226 TRAVIS AVENUE. (BRIAN CALABRO)

David Garcia and Dan Ciarci were on the Zoom call. Chairman Murray asked if the applicant supplied the receipts for the public hearing. Brian Calabro advised he sent the notices and the count will be recorded by the secretary and the results noted in the minutes. He sent 30 notices, 20 were returned and 1 was refused.

Chairman Murray called for a motion to open the public hearing for a steep slopes permit. On a motion by Tracey Armisto, seconded by Jeff Faiella, with all present in favor, the public hearing was opened.

Dan Ciarci of Ciarci Engineering representing Brian Calabro prepared plans to construct a retaining wall in the rear yard of his property. The plans were submitted to the Village. His client was given the green light to proceed to build the wall. At some point essentially after the work was complete they were advised that they needed to provide a steep slopes permit to do the construction that was done.

Dan Ciarci stated they are here before the Planning Board looking for retroactive approval to go through the project and to explain how they complied with the Village regulations. They do require a steep slopes permit. They had not done a slope analysis and in their recent submittal, they provided this analysis which illustrates the slopes that are in excess of 15%. They have to show that they are not creating a destabilizing situation which could cause erosion. Mr. Ciarci indicated by building a retaining wall, they have effectively eliminated the risk of erosion or slope failure.

Dan Ciarci stated the residence and lot conform to zoning. They did not build the wall at the property line. They did consider the trespass by the neighbor who constructed a shed on Mr. Calabro's property. They tried to be a good neighbor and not get into a confrontation about the trespass. That was the reasoning behind where the wall was located. An issue was mentioned concerning the wall bowing out. It was constructed this way in that it was pulled back to not disturb the neighbor's shed. That is the essence of their application and are here tonight to answer any questions from the public or concerns from the Board.

Chairman Murray stated in looking at the photos of the construction the blocks were not interlocking.

Chairman Murray asked since this is a public hearing, if there was anyone from the public who would like to speak to please raise your hand. Chairman Murray recognized Robert Thompson of 221 Tate Avenue who stated the wall was built by John Pizzella. In the engineering report it showed he had the V's on the block and that is not what he used. Chairman Murray noted the drawings indicates the V's. Mr. Thompson replied Mr. Calabro didn't use that block.

Mr. Thompson was concerned that as the wall settles the blocks will be pushed down. Village Engineer Pommer spoke with Dan Ciarcia and asked if he had any concerns with wall failure. Mr. Ciarcia said the wall was designed to be a gravity. Mr. Thompson had other concerns about the soil coming through. He was told they will use a filter fabric and backfill that was installed prevents this issue. The water should never build up if there is good drainage.

It was asked what happens in 10 or 15 years to prevent the soil from migrating into the stone and fabric. It was asked if anyone verified what was there. Mr. Ciarcia looked at photos. He was not there throughout construction. He was asked to provide the Village with the photos.

If Mr. Ciarcia signs off on the drawings it should be okay. It was asked where is the water draining out. The water is draining out on the southern side. Mr. Calabro said it was in front of the shed.

Mr. Thompson sent a letter to the Board with his concerns. He asked what happens if there is a failure. An insurance rider was suggested. Chairman Murray asked if that would satisfy Mr. Thomas' concerns.

Planning Consultant Stolman noted as the designer of the wall we have Mr. Ciarcia's expertise. The engineering of the wall should be certified by Mr. Ciarcia. Mr. Calabro was asked if he was willing to provide insurance. Additional ways to mitigate this was discussed. The code states you have to have a steep slopes analysis.

Chairman Murray would like to find a way to move this project forward. Dan Ciarcia and Brian Calabro agreed.

Chairman Murray asked if anyone from the public had anything to say. Village Trustee Nick Zachary asked if the grading was part of the steep slopes issue. There is a limit of the amount of soil. Chairman Murray stated we had given the applicant permission to stabilize the wall. The grading was listed on the drawing on the steep slopes and the entire grade was discussed.

There was no one else on the Zoom line who had any comments. Chairman Murray asked how we can come to an agreement. Would Mr. Calabro be willing to work with Mr. Thompson on the aesthetics. Unfortunately you cannot see what is happening. Brian Calabro is willing to work with Mr. Thompson. Maybe stone veneer can be used instead of concrete. Chairman Murray asked Mr. Thompson to send his ideas to the village. Mr. Calabro was asked what he was willing to do. The Board cannot ask him to take the block out. Other ways to mitigate this problem were discussed. A possible solution could be drawing up a resolution that would be transferable with the deed and sent to Westchester county.

A survey dated March 30, 2020 was prepared and the site plan is based on that recent survey. David Garcia and Village Attorney Porteus will explore this. The fact remains it was approved by an agent of the Village. Village Engineer Pommer thought this was a compelling reason.

Village Engineer Pommer suggested obtaining a temporary certificate of occupancy. The wall can be measured and if it does not move in a year, it can become a permanent certificate of occupancy. Random inspections can be set up. Chairman Murray acknowledged that there can be certain rules regarding failure of the wall. Village Engineer Pommer stated they will set that criteria and do remediation.

Chairman Murray asked if there were any further questions? Jeff Faiella requested verification of the fill material. Mr. Calabro advised they will do this at the end. It will be landscaped and a fence will be installed. Village Engineer Pommer looked at it with Mr. Ciarcia and they talked about that area.

Chairman Murray indicated zoning was done and grading will be added to the front of the property. Chairman Murray asked does Mr. Calabro agree with that. Mr. Calabro will show this on the drawing. Mr. Cianci will meet with Village Engineer Pommer. Village Attorney Porteus advised the Board to leave the public hearing open.

Village Trustee Zachary noted the former building inspector authorized the drawings without checking the code. It is over the code allowance. Mr. Calabro stated engineering was approved by the former building inspector and Village Engineer Pommer. Village Trustee Zachary noted in Section 211-21 of the Zoning code, walls and fences are allowed up to 6 feet. Mr. Thompson and Mr. Calabro will explore some ideas for mitigation. David Garcia and Village Attorney Porteus will research a caveat to attach to the deed.

On a motion by Tracey Armisto, seconded by Jeff Faiella, with all present in favor, the public hearing was adjourned until December 17, 2020. Motion carried.

AGENDA DISCUSSION

Con Edison wished to make a brief presentation regarding the scope of the project. Village Engineer Pommer looked at it and there are notes. Belts will have PCBs that Con Edison will try to rectify. Chairman Murray stated this will be on the agenda for December 17, 2020 for discussion.

ADJOURNMENT

On a motion by Tracey Armisto, seconded by Jeff Faiella, with all present in favor, the meeting was adjourned at 9:41 PM. Motion carried. The next meeting is December 17, 2020.

Respectfully submitted,

Rosemary Martin, Secretary

