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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

**SOMERS PLANNING BOARD
AGENDA
SEPTEMBER 9, 2015
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for July 22, 2015.

PUBLIC HEARING

- 1. GRANITE POINTE FINAL SUBDIVISION WETLAND PERMIT**
[27.05-3-5]
Application to restore the wetland into proposed project stormwater basin.

PROJECT REVIEW

- 2. GRANITE POINTE FINAL SUBDIVISION [TM: 27.05-3-2,5]**
Application for Final Subdivision Approval, Wetland, Steep Slopes, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits. The property is located on the east side of Route 118/202, adjacent to the Amawalk Reservoir and is located in an R-40 Zoning District. Property is owned by Suelain Realty, LLC. for the development of 23 lots in a Cluster Subdivision.
Consideration of a Draft Resolution of Final Subdivision Approval.

PROJECT REVIEW**3. HIDDEN MEADOW AT SOMERS [15.07-1-6]**

Application for Preliminary Subdivision Approval, Site Plan Approval, Steep Slopes, Wetland, Stormwater Management and Erosion and Sediment Control Permits relative to application of Multifamily Residence Baldwin Place District (MFR-BP) under consideration by the Town Board to a 16.7 acre parcel located along the south side of US Route 6 for the proposed development of 53 units of housing, sixteen of which would be affordable, within 45 townhouse buildings on 45 fee simple lots plus one lot for lands to be owned in common by a Homeowners Association.
Schedule Preliminary Subdivision Public Hearing.

4. SOMERS REALTY PHASE 3 [TM: 4.20-1-15]

Application for Preliminary Subdivision Approval, Steep Slopes, Wetland, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits to create Lots 3a, 3b, 3c and 3d (45.1 acres), relative to the Site Plan application of AvalonBay Communities, Inc. and Lot 4 (4.9 acres) and Lot 5 (0.9 acres) for future commercial and firehouse uses respectively and Lot 6 (7.1 acres) to be marketed for an Assisted Living Facility, stormwater management improvements, including road right-of-ways (4.3 acres) as part of the Planned Hamlet proposed subdivision. Property is owned by Somers Realty Corp. and is located on the southeast side of Route 6 and Clayton Blvd. and is in the Planned Hamlet (PH) Zoning District.
Discuss sidewalks along Route 6.

REFERRAL FROM TOWN BOARD**5. PROPOSED ACCESSORY APARTMENT CODE CHANGE**

Request by the Zoning Board of Appeals (ZBA) to amend a portion of Section 170-70.L of the Somers Town Code relative to accessory apartments.

Next Planning Board Meeting is Wednesday October 14, 2015
Agenda information is also available at www.somersny.com

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR ENVIRONMENTAL PERMIT
CHAPTER 167 "WETLAND AND WATER COURSE PROTECTION"

APPLICATION FEE:

Alteration of Wetlands: \$200 minimum fee plus \$100 per 5,000 S.F. of regulated area or proposed portions thereof to be disturbed.

Annual Maintenance Permit Renewal Fee: Administrative Permit: \$25.00, Planning Board Permit: \$75.00

OWNER: SUBELLIU REALTY Tel.#: 232-5121

Mailing Address: Box 807 Katonah, NY 10536

APPLICANT: SAME AS OWNER Tel. #: _____

Mailing Address: _____

State authority: _____ If other than owner, authorization must be submitted in writing.

PREMISES: Sheet: 17.05 Block: 43 Lot: 215
Situated on the East side of Tonawanda St (Street), 200 feet from the intersection of Old Tonawanda St. (Street)

DESCRIPTION OF WORK AND PURPOSE: PROPOSED CONSTRUCTION OF STORMWATER BASIN FOR CREEKITE POINT SUBDIVISION. ACCESS ROAD

SIZE OF ACTIVITY AREA: 7500 SF. (SW BASIN)
Is work proposed in Wetland: X or Wetland Control Area: X

Is there an existing house located on the site: No

Is pond, lake or detention basin proposed to be cleaned: No

Functions provided by Wetland: STORMWATER CONTROL

Wetland Expert delineating Wetland: BURT L. GUY

ESTIMATED QUANTITY OF EXCAVATION: 700 C.Y. 700 CUT 700 FILL

ESTIMATED TOTAL VALUE OF WORK: \$15,000

PROPOSED STARTING DATE: 2/16 PROPOSED COMPLETION DATE: 4/16

PLANS PREPARED BY: BIBBO DATED: Per 6/31/15

Plans must be submitted with application.

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: _____
WCDP, NYS DOT

LIST OF PROPERTY OWNERS OF RECORD OF LANDS AND CLAIMANTS OF WATER RIGHTS WITHIN 100 FEET OF SUBJECT PROPERTY

NAME	ADDRESS	BLOCK	LOTS

APPLICANT'S SIGNATURE: [Signature] DATE: 6/31/15
OWNER'S SIGNATURE: _____ DATE: _____

*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION MAP OF WETLANDS AS THEY EXIST IN THE FIELD OR AS SHOWN ON SOMERS ENVIRONMENTAL MAPS.

.....Office Use Only.....

Administrative Permit: _____
Planning Board Permit: _____



FREDERICK P. CLARK ASSOCIATES, INC.
PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
RYE, NEW YORK FAIRFIELD, CONNECTICUT

DAVID H. STOLMAN
AICP, PP
PRESIDENT

MICHAEL A. GALANTE
EXECUTIVE
VICE PRESIDENT

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CONNECTICUT
203 255-3100

HUDSON VALLEY
845 297-6056

LONG ISLAND
516 364-4544

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MEMORANDUM

To: John Currie, Chairman, and Members of the Town of Somers
Planning Board

Date: September 4, 2015

Subject: **Granite Pointe – Draft Resolution of Final Subdivision
Plat Approval**

As requested, we have prepared the attached draft **Resolution of Final Subdivision Plat Approval** in connection with the above captioned project for discussion at the September 9, 2015 Planning Board meeting.

We look forward to discussing the resolution with you.

Sarah L. Brown
Senior Associate/Planning

Attachments

cc: Joseph Barbagallo, P.E., Consulting Town Engineer
Roland Baroni, Esq.
Marilyn Murphy, Planning Board Secretary
Tim Allen, P.E.

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Town of Somers
WESTCHESTER COUNTY, N.Y.

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Syrette Dym, AICP
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PLANNING BOARD
Town of Somers, Westchester County, New York

RESOLUTION No. _____

**GRANTING OF CONDITIONAL FINAL SUBDIVISION PLAT APPROVAL,
WETLAND PERMIT APPROVAL, AND STEEP SLOPES PERMIT APPROVAL
FOR GRANITE POINTE SUBDIVISION
TO
SUELAIN REALTY, LLC**

Town Tax Number: Section 27.05, Block 3, Lots 2 and 5

WHEREAS, the subject property, which consists of approximately 28.82 acres, is located on the east side of Route 118/202, adjacent to the Amawalk Reservoir, and is shown on the Town Tax Maps as Sheet 27.05, Block 3, Lots 2 and 5; and

WHEREAS, the subject property is classified as "Residence R40 District", as defined by Chapter 170, "Zoning", of the *Code of the Town of Somers*; and

WHEREAS, the Planning Board granted preliminary subdivision approval for a 26-lot cluster subdivision, with a proposed central (community) water system, individual sewage disposal systems and a common recreation area, to Granite Pointe on June 13, 1990, and signed the approving resolution on June 20, 1990; and

WHEREAS, on July 20, 1990, the City of New York commenced a proceeding pursuant to Article 78 of the *Civil Practice Law and Rules* against the Planning Board to "declare null and void" the preliminary approval and Findings Statement of June 13, 1990, as well as the Final Environmental Impact Statement (FEIS), as filed on April 6, 1990, on the grounds of "legal claims asserted by the City as to its status as an 'involved agency', and the Planning Board's duties as 'lead agency' with respect to the Project...", and "legal

1 *claims regarding the information in the Final Environmental Impact Statement concerning*
2 *the impact of proposed septic systems of the Project upon the Amawalk reservoir, ...”;* and
3

4 **WHEREAS**, on March 18, 1991, the Supreme Court of the State of New York, County of
5 Westchester, ordered that the New York City Department of Environmental Protection
6 (NYCDEP) be an Involved Agency under the State Environmental Quality Review Act
7 (SEQRA), the FEIS be withdrawn, and the approving resolution and Findings Statement
8 “*revoked and declared null and void*”. And further, the Court ordered that the Planning
9 Board notify the Town Board of the above revocations, and require that the Applicant
10 submit an “*environmental impact statement which includes, inter alia, the specific*
11 *information requested in the letter dated March 16, 1990 from... DEP*”; and
12

13 **WHEREAS**, the Planning Board was further ordered, upon receipt of the “Resubmitted
14 DEIS”, to “*follow the procedures set forth in SEQRA regarding the review, notice,*
15 *comment period and filing of a draft environmental impact statement, and any other*
16 *requirements of SEQRA including, without limitation, those relating to a final*
17 *environmental impact statement (FEIS) and Certificate of Finding*”, and upon completion
18 of the SEQRA obligations, to promptly notify the City in writing; and
19

20 **WHEREAS**, the Planning Board, at their meeting of March 20, 1991, recognized the
21 NYCDEP as an Involved Agency under SEQRA, and resolved that the FEIS be withdrawn
22 and the approving resolution and Finding Statement be “*revoked and declared null and*
23 *void*”, and reconfirmed the above action by resolution #96-43 on October 23, 1996; and
24

25 **WHEREAS**, the Planning Board also directed the Applicant to submit a Draft
26 Environmental Impact Statement (DEIS), including “*specific information requested in the*
27 *letter of the NYCDEP, dated March 16, 1990*”, which pertained to the placement of the
28 septic systems in proximity to the reservoir, soils and percolation test information, the
29 elimination of open space access to the reservoir and detail of the proposed westerly
30 detention basins, and also reconfirmed the above action by resolution #96-43 on October
31 23, 1996; and
32

33 **WHEREAS**, a revised application for Preliminary Approval of Subdivision was submitted
34 by Suelain Realty on February 17, 1995, and said application also consisted of a Full
35 Environmental Assessment Form (EAF); and
36

37 **WHEREAS**, during the preliminary application review process, the following revisions were
38 made to the plans:
39

- 40 • The elimination of Lot 5 at the northeast end of the proposed cul-de-sac, and

- 1 • The use of common driveways to reduce the number of curb cuts on Route
2 118/202, and
3
- 4 • The preservation of the historic roadbed and stone walls by the adjustment of lot
5 lines and dwelling placement, as well as through restrictive covenants; and
6

7 **WHEREAS**, the application, environmental impact statements, and/or associated plans,
8 were circulated to all Involved and Interested Agencies for their consideration and
9 comments and their comments were considered by the Planning Board; and
10

11 **WHEREAS**, the Planning Board has originally declared its intent to be Lead Agency on
12 February 26, 1988 and found the proposed preliminary subdivision to be an Unlisted
13 Action under the New York State Environmental Quality Review regulations; and
14

15 **WHEREAS**, the Planning Board had originally acted on May 11, 1988, to make a Positive
16 Declaration under SEQRA and to require the preparation of an environmental impact
17 statement (EIS), and further, acted to adopt a scoping document for the required EIS on
18 June 8, 1988; and
19

20 **WHEREAS**, the Applicant submitted a "Resubmitted DEIS" on November 6, 1996, which
21 was accepted as complete by the Planning Board on December 11, 1996, as stated in the
22 "Notice of Completion of Draft EIS and Notice of SEQR Hearing and Preliminary
23 Subdivision Hearing" dated December 13, 1996; and
24

25 **WHEREAS**, the Applicant submitted an FEIS on June 20, 1997, which was accepted as
26 complete by the Planning Board on November 19, 1997, as stated in the "Notice of
27 Completion of Final EIS" dated November 26, 1997; and
28

29 **WHEREAS**, the Planning Board, acting as Lead Agency, adopted a Findings Statement on
30 February 11, 1998, as signed on February 25, 1998, and determined that the Proposed
31 Action would minimize or avoid adverse environmental effects to the maximum extent
32 practicable; and
33

34 **WHEREAS**, the February 25, 1998, Findings Statement is incorporated herein by
35 reference as if fully set forth herein at length; and
36

37 **WHEREAS**, the Findings Statement imposed conditions to be followed by the Applicant,
38 and further, the Planning Board determined that the proposal was consistent with the
39 Findings Statement and will be carried out in conformance with the conditions as stated
40 therein; and
41

1 **WHEREAS**, the final subdivision application proposes 23 lots with individual wells and
2 septic systems, twenty-one (21) new lots will be located on a new roadway off Tomahawk
3 Street (Route 118) and two (2) lots will have access from a common driveway on Route
4 118; and

5
6 **WHEREAS**, on July 24, 2002, the Planning Board granted conditional final subdivision
7 approval to the Granite Pointe Subdivision; and

8
9 **WHEREAS**, after the Granite Pointe Subdivision received conditional final subdivision
10 approval, serious concerns were brought to the Board's attention, in particular, that the
11 property may be contaminated with petroleum and lead, which are public health concerns;
12 and

13
14 **WHEREAS**, a test well sample taken during 1999 indicated the presence of naphthalene,
15 methylene chloride, and tetrahydrofuran, and new information was brought to the Board's
16 attention indicating that lead contaminated soil may be present on account of prior use of
17 the site as a trap and/or skeet shooting range; and

18
19 **WHEREAS**, the Planning Board required the Applicant to address the contamination
20 issues and the Applicant submitted a report dated December 19, 2003, prepared by
21 Groundwater Environmental Services, Inc., addressing petroleum and lead contamination;
22 and

23
24 **WHEREAS**, on April 5, 2004, the Applicant submitted a supplemental site assessment
25 report dated March 5, 2004, prepared by Groundwater and Environmental Services, Inc.,
26 which included the results of additional testing areas for lead, and which found lead
27 contamination at 16 of 48 sampling locations at levels which exceeded the residential
28 action level established by the United States Environmental Protection Agency, with the
29 elevated lead concentrations corresponding to proposed lots 11, 12 and 13; and

30
31 **WHEREAS**, at its meeting on April 28, 2004, the Planning Board determined that a
32 Supplemental Environmental Impact Statement was required under the SEQOR Regulations
33 to address the lead contamination and groundwater issues; and

34
35 **WHEREAS**, at its meeting on June 9, 2004, the Planning Board rescinded the conditional
36 final subdivision approval and the subdivision reverted back to preliminary subdivision
37 approval, based upon newly discovered facts, information and evidence and/or changes of
38 circumstances, including, but not limited to the impacts of lead contamination on the
39 property and the determination that a Supplemental Environmental Impact Statement shall
40 be prepared; and

41

1 **WHEREAS**, a Draft Supplemental Environmental Impact Statement (DSEIS) was
2 prepared by the Applicant and was accepted as complete by the Planning Board on August
3 23, 2006; and

4
5 **WHEREAS**, the DSEIS was circulated to all Involved and Interested Agencies for their
6 consideration and comments and their comments were considered by the Planning Board;
7 and

8
9 **WHEREAS**, public hearings on the DSEIS were held on October 4, 2006, October 18,
10 2006 and establishment of a comment period which ended on January 10, 2007; and

11
12 **WHEREAS**, an Final Supplemental Environmental Impact Statement (FSEIS) was
13 prepared and accepted as complete by the Planning Board on September 24, 2013; and

14
15 **WHEREAS**, the FSEIS was circulated to all Involved and Interested Agencies and written
16 comment period was established through October 22, 2013; and

17
18 **WHEREAS**, the Planning Board, acting as Lead Agency, adopted a Findings Statement on
19 September 10, 2014, and determined that the remedial activities associated with the lead
20 contamination on-site would minimize or avoid adverse environmental effects to the
21 maximum extent practicable; and

22
23 **WHEREAS**, a Remedial Action Work Plan was prepared by Groundwater &
24 Environmental Services, Inc. for the removal of the lead contaminated soils on the site; and

25
26 **WHEREAS**, in January 2010, the Remedial Action Work Plan was accepted by the New
27 York State Department of Environmental Conservation and the site was entered into the
28 Brownfield Cleanup Program under number C360107; and

29
30 **WHEREAS**, the final subdivision application, dated April 10, 2015 includes the following
31 materials:

- 32
33 1. Plan entitled, "Subdivision of Property to be known as 'Granite Pointe,'" prepared
34 by Donald J. Donnelly, Land Surveyor, dated January 22, 1999, last revised May 8,
35 2003;
- 36
37 2. Plan labeled EX, entitled, "Existing Conditions," prepared by Bibbo Associates,
38 LLP, dated April 10, 2015, last revised July 31, 2015;
- 39
40 3. Plan labeled IPP, entitled, "Construction Plan & Integrated Plot Plan," prepared by
41 Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

- 1 4. Plan labeled RP-1, entitled, "Road Profile and Details," prepared by Bibbo
2 Associates, LLP, dated April 10, 2015, last revised July 31, 2015;
- 3
- 4 5. Plan labeled D-1, entitled, "Details," prepared by Bibbo Associates, LLP, dated
5 April 10, 2015, last revised July 31, 2015;
- 6
- 7 6. Plan labeled EC-1, entitled, "Erosion Control Plan," prepared by Bibbo Associates,
8 LLP, dated April 10, 2015, last revised July 31, 2015;
- 9
- 10 7. Plan labeled EC-2, entitled, "Erosion Control Details," prepared by Bibbo
11 Associates, LLP, dated April 10, 2015, last revised July 31, 2015;
- 12
- 13 8. Plan labeled SW-1, entitled, "Stormwater Basins," prepared by Bibbo Associates,
14 LLP, dated April 10, 2015, last revised July 31, 2015;
- 15
- 16 9. Plan labeled SW-2, entitled, "Stormwater Treatment Details," prepared by Bibbo
17 Associates, LLP, dated April 10, 2015, last revised July 31, 2015;
- 18
- 19 10. Plan labeled WL-1, entitled, "Water Line Profile & Details," prepared by Bibbo
20 Associates, LLP, dated April 10, 2015, last revised July 31, 2015;
- 21
- 22 11. Plan labeled PH-1, entitled, "Phasing Plan," prepared by Bibbo Associates, LLP,
23 dated April 10, 2015, last revised July 31, 2015;
- 24
- 25 12. "Stormwater Pollution Prevention Plan for Granite Pointe Subdivision", prepared
26 by Bibbo Associates, LLP, dated April 10, 2015, last revised September 1, 2015;
- 27
- 28 13. Application for Environmental Permit, "Stormwater Management and Erosion and
29 Sediment Control", by the Applicant, dated April 10, 2015;
- 30
- 31 14. Application for Environmental Permit, "Wetland and Watercourse Protection",
32 prepared by the Applicant, dated June 31, 2015; and

33
34 **WHEREAS**, the final subdivision application proposes 23 lots to be served by individual
35 septic systems and new water main constructed as an extension of the Amawalk-Shenorock
36 Water District, connecting to existing infrastructure located in Tomahawk Street, and
37 twenty-one (21) new lots will be located on a new roadway off Tomahawk Street (Route
38 118) and two (2) lots will have access from a common driveway on Route 118; and

39
40 **WHEREAS**, as set forth in Section 150-13.F of the *Code of the Town of Somers*, "In the
41 event that an application for final subdivision plat approval is submitted more than six
42 months after the date of approval of the application for preliminary subdivision plat, the

1 *Planning Board may, in its discretion, conduct a public hearing on the application for final*
2 *subdivision plat approval, notwithstanding that the final plat is in substantial agreement*
3 *with the approved preliminary subdivision plat, to assist the Planning Board in identifying*
4 *pertinent new information or changes in circumstances”; and*
5

6 **WHEREAS**, at their May 13, 2015 meeting, the Planning Board determined that a public
7 hearing would be held for the final subdivision application; and
8

9 **WHEREAS**, an Application for Wetland and Watercourse Protection Permit was
10 submitted by the Applicant on June 31, 2015; and
11

12 **WHEREAS**, a duly advertised public hearing on the final subdivision plat was held was
13 held by the Planning Board on June 10, 2015, July 22, 2015, and August 12, 2015, at
14 which time public comments were taken and the hearing was closed on August 12, 2015
15 with a fourteen (14) day comment period; and
16

17 **WHEREAS**, a duly advertised public hearing on the Wetland and Watercourse Protection
18 Permit was held by the Planning Board on September 9, 2015, at which time
19 public comments were taken and the hearing was closed on _____; and
20

21 **WHEREAS**, as part of the previous final plat application, the Planning Board found that
22 the proposed final plat presents a proper case for requiring a park or parks suitability
23 located for playgrounds or other recreational purposes, but that a suitable park or parks of
24 adequate size to meet the requirement cannot be suitably located on such subdivision plat,
25 after assessing the size and suitability of lands shown on the subdivision plat which could
26 be possible locations for park or recreation facilities, as well as practical factor including
27 whether there is a need for additional facilities in the immediate neighborhood and the
28 prospective character of the development, therefore, in lieu thereof, a recreation fee was
29 paid at the time of the previous approval in an amount determined by the Town Board; and
30

31 **WHEREAS**, the Planning Board has considered the arrangement of lots, in accordance with
32 Section 150-23 “Lots” of the *Code of the Town of Somers*, and has determined that the lot lines
33 as shown on the preliminary plat deviated from the requirements of this Section in some
34 instances, however, were acceptable because they preserved and/or followed stone walls in
35 accordance with Section 150-23.B(3); and
36

37 **WHEREAS**, the Planning Board has considered the frontage requirements for all of the
38 proposed lots in accordance with the “Zoning Schedule” requirements of the Town Code, and
39 has determined that these lots must provide one hundred and fifty (150) feet of frontage along
40 the front yard setback line; and
41

1 **WHEREAS**, based on comments made by the Watershed Inspector General on the Findings
2 Statement for the FEIS, the Planning Board required as part of the Final Subdivision
3 Application, a Pollutant Loading Analysis be prepared as part of the Final Subdivision
4 Application SWPPP following the methodologies of the Simple Method to compare
5 phosphorus loading under post development conditions compared to that of pre-development
6 conditions; and
7

8 **WHEREAS**, the Planning Board has carefully considered all of the comments raised by
9 the public and other interested agencies, organizations and officials, including those
10 presented at meetings of the Board as well as those submitted separately in writing; and
11

12 **WHEREAS**, the above-noted plans submitted with the final application are the subject of this
13 approval decision, and will be revised in accordance with this resolution.
14

15 **NOW, THEREFORE, BE IT RESOLVED**, that the foregoing **WHEREAS** clauses are
16 incorporated herein by reference and are fully adopted as part of this approval; and
17

18 **BE IT FURTHER RESOLVED**, that the application for Final Subdivision Approval,
19 Wetlands and Steep Slopes Permits for Granite Pointe Subdivision as shown and described
20 by the materials enumerated herein, is hereby granted subject to the following conditions as
21 set forth below, and that the Chairman of the Planning Board is hereby authorized to
22 endorse such approval upon the plat after said conditions have been complied with by the
23 Applicant:
24

25 **Conditions Required Prior to Signing the Plat**

- 26
27 1. The clean-up of the site shall be performed in accordance with the approved
28 Remedial Action Plan to the satisfaction to the NYSDEC. The Applicant shall
29 provide documentation from the NYSDEC accepting the site as remediated with
30 no further action required. No construction associated with the subdivision shall
31 commence prior to such documentation from the NYSDEC.
32
- 33 2. The Applicant shall submit a copy of the plat that has been endorsed by the
34 Westchester County Health Department for review and approval.
35
- 36 3. Provide documentation of NYC DEP approval of the Subdivision Stormwater
37 Pollution Prevention Plan (SWPPP).
38
- 39 4. A copy of the deed restrictive covenant shall be provided for the historic
40 roadbed.
41

- 1 5. The frontage of Lot 27 shall be revised to meet the 150-ft requirement for
2 frontage.
- 3
- 4 6. The Town Assessor shall approve the lot numbers, with a copy of the approving
5 letter submitted to the Planning Board.
- 6
- 7 7. The Applicant shall submit evidence that the Applicant, after consultation with
8 the Town Historian, has written to the Town Board and requested approval of
9 the name of the street.
- 10
- 11 8. The Applicant shall submit the proposed wording and design of the three cast
12 metal commemorative plaques for the historic roadbed, for approval by the
13 Planning Board and Town Historian.
- 14
- 15 9. Provide draft stormwater maintenance agreements for stormwater infrastructure
16 required to be maintained by private Homeowner's Association (HOA) or
17 individual homeowners. Private stormwater infrastructure subject to preparation
18 of stormwater maintenance agreements shall include all stormwater conveyance
19 swales and individual lot subsurface infiltration systems as proposed to be
20 constructed on Lot No. 19 and No. 29.
- 21
- 22 10. Prepare the final subdivision Stormwater Pollution Prevention Plan (SWPPP)
23 that addresses all outstanding comments of the Consulting Town Engineer, as
24 referenced in memorandum dated September 4, 2015, included by not limited to
25 the final SWPPP. The final SWPPP must be prepared to the satisfaction of the
26 Consulting Town Engineer and Principal Engineering Technician.
- 27
- 28 11. The Applicant shall provide final details of proposed conservation and
29 preservation measures for the historic roadbed, including submittal of the
30 proposed wording and design for three cast metal commemorative plaques as
31 required by previous Planning Board resolution of approval, to the satisfaction
32 of the Planning Board and Town Historian
- 33
- 34 12. The Applicant shall provide documentation from the Army Corp of Engineers
35 (USACE) pertaining to their jurisdictional determination over the 890 square
36 feet wetland area as shown on the south-west corner of the Granite Pointe
37 property. Provided documentation must address whether additional
38 permitting/approvals from USACE will be required for disturbance of the
39 identified wetland area. The Applicant shall be required to comply with all
40 necessary criteria for issuance of USACE permit/approval if the wetland is
41 determined to be within jurisdiction of the USACE.

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13. The Applicant shall provide documentation from the NYSDEC pertaining to their jurisdictional determination over adjacent wetland area potentially located within the limiting distance of the Granite Pointe development as identified as Wetland Area "F-60" depicted on NYSDEC Environmental Resource Maps. The Applicant shall be required to address all necessary criteria for issuance of a NYSDEC Freshwater Wetland Permit if determined to be required by the Department.
 14. The Applicant shall revise the SWPPP to indicate that all proposed stormwater basin landscape plantings shall be monitored and maintained by the Applicant for a period of five years commencing after construction and Town acceptance of all roads and stormwater infrastructure improvements.
 15. A landscaping plan shall be provided for the common driveway on Lots 28 and 29 in accordance with the preliminary approving resolution, and shall be submitted for review and approval by the Planning Board and Staff.
 16. All proposed easement documents shall be reviewed and approved by the Town Attorney.
 17. Detailed quantity cost estimates shall be provided for all public improvements, including the proposed roadway and common stormwater infrastructure, intended for dedication to the Town of Somers, in an amount determined to be acceptable by the Consulting Town Engineer and Principal Engineering Technician. Final cost estimates shall serve as the basis for a Performance Bond/surety that shall be posted prior to the start of construction and must be maintained until Town acceptance of infrastructure dedication.
 18. The Applicant shall reimburse the Town for any outstanding review fees, as applicable, consistent with Section 133 of the Town Code as well as State and Local Environmental Quality Review laws.

34 **On-going Conditions Required After Signing of Plat**

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1. All work shall be performed in accordance with the approved "Stormwater Pollution Prevention Plan for Granite Pointe Subdivision", prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised September 1, 2015.
 2. The Applicant shall obtain coverage under the NYSDEC General Permit No. GP-0-15-002 with a copy of the NOI, SWPPP MS4 acceptance form executed by the

1 Consulting Town Engineer, prior to issuance of a Building Permit. The
2 Applicant shall implement construction activities in accordance with the
3 approved SWPPP and the requirements of GP-0-15-002.

4 3. Prior to issuance of a Building Permit, the Applicant shall:

- 5 a. Submit documentation that the final approved stormwater maintenance
6 agreement was filed with the Westchester County Clerk's Office.
- 7 b. Submit documentation of NYSDOT Highway Work permit approval for
8 the proposed construction of the development roadway intersections with
9 US-202 (Tomahawk Street) and work within the right-of-way.
- 10 c. Submit documentation of WCDOH Construction Approvals for the
11 proposed individual lot septic field areas.
- 12 d. Submit documentation of WCDOH construction approval for the new
13 proposed water main.

14 4. The Applicant shall provide documentation necessary for dedication of the new
15 roadway and common stormwater infrastructure to the Town of Somers in
16 accordance with Town Code §150. In no case shall dedication be completed
17 prior to submittal of an as-built survey of all completed infrastructure and
18 certification by the Applicant's Engineer that the completed infrastructure was
19 constructed in accordance with the approved design specifications.

20 5. Prior to issuance of a building permit, a performance bond/security shall be
21 posted to cover the cost of soil erosion and sedimentation control measures on
22 the site during the course of construction. The above stated security shall be in
23 an amount recommended by the Town Consulting Engineer and Principal
24 Engineering Technician and shall be in form, sufficiency and manner of
25 execution satisfactory to the Town Attorney and approved by the Town Board.

26
27 6. Prior to issuance of a building permit, an engineering inspection fee for the
28 Subdivision shall be paid by check made payable to the Town of Somers in
29 accordance with the Fee Schedule adopted by the Town Board. The amount
30 of such fee shall be set after submission by the Applicant of estimated costs for
31 required improvements, as identified by the Town Consulting Engineer and
32 Principal Engineering Technician,

33
34 7. The Somers Engineering Department shall be notified (914-277-5366) prior to
35 the beginning of any work on the site and also upon completion of the
36 approved work.

37

- 1 8. Appropriate erosion control measures satisfactory to the Department Engineering
2 Technician shall be installed prior to starting the construction and maintained
3 during the contract period, in accordance with the New York State Standards and
4 Specifications for Erosion and Sediment Control, dated August 2005, and the
5 New York State Stormwater Management Design Manual, dated January 2015
6 (including all updates/or revisions).
7
- 8 9. If rock is encountered during construction, removal will first be accomplished by
9 ripping, hammering, or drilling, in accordance with Section 148-7.B(4)(k) of the
10 Code.
11
- 12 10. Significant trees and stone walls on site will be preserved to the maximum extent
13 practicable, in accordance with the note indicated on the subdivision plans.
14
- 15 11. No more than 5 acres of area are to be disturbed and left exposed at one time.
16
- 17 12. Construction activity will be limited from 7:00 a.m. to 6:00 p.m. Rock removal
18 shall be limited to Monday through Friday 8:00 AM to 6:00 PM. No
19 construction activity will occur on Sundays or legal New York State holidays.
20
- 21 13. An erosion and sediment control bond shall be posted to cover the cost of soil
22 erosion and sediment control measures onsite during the course of construction.
23 Said security shall be in a form and amount determined acceptable by the
24 Consulting Town Engineer and Principal Engineering Technician.
25
- 26 14. Tree Removal permits shall be required for the removal of Town-regulated trees.
27 Tree removal and planting replacement plans shall be submitted for each lot as
28 part of the building permit application.
29
- 30 15. That field changes that do not change the intent of the design or are not
31 significant, if required, may be approved by the Department Engineering
32 Technician and the Consulting Town Engineer prior to implementation.
33 Significant field changes or those that deviate from the intent of the design as
34 approved by that Planning Board must be approved by the Planning Board.
35

36
37 BE IT FURTHER RESOLVED that the Planning Board Chairman is authorized to sign the
38 final subdivision plat in accordance with the procedures and requirements specified in 150-
39 14.D of the "Subdivision of Land" regulations of the Town Code, and Section 276 of Town
40 Law.
41

1 In accordance with Section 150-13.M of the Town Code, this conditional approval of the
2 final subdivision plat shall expire on _____, 180 days from the date of the
3 resolution granting conditional approval unless the above requirements have been certified
4 as complete by the Planning Board's professional staff, or unless such time limit is extended
5 by the Planning Board for periods of 90 days each. The request for time extension shall be
6 made by the Applicant **prior to** the expiration of the specific time period.

7
8 Once the requirements have been certified as completed by the endorsement of the plat by
9 the Chairman of the Planning Board, the plat shall be filed with the Westchester County
10 Clerk, Division of Land Records, within 62 days after the date of signing by the Planning
11 Board Chairman, or approval shall expire. The Applicant shall submit 7 copies of the
12 subdivision plat showing all signatures and acknowledgements of filing to the Planning
13 Board Secretary within 30 days after the date of filing with the County. In addition, a copy
14 of the filed plat drawing shall be provided digitally to the Planning and Engineering
15 Department.

16
17 No building permit will be issued on any lot shown on the subdivision plat until the required
18 copies of the plat have been delivered to the Planning Board in accordance with Section
19 150-14.H of the Town Code. Upon completion of all improvements, the Applicant shall
20 submit an as-built plan to the satisfaction of the Town Engineer.

21
22 Any change in the subdivision plat which is filed in the office of the Westchester County
23 Clerk constitutes a "resubdivision" which is subject to the same procedure, rules and
24 regulations applying to an original subdivision, as stated in Section 150-4, "Resubdivision",
25 of the Town Code.

26
27 This resolution shall have an effective date of _____.

28
29
30 **BY ORDER OF THE PLANNING BOARD**
31 **TOWN OF SOMERS**

32
33
34 _____
35 **John Currie, Chairman**

36 **Dated:** _____
37

38
39 J:\DOCS2\200\Somers\Resolutions\Granite Pointe - PB Resolution of Final Subdivision Approval.docx

BIBBO ASSOCIATES, L.L.P.

Consulting Engineers

Joseph J. Buschynski, P.E.

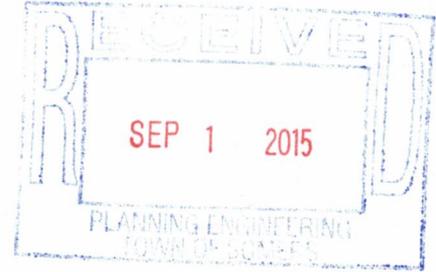
Timothy S. Allen, P.E.

Sabri Barisser, P.E.

September 1, 2015

Somers Planning Board
335 Route 202
Somers, NY 10589-3206

Attn: Mr. John Currie, Chairman



Re: Granite Pointe
Final Subdivision Application

Dear Members of the Board:

In support of Final Subdivision Application and please find attached the following:

- 13 copies – Stormwater Pollution Prevention Plan (SWPPP) revisions of the “Simple Method” found in Appendix “E”, revised 8/31/15.
- 13 copies – 2000, Mapping Westchester Aerial.
- 13 copies – Historical Map- 1990, Mapping Westchester Aerial.
- 13 copies – Stormwater Details (1), dated 8/13/15
- 13 copies – Stormwater Details (2), dated 8/13/15
- 13 copies – Stormwater Details (3), dated 8/13/15

Pollutant Loading Analysis:

The calculations enclosed have been revised as discussed during the August 12, 2015 Planning Board meeting and in response to the Memorandum dated August 10, 2015 from Woodard & Curran.

1. Following discussions with Woodard & Curran we have enclosed the 2000 Mapping Westchester Aerial, which was the foundation for which our predevelopment ground covers were determined for the Pollutant Loading Analysis. The 1990 Mapping Westchester Aerial has been enclosed as an historical reference to further support the ground covers.
2. The Post Development Calculations have been revised to include two additional swales in Post Development Areas A & B, shown as Basins S4 and S5 in the calculations. The

Site Design ♦ Environmental

tributary areas to the treatment practices did not change with this additional treatment. We had previously not taken credit for these two swales in our design. We believe this will serve as additional on-site practices to aid in the removal of additional phosphorus.

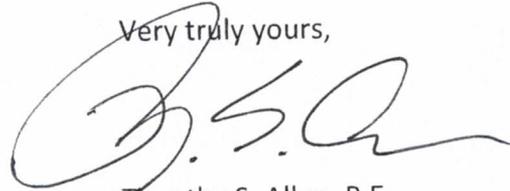
Wetland Protection Permit:

- a. Agreement of the Wetland as shown on the plan was agreed to at the last Planning Board Meeting.
- b. NYSDEC Wetland Verification Pending.
- c. Attached are revised planting plans & schedules for the Extended Detention Basin and the Infiltration Basin. The Planting Schedules and Wetland Seed Mixtures for the associated drainage practice have been revised and added to the plans.

The attached have been revised and submitted to Woodard & Curran under separate cover.

Please feel free to contact our office if you have any questions or are in need of additional information.

Very truly yours,



Timothy S. Allen, P.E.

TSA/rh
Enclosures

cc: J. Barbagallo, P.E.; Woodard & Curran
S. Brown, AICP; F.P. Clark (w/encls)
John Harkins
File

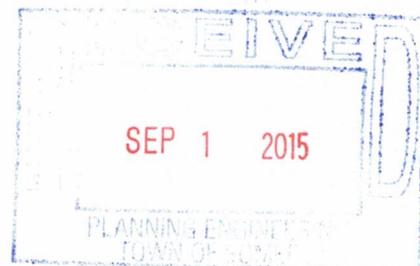


Granite Pointe Subdivision Phosphorus loading analysis with simple method

Summary Total Loading to Design Lines				
Design Line	Pre-Development (lbs/yr)	Post-Development (lbs/yr)	Change in Loading (lbs/yr)	Percentage Change (%)
A	2.2080	2.9096	0.70	31.8%
B	2.9621	3.4374	0.48	16.0%
C	1.5282	0.8558	-0.67	-44.0%
D	5.3918	5.3686	-0.02	-0.4%
E	2.4246	1.5581	-0.87	-35.7%
Overall Site	14.5147	14.1294	-0.39	-2.7%

Summary Total Converted to Kg/yr				
Design Line	Pre-Development (Kg/yr)	Post-Development (Kg/yr)	Change in Loading (Kg/yr)	Percentage Change (%)
A	1.0015	1.3198	0.32	31.8%
B	1.3436	1.5592	0.22	16.0%
C	0.6932	0.3882	-0.31	-44.0%
D	2.4457	2.4351	-0.01	-0.4%
E	1.0998	0.7067	-0.39	-35.7%
Overall Site	6.5837	6.4090	-0.17	-2.7%

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
- New York State Stormwater Management Design Manual, Appendix "A"



Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Pre B

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/l)</i>	<i>L(lbs)</i>
Residential	2.1912	0.23	0.257	48.60	0.90	0.41	2.2824
Woods	9.1681	0.00	0.05	48.60	0.90	0.15	0.6797
Total	11.3593					Total	2.9621

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"



Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post A-1

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/lit)</i>	<i>L(lbs)</i>	
Residential	3.1929	0.23	0.257	48.60	0.90	0.41	3.3257	
Woods	0.1661	0.00	0.05	48.60	0.90	0.15	0.0123	
Total	3.3590					Subtotal	3.3381	
Swale							Removal Rate 40%	1.3352
							Subtotal	2.0028
SWQB "A" Infiltration Basin							Removal Rate 70%	1.4020
							Total	0.6009

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
- New York State Stormwater Management Design Manual, Appendix "A"



Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post A-3

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/l)</i>	<i>L(lbs)</i>
Residential	2.4600	0.23	0.257	48.60	0.90	0.41	2.5623
Total	2.4600					Subtotal	2.5623
SWQB "A" Infiltration Basin						Removal Rate 70%	1.7936
Total							0.7687

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"



Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post S-4

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/lit)</i>	<i>L(lbs)</i>	
Residential	1.0456	0.23	0.257	48.60	0.90	0.41	1.0891	
Total	1.0456					Subtotal	1.0891	
Swale							Removal Rate 40%	0.4356
							Subtotal	0.6535
SWQB "A" Infiltration Basin							Removal Rate 70%	0.4574
							Total	0.1960

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"



Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post A-4

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/l)</i>	<i>L(lbs)</i>
Residential	0.2941	0.23	0.26	48.60	0.90	0.41	0.3063
Total	0.2941					Total	0.3063

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
- New York State Stormwater Management Design Manual, Appendix "A"



Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post B-1

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/lt)</i>	<i>L(lbs)</i>
Residential	3.2821	0.23	0.257	48.60	0.90	0.41	3.4187
Woods	0.4275	0.00	0.05	48.60	0.90	0.15	0.0317
Total	3.7096					Subtotal	3.4504
SWQB "B" Infiltration Basin						Removal Rate 70%	2.4152
Total							1.0351

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"



Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post S-5

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pi</i>	<i>C(mg/lit)</i>	<i>L(lbs)</i>
Residential	0.8165	0.23	0.257	48.60	0.90	0.41	0.8504
Woods	0.2117	0.00	0.05	48.60	0.90	0.15	0.0157
Total	1.0281						
						Subtotal	0.8661
<i>Swale</i>						<i>Removal Rate 40%</i>	0.3464
						Subtotal	0.5197
<i>SWQB "A" Infiltration Basin</i>						<i>Removal Rate 70%</i>	0.3638
						Total	0.1559

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
- New York State Stormwater Management Design Manual, Appendix "A"

Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post B-3

Type	Area(acres)	I	Rv	P(in)	Pj	C(mg/l)	L(lbs)
Residential	2.6238	0.23	0.257	48.60	0.90	0.41	2.7330
Woods	0.1908	0.00	0.05	48.60	0.90	0.15	0.0141
Total	2.8146					Subtotal	2.7471
SWQB "B" Infiltration Basin					Removal Rate 70%		1.9230
Total							0.8241

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"

Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post C-1

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pi</i>	<i>C(mg/l)</i>	<i>L(lbs)</i>	
Residential	1.2443	0.23	0.26	48.60	0.90	0.41	1.2961	
Woods	0.0639	0.00	0.050	48.60	0.90	0.15	0.0047	
Impervious	0.0879	1.00	0.95	48.60	0.90	0.50	0.4127	
Total	1.3961					Subtotal	1.7135	
SWQB "C" Extended Detention							Removal Rate 70%	1.1995
Total							0.5141	

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"

Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post C-2

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/l)</i>	<i>L(lbs)</i>	
Residential	0.6878	0.23	0.257	48.60	0.90	0.41	0.7164	
Woods	0.4498	0.00	0.05	48.60	0.90	0.15	0.0333	
Total	1.1376					Subtotal	0.7498	
Swale							Removal Rate 40%	0.2999
							Subtotal	0.4499
SWQB "C" Extended Detention Basin							Removal Rate 70%	0.3149
							Total	0.1350

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"

Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post C-3

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/l)</i>	<i>L(lbs)</i>	
Residential	0.7500	0.23	0.257	48.60	0.90	0.41	0.7812	
Woods	0.0806	0.00	0.05	48.60	0.90	0.15	0.0060	
Impervious	0.0568	1.00	0.95	48.60	0.90	0.50	0.2667	
Total	0.8874					Subtotal	1.0539	
<i>Swale</i>							<i>Removal Rate 40%</i>	0.4216
Subtotal								0.6323
<i>SWQB "C" Extended Detention Basin</i>							<i>Removal Rate 70%</i>	0.4426
Total								0.1897

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"

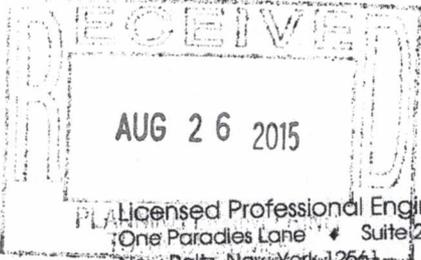
Granite Pointe Subdivision Phosphorus loading analysis with Simple Method

Sub Area Post E-1

<i>Type</i>	<i>Area(acres)</i>	<i>I</i>	<i>Rv</i>	<i>P(in)</i>	<i>Pj</i>	<i>C(mg/lit)</i>	<i>L(lbs)</i>	
Residential	4.1026	0.23	0.257	48.60	0.90	0.41	4.2733	
Impervious	0.1960	1.00	0.95	48.60	0.90	0.50	0.9203	
Total	4.2986					Subtotal	5.1936	
SWQB "E" Infiltration Basin							Removal Rate 70%	3.6355
Total								1.5581

Sources: - Phosphorus concentration (C) mg/Lt rates from "East of Hudson Watershed Corporation - Stormwater Retrofit Project Design Manual", dated March 5, 2015
 - New York State Stormwater Management Design Manual, Appendix "A"

C- PB-TP-CFE-PC-APP



David Clouser & Associates

Licensed Professional Engineers and Land Surveyors
One Paradise Lane Suite 200
New Paltz New York 12561

Telephone: (845) 256 - 9600
Fax: (845) 256 - 9700
E-mail: dbsea@dcaengrs.com

874

August 26, 2015

John Currie, Chair
Town of Somers Planning Board
335 Route 202
Somers, NY 10589

via: email and regular mail

Re: Proposed Granite Pointe Residential Subdivision

Results of Engineering Review

Dear Mr. Currie and Members of the Board:

Our office represents members of the public known as Environmental and Community Advocates in the matter of the Granite Pointe subdivision that is before your board.

Our office was retained to review the Subdivision Plans, the Stormwater Pollution Prevention Plan (SWPPP) and project correspondence. The following is a summary of the findings of our investigation. Our ability to thoroughly review the latest project information was severely limited by the time allowed once we had received the project documentation. Accordingly, this might be considered a snapshot of the bigger picture items of the project's design. A detailed review would not have been possible given the time allotted.

Based on our limited review of this material, it is our professional opinion that the design has very significant issues that must be thoroughly addressed before a final subdivision approval could be considered by your Board. These issues include the proper classification of site soils that is a fundamental basis of a development design. Additionally, the project as it is presently design will increase phosphorus loading to the directly adjacent Amawalk Reservoir – at the threat of the degradation of a water supply that is used by over 40,000 residents. This threat of degradation is directly related to the removal of the natural forested setting for the purpose of adding a residential development at a sensitive environmental setting that appears to be overlooked. We also have provided some comments on the design of the development that must be addressed to comply with the minimum requirements of the regulatory agencies.

We understand that a public hearing was held on August 12, and the Board is considering the issuance of final subdivision approval to the Granite Pointe residential subdivision on a parcel situated on and bordered on three sides by Amawalk Reservoir. On behalf of our client, we ask for your full consideration of the following material and not act on a final subdivision approval

until these issues are completely addressed and the Board then believes that whatever form this proposed development takes, that it would be a benefit to the community.

We trust that this information will benefit your review of this proposed development application.

I. Misclassification of Site Soils -

A review of the Subdivision Plans indicates that the NRCS Soil Survey information was used to classify the site's soil types that were used in the project's drainage analysis and sizing of stormwater management practices (including the sizing of phosphorus removal basins). As the Board may be aware, the NRCS soil mapping information is primarily derived from aerial mapping and remote sensing, with very limited "ground truthing" to verify accuracy that the mapped soils are consistent with the characteristics of the soils that exist at a site.

The soil mapped on this site by the NRCS information is predominantly a Paxton sandy loam, which is classified as a hydrological soil group C (HSG C). The hydrological soil group soil classification is a primary factor used to model runoff in a watershed and is comprised of hydrological soil groups A, B, C, and D -- HSG A soils being the most permeable (i.e., sand and gravel soils) and HSG D soils being the least permeable (i.e., dense clay soils, wetland soil types, etc.). HSG C soils are relatively dense soils with low permeability.

Soil permeability determines to a large part the amount of runoff produced after a rainfall event. It is important to understand that stormwater runoff that must be managed on a site is extremely sensitive to the proper classification of the soil's hydrological soil group. HSG A soils produce significantly less runoff due to their high permeability while HSG D soils produce the greatest amount of runoff due to their lack of permeability. Therefore, if a development site consists of permeable HSG A soils, little runoff is produced. When the site is developed and the permeable soil is covered with impervious surfaces, the additional stormwater management required to not exceed pre-development conditions is very significant and a design challenge. When a site has largely impermeable soils, coverage by pervious surfaces require significantly less water management to meet pre-development conditions.

It is therefore imperative to verify that the soil type in hydrological classification from the NRCS mapping information is consistent with the actual soils encountered at the site. This critical step in the planning and design development appears to have been overlooked.

As previously stated, soil mapped by the NRCS for this site is Paxton sandy loam. This particular soil has two distinctive characteristics which are a depth to water table of 1.5 to 2.5 feet and a permeability that ranges between 30 minutes and 100 minutes (per 1 inch drop in a soil percolation test). These Paxton soil characteristics contrast markedly from the soil

information collected from the wastewater disposal system testing results that are shown on the subdivision plans. The depth to water table shown on all lots indicates a depth greater than 7 feet (compared to the 1.5 to 2.5 feet that is characteristic to Paxton soils). More importantly, the percolation test results shown in the subdivision plans indicate that testing on 6 of the 23 lots had percolation rates of 5 minutes or less. Of the 23 lots, 15 indicated percolation rates on 10 minutes or less. None of the percolation rates reported on the subdivision plans to achieve a 30 minute percolation rate.

Based on this reported actual soil characteristic information, the site soils would not be classified as Paxton HSG C soils. A review of the NRCS Part 630, National Engineering Handbook, Chapter 7, Hydrologic Soil Groups, Table 7.2, would indicate that the site soils are, in fact, classified as HSG A soils. Accordingly, it is important that a qualified Soil Scientist investigate soils on the site to properly classify them.

Once classified water analysis and design has to be adapted to the actual soil type in order to develop an accurate drainage model. Also, once classified, the stormwater analysis and stormwater management design need to be adapted to accommodate the actual soil types. An accurate stormwater model will require larger impoundment retention and/or infiltration practices, which will likely require a reduction in the number of residential lots for this proposed development. The Board should also note that the practices to reduce phosphorus loading will also be significantly affected by the proper soil classification being used in the design.

II. Phosphorus Loading Analysis Review –

As the Board is aware, the reduction of phosphorus entering the Amawalk Reservoir cannot be overstated. The Amawalk Reservoir is a phosphorus impaired drinking water source of the larger Croton watershed and reservoir system. As a part of the NYSDEC's TMDL reduction requirements, the Town is obligated to reduce its non-point source loads to the Amawalk by 28 pounds per year. Additionally, the Town's MS4 Stormwater Management Plan requires that the Town must minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality, and reduce non-point source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats public safety. (Refer to Minimum Measures four and five of the Town's Stormwater Management Plan.) Further, the Town Code at § 93-6 (A) (2) provides that once a TMD is issued, that no net increase in pollutant loading be the minimum requirement.

The phosphorus loading analysis (PLA) reviewed by our office noted that the export coefficient used in the analysis was the "one-size-fits-all" phosphorus loading coefficient for forested areas that is referenced by the NYSDEC's Stormwater Design Manual. These export coefficients come from a 1992 publication of the NYSDEC that were based on studies of various land-use types in the Mid-Atlantic region. The export coefficients for forests in this 1987 study ("Controlling Urban Runoff: a Practical Manual for Planning and Designing BMPs", Thomas Schueler) came with a caveat that they were being used as a general

planning tool to roughly estimate the natural background storm loadings attributed from undeveloped areas. This publication suggested that export coefficients vary by locations and by geology.

Considering that 75% of the New York City watershed is forested, the NYC DEP in 1996 published a report viewing 195 studies on export coefficients. 49 of those studies involve export coefficients from forested areas and 11 of those forested areas were from New York and Connecticut. From these 11 studies, the NYC DEP determined that a regional export coefficient for forest lands to be 0.0446 pounds per acre per year, which is approximately half of the 1987 Schueler value. The accuracy of this NYC DEP forested land use phosphorus export coefficient verified by the results of a three-year study in a forested area of the Belleayre Mountain in the Catskills that concluded in 2003.

Our office used the phosphorus loading forested land-use value of 0.0446 pounds per acre per year as a more reasonable coefficient for estimating phosphorus loading in the Somers region. It is important to use a regional value rather than a generic state-wide value, especially considering this site which is a promontory land feature of the Amawalk Reservoir.

The following summarizes the results of our review of the estimate of phosphorus loading, using the Simple Method and the information provided regarding equation variables and efficiencies of the selected water practices:

Design Line A – Change in Loading= +1.2151 lbs/ yr;	% change= 66.6% increase
Design Line B – Change in Loading= +1.3796 lbs/ yr;	% change= 65.1% increase
Design Line C – Change in Loading= -0.0161 lbs/ yr;	% change= 1.9% decrease
Design Line D – Change in Loading= -0.2318 lbs/ yr;	% change= 4.3% decrease
Design Line E – Change in Loading= -1.2111 lbs/ yr;	% change= 43.7% increase

OVERALL SITE - Change in Loading= +1.1357 lbs/ yr; % change= 8.8% increase

The above compares to the latest revised August 7, 2015 updated Phosphorus loading Analysis by the Project Engineer indicates an addition of 0.24 pounds per year and a 1.7% increase in phosphorus that is not proposed to be treated and would be directly conveyed into the Amawalk Reservoir.

Additional treatment required a no net increase phosphorus loading which may require a reconfiguration of lots to accommodate treatment practices. As stated earlier, this pollutant loading analysis would also be subject to use of the correct soil characteristics on the site.

III. Issues to be Addressed in the Subdivision's Design –

During our review of the Subdivision Plans, the project's Stormwater Pollution Prevention Plan (SWPPP), project correspondence and engineering reports, we noted the

following issues that must be addressed before the Board might consider final subdivision approval.

1. Replacement of the Tomahawk Road culvert. The existing 12-inch diameter culvert is proposed to be replaced with a 24-inch diameter culvert. The drainage analysis indicates no increase drainage to this existing culvert and it also indicates a rate of flow that could not be accommodated by an existing 12-inch diameter culvert. Tomahawk Road would be flooded and the 12-inch culvert would and the culvert could still not convey the flow indicated in the drainage analysis. The purpose and need for this proposed culvert replacement must be verified. Additionally, and more importantly, an analysis of downstream effects of this replacement must be provided since the proposed culvert replacement will allow over 5 times the amount of flow that could be conveyed through the existing smaller culvert. A review of the effect on downstream properties must be included as a part of this necessary analysis.
2. Choice of Phosphorus Removal Stormwater Treatment Practices. According to the NYSDEC Stormwater Design Manual, Chapter 10: Enhanced Phosphorus Removal Supplement, §10.3.4, Goal 3 indicates that in case of stormwater management storage systems, practices are designed to allow particles to settle out. These storage systems are governed by the depth of the water column and the duration during which the water remains in the basin. In this chapter a minimum depth of 3 feet (above accumulated sediment) in the permanent pool is specified to allow for adequate detention of water in the pond for the particles to settle out. The Subdivision Plans indicate that the permanent pool depth proposed for the Micro Extended Detention Pond is only 0.4 feet. Compliance with this design criteria is required.
3. Unnecessary Removal of Wetland. A small wetland is located in the southwest corner of the property which will be removed for the location of the proposed Stormwater Quality Basin C. Stormwater Ponds should not be installed on wetlands in accordance with Chapter 6.1.1 of the NYSDEC Stormwater Design Manual. Removal of this wetland and its function should be reconsidered by relocating the proposed Stormwater Pond easterly. This may require additional separation between the proposed residence on this lot, but otherwise can be accommodated by the design. Additionally, follow-up information should be provided with regards to the location of NYSDEC wetland adjacent area buffers in this area. Any consideration of a hydrological link of this small wetland to the adjacent regulated wetlands should also be investigated.
4. Temporary Sediment Basins. The Subdivision Plans indicate that future infiltration basins are planned as temporary sediment basins during construction. Section 6.3.6 of the NYSDEC Stormwater Design Manual states that "Infiltration practices shall never serve as a sediment device during site construction phase. In addition, the Erosion and Sediment Control plan for the site clearly indicate how sediment will be prevented from entering an infiltration facility."
5. Additional Infiltration Testing Requirements. Additional soil testing is required at the infiltration practice location in accordance with Appendix D of the NYSDEC Stormwater Design Manual, which includes a discussion of the depth of tests pits,

quantity of test pits and methods for testing. The soil testing is required to be conducted at least 4 feet beneath the facility's bottom.

There is no documentation that this testing has occurred and therefore, especially considering the question on soil characteristics, the use of the infiltration practices has not been substantiated or properly documented in the subdivision plans.

The Board may also note that the requisite testing on the site that is required by the NYC DEP is incomplete, as documented in their letter dated July 30, 2015.

Thank you for the opportunity to submit these comments. I would be pleased to attend your Board meeting to answer any questions that you may have.

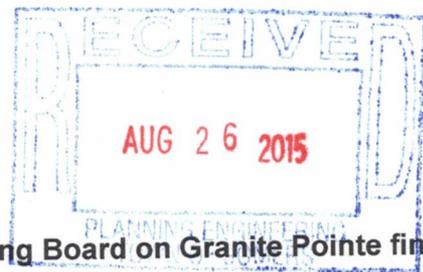


Sincerely,
David Clouser & Associates

David B. Clouser
David B. Clouser, PE, LS
NYS Professional Engineer No. 069334

Cc: Julia Rellou, member of the Environmental and Community Advocates
David K. Gordan, Esq.

August 26, 2015



Written Comment I by Julia Rellou to the Somers Planning Board on Granite Pointe final subdivision proceedings

Summary:

Citizens believe conditional preliminary subdivision approval issued in April, 1998 to the 23-unit Granite Pointe housing subdivision on the 28.8-acre, thickly forested promontory on the public water supply of Amawalk Reservoir has no legal standing and, consequently, that your board's present final subdivision proceedings are not justified to continue.

Planning Board member Eugene Goldenberg stated at your board's July 22, 2015 meeting that 11 years after previous final subdivision approval was rescinded in 2004 [following the previously unaddressed by your board, site's historic use as a recreational shooting range, with such material information raised by the public forcing site testing and confirmation of contaminants *following* your issuance and reissuance of final subdivision approval in 2002 and 2003], "the applicant has **not** earned the right to new final subdivision approval."

It is citizens' belief and conviction that preliminary subdivision approval and your board's present final subdivision review proceedings are without merit on the following grounds, some of which were also documented by citizen Ed Miraglia in written comment he submitted to your board:

- 20+ year old subdivision application submitted in February, 1995
- 18+ year old EIS dated June, 1997
- 17+ year old FEIS and incomplete FEIS Findings Statement issued in February, 1998
- 17+ year old conditional preliminary subdivision approval granted in April, 1998
- Over the past two decades, government agencies at all levels have passed into law new, stringent environmental protection regulations. This holds true for the Town of Somers as reflected in its Town Code.
- Multiple provisions of the Somers Town Code have been and continue to be breached by the Granite Pointe housing subdivision on the forested promontory on the public water supply. Your board has the duty to uphold each and all provisions of Somers Town Code.
- Conditional preliminary subdivision approval of April, 1998 was subject to conditions that were either not fully met or subsequently stricken out by your board as "not applicable."
- Citizens continue to be concerned that conditional preliminary approval more than 17 years old may have been issued under high conflict of interest as, according to multiple persons formerly serving on the Somers Planning Board and Town Board, former Planning Board chair Jean Sherlock, responsible for all actions leading up to and including preliminary subdivision approval, was believed to be a highly conflicted person in Granite Pointe project review.

- Public hearings at the time prior approvals were being granted were waived at the applicant's request by the former town engineer at. Involved citizens had no awareness of preliminary subdivision approval granted to Granite Pointe.
- Contrary to statements made at the July 22, 2015 board meeting by board consultant engineer Joe Barbagallo of Woodard & Curran, **preliminary subdivision approval based on incomplete project review, improbable statements, lack of public awareness, and approvals that may have been granted under conflict of interest have collectively not earned the right for the Granite Pointe applicant to new final subdivision approval.**

Given the critical significance of the forested peninsula of Amawalk Reservoir—Granite Pointe site—to citizens; to the local and regional environment; to ecologically vital “edge effects” and interdependencies between forest and freshwater ecosystems; to plant and animal life, including the federally protected Bald Eagle multiply sighted over the Granite Pointe forested promontory across the seasons; to the drinking water supply; to scenic vistas; and to local character and quality of life,

On behalf of citizens and the environment, I remind your board of your individual and joint fiduciary duty to citizens and the environment. I remind your board of your individual and joint fiduciary duty to uphold the Code of the Town of Somers, whose provisions have been breached by the Granite Pointe applicant and by your board. Your board must fulfill your fiduciary duty to citizens, the environment, and Town Code by DENYING final subdivision approval to the Granite Pointe housing subdivision on the forested promontory on the public water supply.

Julia Rellou
Citizen Advocate for the Environment

August 26, 2015

Written Comment II by Julia Rellou to the Somers Planning Board on Granite Pointe final subdivision proceedings

Summary:

1. *The proposed Granite Pointe housing subdivision on the public water supply must be held to the highest NYCDEP water mark for Amawalk Reservoir, 411.0 feet above sea level.*
2. *Flooding of the Granite Pointe site, if built, and polluted stormwater effluent into the reservoir on all three sides of the promontory are high-probability events in the likely recurrence of a 100-year storm event. Such high probability events are corroborated by the extremely shallow depth to groundwater witnessed in photographs of percolation test pits taken in June, 2015 showing groundwater was reached at only 10 to 12 feet below ground.*

The Granite Pointe applicant uses a distance of as little as 90 feet in calculating NYCDEP limiting distance to project boundaries on all three sides of the forested promontory of Amawalk Reservoir, site of the applicant's proposed 23-unit housing subdivision known as "Granite Pointe."

The strength and magnitude of destruction of Hurricane Sandy we have witnessed, and the increasing frequency and intensity of high-impact storms affecting our region and immediate area, make it very likely a 100-year storm event will occur with Amawalk Reservoir water levels rising above the spillover level due to strong wind and wave action. A 100-year storm event may place built structures of the proposed Granite Pointe housing subdivision site under water. No engineering mitigant will be able to avoid such natural disaster. Such 100-year storm event will be compounded by the excessive deforestation of converting a densely forested promontory on the public water supply to a housing subdivision and the addition of septic systems and other subsurface structures that will lead to massive soil erosion and open the floodgates of the Granite Pointe site in the event of a 100-year storm.

The water mark used by this project, from which the NYCDEP (DEP) limiting distance is calculated to begin, must be compared to **the DEP maximum/spillover level for Amawalk Reservoir, confirmed with the DEP Amawalk Reservoir supervisor to be 399.55 feet above sea level.** This level is contained in information provided by DEP as stated below.

DEP Watershed Rules & Regulations (WRR) Section 18-16 defines Limiting Distance from the spillway elevation as follows:

*DEP WRR Section 18-16 (67) **Limiting distance** means the shortest horizontal distance from the nearest point of a structure or object to the edge, margin or steep bank forming the ordinary high water mark of a watercourse, wetland, reservoir, reservoir stem or controlled lake or to the contour line coinciding with the reservoir spillway elevation.*

The DEP limiting distance must begin at a minimum from the spillway level and not from a shallower water level the applicant is using to bring his project out toward the water. However, even such spillway elevation level does not take into account powerful wind action forcing wave action high above the spillway level during extreme weather events we have witnessed and which make a 100-year storm event likely.

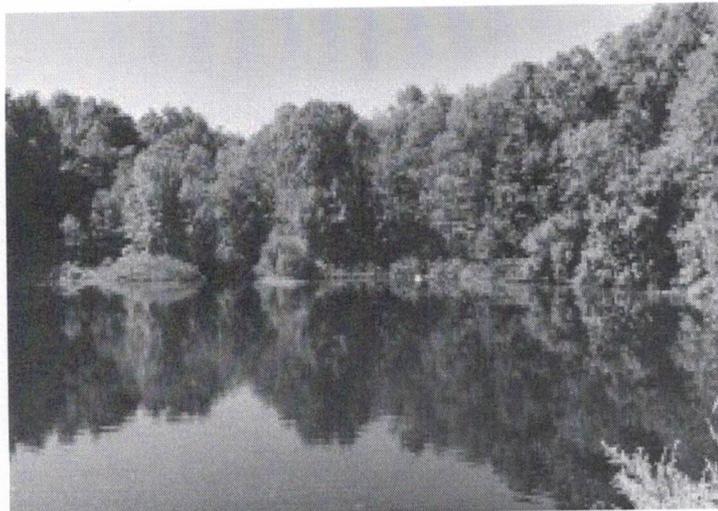
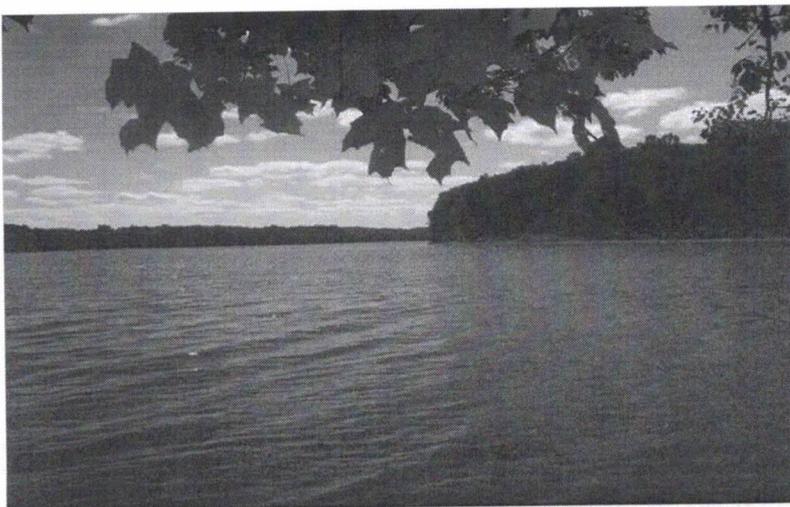
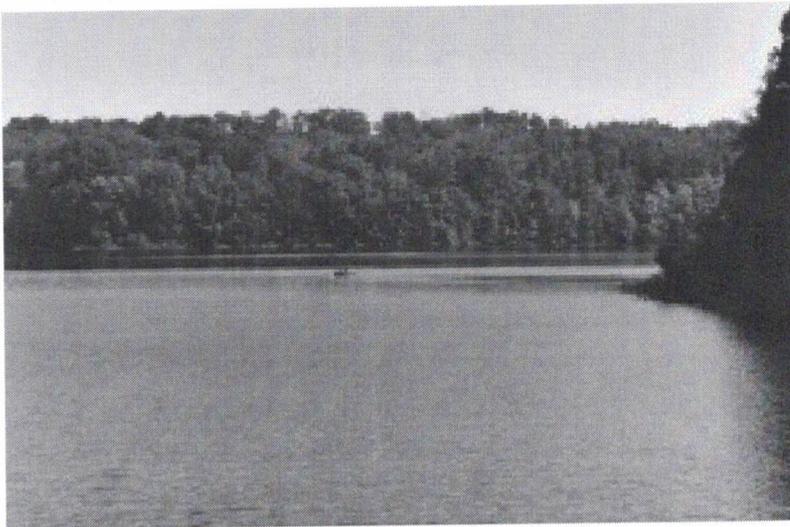
Further according to the DEP supervisor for Amawalk Reservoir, **the Amawalk Reservoir dam crest level is 411.0 feet above sea level. The Granite Pointe housing subdivision project**, which seeks final approval nearly three decades following its original application [rendered null and void by former DEP legal action against the Town of Somers], **must be held not just to the spillover level, but to the dam crest level.** As above noted, the spillover level denotes a calm water surface. When the next catastrophic storm or 100-year event hits the banks of Amawalk Reservoir, water levels will rise high above the calm spillover level and possibly even higher than the dam crest level of 411.0 feet above sea

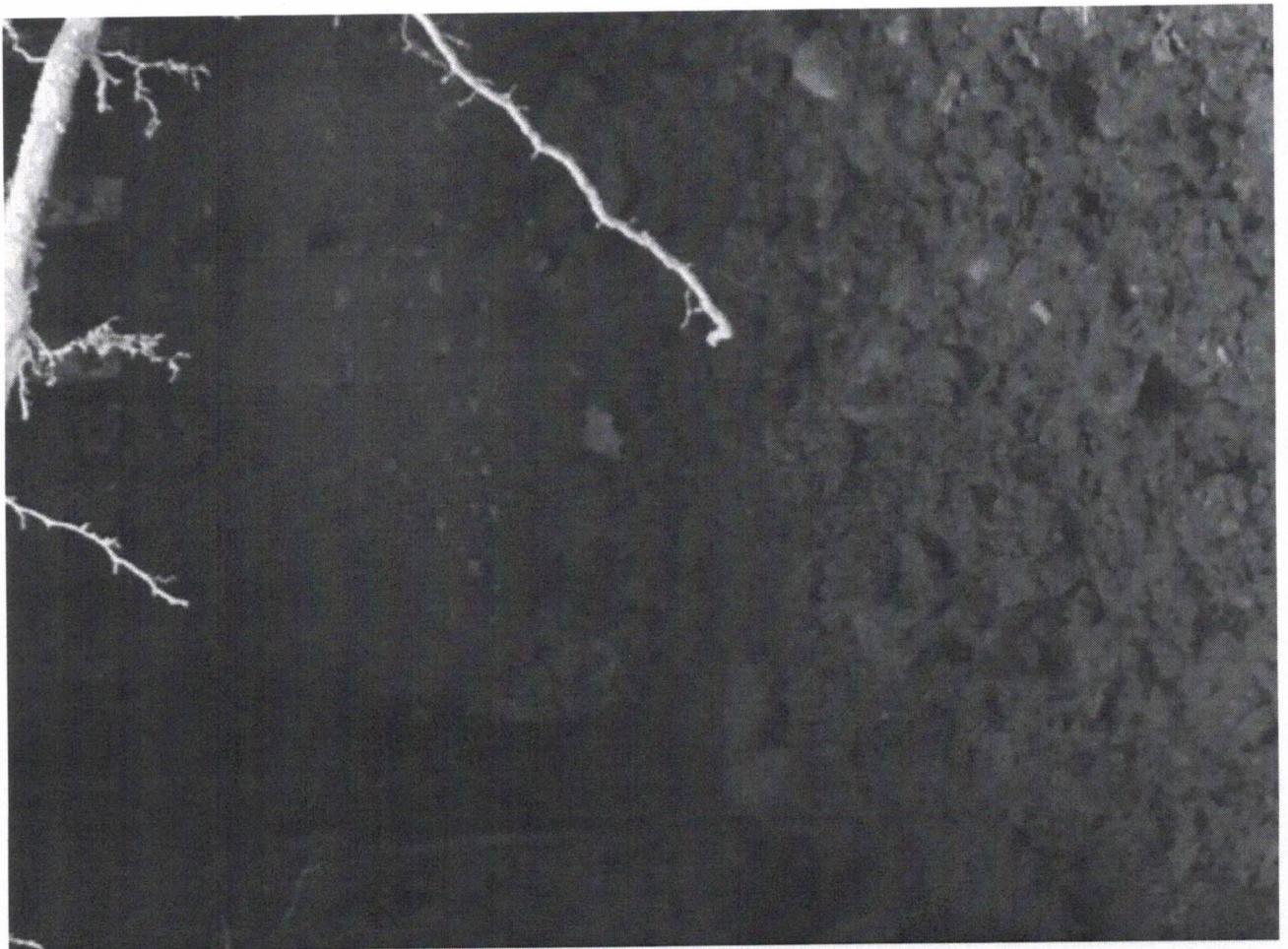
level. The Granite Pointe project must be held to the highest DEP water mark for Amawalk Reservoir, 411.0 feet above sea level.

If the Granite Pointe project is not using, at the minimum, the spillway elevation level as the beginning point of the DEP limiting distance, the Granite Pointe project is in direct violation of DEP Watershed Rules & Regulations.

Flooding of the Granite Pointe site, if built, and polluted stormwater effluent into the reservoir on all three sides of the promontory are high-probability events in the likely recurrence of a 100-year storm event, corroborated by the extremely shallow depth to groundwater witnessed in photographs of test pits taken in June, 2015 showing groundwater was reached at only 10 to 12 feet below ground. Such photographs of multiple shallow test pits, taken in the presence of the NYSDEC project manager, are shown on pages three through six below, in addition to photographs immediately following of the panoramic, thickly forested promontory and Amawalk Reservoir.

Julia Rellou
Citizen Advocate for the Environment



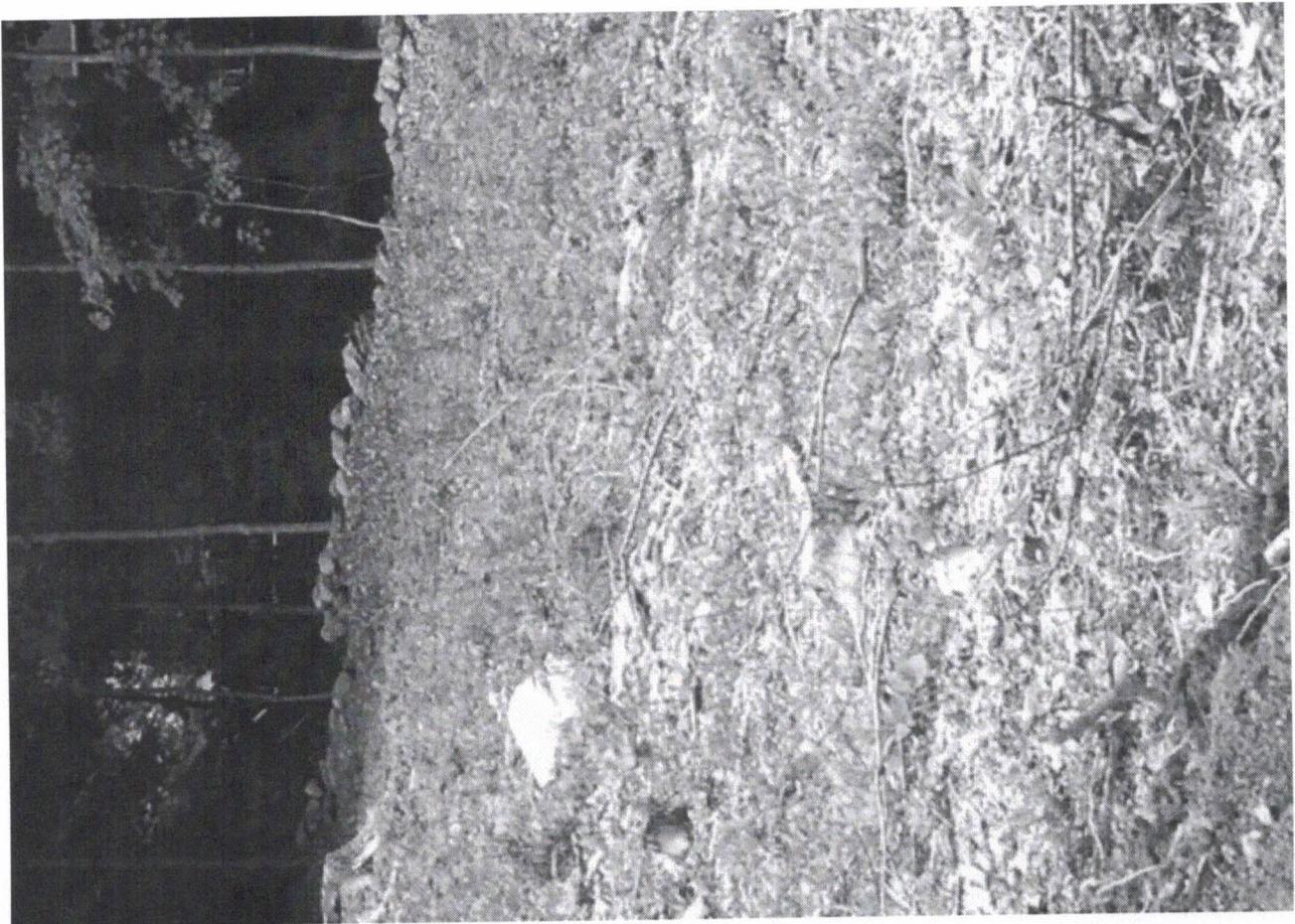




Additional Photographs showing Granite Pointe site proximity and downward slope to Amawalk Reservoir



Additional Photographs showing Granite Pointe site proximity and downward slope to Amawalk Reservoir



August 26, 2015

Written Comment III by Julia Rellou to the Somers Planning Board on Granite Pointe final subdivision proceedings

Summary:

This written comment serves to update my letter to your board of August 13, 2015.

Environmental and Community Advocates representing Somers, Westchester, and NYS citizens/taxpayers, as well as justice for the environment, expect Planning Board member Dennis McNamara to recuse himself from all further involvement, board member discussion, and vote on Granite Pointe.

Recently returned to the Planning Board member Dennis McNamara ought to have ethically recused himself at board meetings from discussion and vote on Granite Pointe. Mr. McNamara should ethically recuse himself from further involvement, board member discussion, and vote on Granite Pointe on the following grounds:

- Dennis McNamara was a member of the 1997 – 1998 Somers Planning Board that saw Granite Pointe through incomplete FEIS “completion” and conditional preliminary subdivision approval issued under questionable circumstances.
- Mr. McNamara promulgated the incomplete EIS of June 1997.
- Mr. McNamara voted “yes” to the incomplete and improbably worded SEQRA Findings Statement of February 1998.
- Mr. McNamara voted “yes” to the incomplete and unfulfilled “conditional” preliminary approval of April 1998, whose conditions were subsequently either not fully met by the applicant or stricken out by board chair Jean Sherlock and Dennis McNamara.
- **Through his actions, Mr. McNamara has proven to the public and the independent members of your board that he displays bias in his review of Granite Pointe.**
- Through his actions, and joined by Planning Board chair John Currie, Messrs. Currie and McNamara seek to exert influence on independent board members to render decisions that directly harm the public interest and environmental and public health.
- Environmental and Community Advocates and citizens and justice everywhere expect Planning Board member Dennis McNamara to recuse himself from all further involvement, board member discussion, and vote on Granite Pointe.

Julia Rellou
Citizen Advocate for the Environment

Addendum:

The following two quotes by Dr. Martin Luther King, Jr. are thought to be relevant to your board’s deliberations on final subdivision proceedings for the Granite Pointe housing subdivision on the forested promontory on the public water supply:

“Injustice anywhere is a threat to justice everywhere.”

“The arc of the moral universe is long, but it bends towards justice.”

Marilyn Murphy

From: Edward Miraglia <edmiraglia@optonline.net>
Sent: Monday, August 17, 2015 6:09 PM
To: Marilyn Murphy; Wendy Getting
Subject: Written Comment to Granite Pointe Final Subdivision

Marilyn and Wendy,

Please forward the attached letter to Planning Board members. Thank you August 16, 2015

Members of the Somers Planning Board:

At the July 22, 2015 Planning Board meeting, board member Gene Goldenberg correctly informed your board that 11 years later, since previous final subdivision approval was rescinded in 2004, the applicant has not earned the right to new final subdivision approval.

CITIZENS CONCUR WITH PLANNING BOARD MEMBER GENE GOLDENBERG.

PRELIMINARY APPROVAL OF THE GRANITE POINTE HOUSING SUBDIVISION ON THE FORESTED PROMONTORY OF AMAWALK RESERVOIR HAS NO STANDING ON THESE GROUNDS THAT WILL STAND UP IN COURT:

- A 20-year old subdivision application
- An 18-Year Old EIS
- A 17-Year Old FEIS and intentionally false FEIS Findings Statement
- Intentionally false Negative Declaration of environmental impact
- Critical public hearings when prior approvals were being granted were waived by the former town engineer at applicant's request. The public did not participate in and had no awareness of prior project approvals granted to Granite Pointe.
- Preliminary approval issued under extreme conflict of interest and without public participation has no standing and must be vacated.
- The public hereby declares that PRELIMINARY APPROVAL OF THE GRANITE

POINTE HOUSING SUBDIVISION ON THE FORESTED PROMONTORY OF AMAWALK RESERVOIR HAS NO STANDING GIVEN THE ABOVE GROUNDS THAT WILL STAND UP IN COURT.

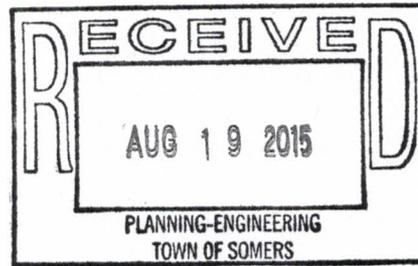
Ed Miraglia

Gwynne Drive

Granite Springs, Somers

Written comment on the Granite Pointe Final Subdivision Public Hearing by Diane Houslanger on behalf of The Residents of Gwynne Drive, Granite Springs, Somers

August 19, 2015



Dear Members of the Somers Planning Board:

On behalf of all Residents of Gwynne Drive, Granite Springs, Somers, I submit written comment to the Granite Pointe Final Subdivision Public Hearing. Our collective comment is on an issue previously raised by citizens to your board, an issue your board (Fedora DeLucia and other board members) pledged on the record to diligently examine, yet remaining unaddressed to this day even as your board moved to close the public hearing and aims to vote on final subdivision approval at your next meeting: A visibility impact analysis with photo simulation is missing from the Granite Pointe file and should be required of the applicant for submission before final subdivision proceedings can continue.

The visible impact of replacing the 29-acre panoramic, thickly forested promontory on the drinking water reservoir with a 23-unit housing subdivision is a major, unmitigated concern for the people of Somers.

Based on citizens' extensive review of the Granite Pointe file and input that we have received from several experts, including former Planning Board members and former Planning Office employees, it is the citizens' firm belief that a thorough visibility impact analysis with photo simulation was not undertaken as part of the Granite Pointe housing project's Final Environmental Impact Statement (EIS) approved in 1998.

The forested promontory known as "Granite Pointe" is an important scenic public asset prominently seen from Route 202, Route 118, and Lake Drive. As your board should not need a reminder, the forested promontory's scenic significance is in addition to its significance for the public drinking water supply, public health, and environmental health. Loss of the densely forested promontory to a housing subdivision will permanently destroy this important scenic asset for the people of Somers and all others driving through our area. It will be a permanent loss to the character of Somers, our quality of life in this town, and the environment that supports our lives.

A thorough, credible visibility impact analysis with photo simulation was not undertaken in 1997 as part of the project's 18-year old, outdated EIS, nor was it undertaken as part of the FEIS approved in 1998, nor was it undertaken as part of SEIS scoping parameters determined in 2004, nor was it undertaken as part of the FSEIS approved in 2013 that narrowly focused solely on the lead discovery and its remediation.

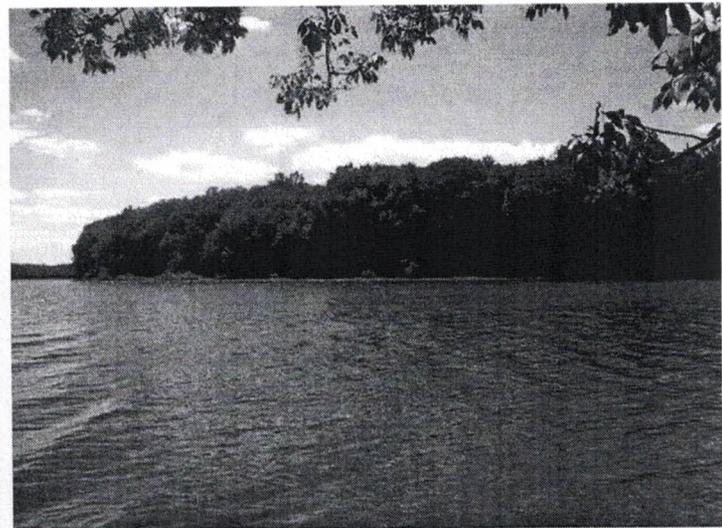
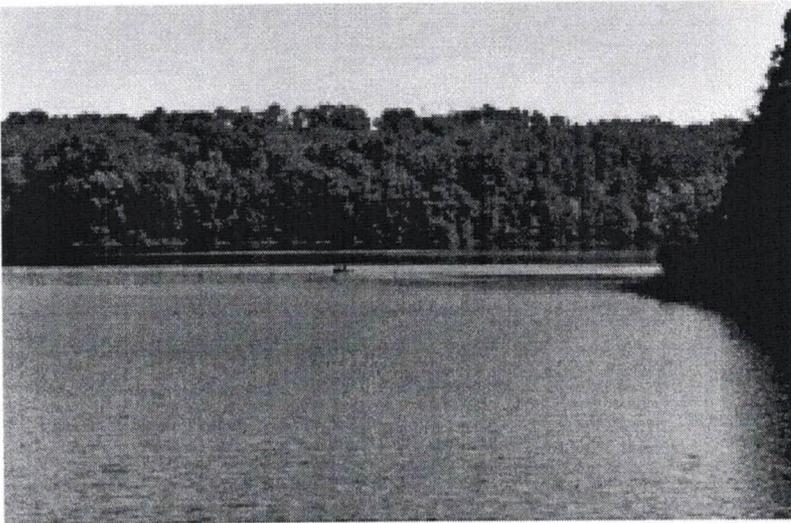
You board will be held accountable to this material fact relative to the project's past history and approvals: The Granite Pointe project, as originally reviewed under the FEIS of 1998, has changed markedly due to its admission into the Brownfield Cleanup Program (BCP). BCP

parameters require far greater tree removal than originally considered under the 1998 FEIS (the FEIS that had neither examined the site's historic use nor required site testing for contaminants, until the public brought this information to your board in 2003, and until public outcry resulted in your board's rescission of prior final subdivision approval in 2004 – at a time when the housing subdivision was expected by your board to have broken ground). The above facts constitute grounds for an updated visibility impact analysis with photo simulation to be required of the Granite Pointe applicant to conduct and submit, before your board continues final subdivision proceedings.

As the number of trees to be removed and the area of clearing due to BCP remedial activities will be substantial—five acres on the Granite Pointe site and two acres on the NYCDEP buffer for a total of seven acres of forest to be lost to remedial action,—and as this material information was not incorporated either in the 1997 EIS and 1998 FEIS Findings Statement, or in 2004 SEIS scoping parameters and the 2013 FSEIS, the Planning Board needs to require an in-depth examination and photo simulation of all visual impacts of the Granite Pointe housing subdivision on the public water supply to determine visual impacts to i) the scenic vistas of the Granite Pointe forested promontory and Amawalk Reservoir, ii) Somers' character and quality of life, and iii) the thousands who drive daily along Route 202, Route 118, and Lake Drive, who would be exposed to the Granite Pointe project's visual impact if the loss of this major scenic, drinking water, public health, and environmental public resource is allowed to proceed.

On behalf of The Residents of Gwynne Drive

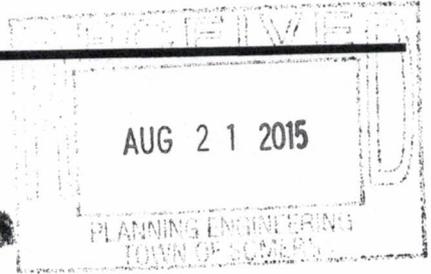
*Diane Houslanger
Gwynne Drive, Granite Springs
Somers*



C-PB - CTE- TP- FPC - Appellant

Marilyn Murphy

From: Ruth Rosenberg <rosenberg_ruth@yahoo.com>
Sent: Friday, August 21, 2015 12:58 PM
To: Marilyn Murphy
Subject: Granite Pointe Development



872.

Dear Ms. Murphy,

I have been a resident in Somers for 40 years, residing at Cardinal Way, near the proposed Granite Pointe luxury development.

I wish to cast my vote AGAINST any development along the Amawalk Reservoir. Not only is this a beautiful, scenic area and a tribute to our town, but the reservoir supplies drinking water to New York City. I was always under the impression that the reservoir was immune to development and that the land was "sacred!"

I do not know how this situation changed so that now trees were felled, the shoreline became ruined, and our town is losing a beautiful asset. For all that it is worth, I cast a big vote AGAINST all development on any part of the lovely Amawalk Reservoir.

Yours truly,
Ruth Rosenberg

Marilyn Murphy

From: Marc Houslanger <marchouslanger@gmail.com>
Sent: Wednesday, September 02, 2015 3:47 PM
To: Marilyn Murphy; Wendy Getting
Cc: Diane
Subject: Letter to Planning Board regarding September 9 Granite Pointe proceedings

Marilyn and Wendy,

Please forward the letter below to Planning Board members. Thank you.

Members of the Somers Planning Board,

As the attached photographs show, taken yesterday, September 1, at 3:45 pm, the sign posted at the Granite Pointe site has not been updated to notify the public of the scheduled September 9 public hearing. Accordingly, the Granite Pointe proposed housing development on the forested promontory on the drinking water supply has failed to meet SEQRA requirements of providing the public with a minimum ten (10) days' public posting requirement ahead of a scheduled public hearing. The September 9 public hearing therefore needs to be cancelled and rescheduled with adequate public notice afforded the public.

Furthermore, the individual who posted the sign, ostensibly a representative of BIBBO Associates, chose to post it behind a tree branch to minimize visibility by the public. Such unacceptable, anti-public practices that continue unchanged from the Granite Pointe project's past need to end here and now. The sign that will notify the public of the new public hearing date needs to be posted for maximum visibility by the public.

Since the public hearing needs to be rescheduled, it is important for all experts whose services are engaged by the public not to have to make two lengthy and costly trips to the Somers Town Hall, one to attend and participate in final subdivision proceedings scheduled for September 9, and the other to attend and speak at the wetlands public hearing at its rescheduled date. The need to hold both, back-to-back discussions on Granite Pointe on the same evening also applies to citizens. As a courtesy, the board should reschedule both Granite Pointe agenda items to be heard on the same evening to avoid duplicate, lengthy, and costly trips by experts and inconvenience to citizens.

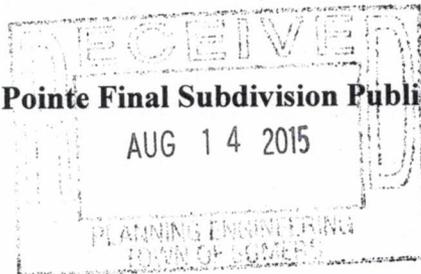
We and our neighbors await notification of a future date, at which both Granite Pointe matters will be heard back to back.

Thank you.

Marc and Diane Houslanger
5 Gwynne Drive
Granite Springs, Somers

Sent from my iPad

Written comment by Marc Houslanger to Granite Pointe Final Subdivision Public Hearing



August 14, 2015

To the Somers Planning Board:

863.

I am submitting written comment to the Granite Pointe Final Subdivision Public Hearing. On behalf of the residents of Gwynne Drive, all Somers residents, all Westchester residents, and all NYS taxpayers, all of us, Environmental and Community Advocates selflessly serving the public interest, urge each of you to vote against final subdivision approval to Granite Pointe.

Your board must not seek to approve "conditional" final subdivision approval, when serious evidence and information the public has submitted to your board clearly prove that conditions to such approval are **not** currently met and may **not** ever be met proforma.

It will amount to an unjustified decision by your board, without legal standing, to issue "conditional" final approval on the assumption that conditions will *somehow* be met: that the site will be remediated, that stormwater permits will be granted by NYCDEP, and that septic permits will be granted by WCDOH. Such assumptions are presently invalid in the face of evidence and material new information the public has submitted to your board:

1. NYSDEC issued a Notice of Violation to applicant on 6/24/2015 in response to serious breaches of the BCP Agreement involving unauthorized disturbance by applicant of the BCP site, spreading contaminants to previously uncontaminated areas and endangering public health;
2. Further to the Notice of Violation, NYSDEC issued an Order on Consent to applicant on 7/8/2015. **The Order on Consent served on the applicant on 7/8/15 has not been signed and accepted by the applicant as of this day, 8/14/2015, more than one month later.** This signifies the applicant has not agreed as of this day to be subjected to fines, additional testing of newly disturbed areas, and other requirements of the Order on Consent if Granite Pointe is to remain in the Brownfields Cleanup Program. Consequently, as of this day, serious breaches of the BCP Agreement remain unaddressed;
3. Granite Pointe is substantially behind the schedule of completion stipulated in the BCP Agreement;
4. In the Notice of Violation issued to applicant, NYSDEC warned that it might **remove the applicant/volunteer from the Brownfields Cleanup Program.** As of this day, 8/14/2015, the Granite Pointe project remains at risk of removal from the BCP. Clearly, if such threat materializes, there cannot be site remediation by the applicant, and your board's issuance of final approval on the condition of site remediation will have been premature, unjustified, plainly irresponsible, and outright negligent.
5. Furthermore, on 8/12/15 the public received the following statement from NYSDEC:
"Suelain [or other builder] cannot build on or develop the site until remediation has been completed, whether they have the Town's approval or not."

Also according to NYSDEC, it would take well over one year for site remediation to be completed. It would be irrational and irresponsible for your board to currently approve conditional final subdivision approval, conditioned among others on site remediation, when such condition could not be satisfied until long into the future.

6. Photographs taken in early June 2015 of percolation test pits dug by applicant, in unauthorized site disturbance and spreading of contaminants vertically and horizontally to previously uncontaminated areas, prove that groundwater was reached at extremely shallow depth levels of only 10-12 feet. NYCDEP and WCDOH officials would be unjustified and subject to prosecution within their agencies and by a court of law to approve stormwater and septic permits in the face of such extremely shallow groundwater levels.

By seeking to influence independent members of your board to grant “conditional” final subdivision approval to Granite Pointe, Messrs. Currie and McNamara and now the majority on your board are displaying a stunning and disregard for public and environmental health and the public interest. You are knowingly breaching the public trust, imperiling public health, and taking away public assets. You are knowingly destroying critical ecological resources, a dense forest providing natural and highest filtration services to the drinking water supply surrounding the Granite Pointe site. You are violating multiple provisions of the Somers Town Code. Your collective duty to serve as stewards of Somers’ physical and natural environment and livable future amounts to negligent conduct.

Somers Planning Board: The public record will speak for itself in a court of law: Serious new evidence and material new information the public has submitted to your board clearly prove that conditions to final subdivision approval cannot currently be met and may not ever be met proforma by the Granite Pointe housing subdivision on the public drinking water supply.

Marc Houslanger
Gwynne Drive, Somers

Wendy Getting

From: Julia Rellou <juliarellou@optonline.net>
Sent: Thursday, August 13, 2015 12:07 PM
To: Marilyn Murphy; Wendy Getting
Cc: 'David Clouser'; dgordonlaw@optonline.net; marianr451@optonline.net;
marchouslanger@gmail.com
Subject: Granite Pointe Final Subdivision Public Hearing

Somers Planning Board:

The following constitutes my written comment to the Granite Pointe Final Subdivision Public Hearing:

Environmental and Community Advocates and the public at large deem the motion made at your board's meeting yesterday, by Planning Board member Dennis McNamara, to close the Granite Pointe Final Subdivision Public Hearing and to allot the public and the public's experts only 14 days to submit written comment, NULL and VOID.

Recently returned to the Planning Board member Dennis McNamara ought to have ethically recused himself at yesterday's and prior board meetings from discussion and vote on Granite Pointe, and needs to ethically recuse himself from further board discussion and vote on Granite Pointe on the following grounds:

- Dennis McNamara was a member of the 1997 – 1998 Somers Planning Board that saw Granite Pointe through incomplete and false FEIS "completion" and conditional preliminary subdivision approval issued under conflict of interest, questionable circumstances, conditions subsequently unmet or stricken out, and improbable and outright false statements and documents.
- Mr. McNamara shepherded along the incomplete EIS of June 1997.
- Mr. McNamara voted "yes" to the improbable and intentionally false Negative Declaration of environmental impact.
- Mr. McNamara voted "yes" to the incomplete, improbable, and false SEQRA Findings Statement of February 1998.
- Mr. McNamara voted "yes" to the incomplete and unfulfilled "conditional" preliminary approval of April 1998, whose conditions were subsequently either not met by the applicant or stricken out by Jean Sherlock and Dennis McNamara.
- **Through his actions, Mr. McNamara has proven to the public and the independent members of your board that he is biased and conflicted on Granite Pointe.**
- Through his actions, and joined by Planning Board chair John Currie, Messrs. Currie and McNamara seek to exert influence on independent board members and to cause you to repeat the wrongdoings of Jean Sherlock, Dennis McNamara, and their 1997-1998 board.
- Mr. McNamara has only one ethical action to take: to recuse himself from all further board discussion and vote on Granite Pointe.
- Your board has only one ethical action to take: to rescind the motion made by Dennis McNamara at yesterday's board meeting to close the Granite Pointe Final Subdivision Public Hearing and to allot the public's experts only 14 days to submit expert written comment on a matter of voluminous record and incalculable, permanent cost to the environment and society.
- Should legal action on behalf of the public become necessary in this matter, the court will be asked to invalidate your board's Granite Pointe proceedings furthered by a biased and conflicted board member, Dennis McNamara.

- Environmental and Community Advocates and citizens at large ask your board to rescind Mr. McNamara's subject motion made at yesterday's board meeting and to continue the Granite Pointe Final Subdivision Public Hearing on September 9, 2015, with Mr. McNamara recusing himself from all further board discussion and vote on Granite Pointe.

Julia Rellou



C-
P/B/T/E
C/P
T/P

August 24, 2015

Emily Lloyd
Commissioner

Mr. Jeffery J. Contelmo, P.E.
Insite Engineering, Surveying & Landscape Architecture, P.C.
3 Garrett Place
Carmel, NY 10512

Paul V. Rush, P.E.
Deputy Commissioner
prush@dep.nyc.gov

Re: Somers Realty Phase 3; Stormwater Pollution Prevention Plan
Clayton Boulevard & US Route 6;
(T) Somers; Westchester County; New York
DEP Log #2004-AM-0415-SP.3

465 Columbus Ave.
Valhalla, New York 10595

Tel. (845) 340-7800
Fax (845) 334-7175

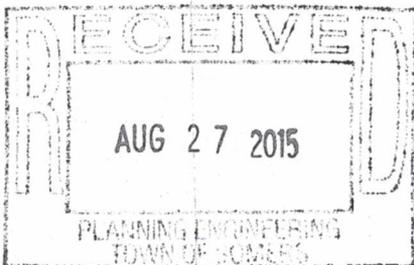
Dear Mr. Contelmo:

The application for the above-referenced project received by this department on August 13, 2015 was deemed complete on August 24, 2015. The department has commenced review and will notify you by October 8, 2015 of its determination.

If the department fails to notify you within the above referenced time frame, you may notify the Department of its failure by certified mail, return receipt requested. The notice should be sent to my attention at the address below. This notice must include your name, the location of the project, the office with which you filed the application originally, and a statement that a decision is sought in accordance with §18-23(d) (6) of the Rules and Regulations. If the Department fails to notify you within 10 days of the receipt of the notice, your application will be deemed approved, subject to standard terms and conditions as set forth in the regulations. If you have any questions, please contact the undersigned at (914) 742-2014.

Sincerely,

Mariyam Zachariah
Associate Project Manager
Stormwater Programs



875.

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

MEMORANDUM

TO: Town of Somers Planning Board
FROM: Syrette Dym, Director of Planning
DATE: August 27, 2015
RE: Comments on Town Board Referral of Proposed Elimination of Section 170-70.L of Somers Town Code Relative to Accessory Apartments

As indicated in the EAF Part 1 Narrative, the intent of the proposed action is to delete a section of the Somers Town Code regarding conditions for filing Accessory Apartment Special Exception Use Permits with the Westchester County Division of Land Records. Based on input from the Division of Land Records, the Town was informed that no other municipality in the County requires filing of such special exception use permits and that, in addition, neither the Division of Land Records nor any other County Department enforces the requirements of the Town's condition in Section 170-70.L. The EAF Narrative goes on to explain why deleting Section L will have no significant effect on the environment.

The Town Board referred this item to the Planning Board at its meeting of August 20, 2015 to receive Planning Board input on the proposed code change. After reviewing Section 170-70L and all the associated existing sections, the only potential comment I would make for consideration by the Planning Board is whether the following language in Section "L", which does not currently appear in any of the other section conditions, should be added as a last item in the condition list. Although not necessary, should this specific language be wanted, it could relate only to the permit to be issued by the Zoning Board of Appeals. For example, language could be:

New "O" or "P" - "Each Special Exception Use Permit shall list all applicable conditions and the term of the permit and will become null and void if any conditions are not complied with, as determined by the Building Inspector".

Otherwise, the Board's recommendation would be based on just proposed deletion of section "L".

Z:\PE\ZBA\Planner Comments 08-27-15.docx

TEL:914-277-3323
FAX:914-277-3960

TOWN CLERK'S OFFICE

Town House
335 Route 202
Somers, N.Y. 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

KATHLEEN R. PACELLA
TOWN CLERK

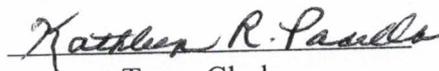


RESOLUTION

RESOLVED, that the Town Board does hereby refer a proposed Accessory Apartment Code change to Chapter 170 Zoning Article XII Special Exception Uses in Residence District §170-70 Accessory Apartments Letter L to Westchester County Planning and the Planning Board and to have the Town Planner prepare a Short Form EAF per memo dated July 14, 2015 from the Zoning Board of Appeals

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Combined Work Session/Regular Meeting held on August 20, 2015.

Dated: August 24, 2015


Town Clerk

Cc: Supervisor
Director of Finance
Westchester County Planning
Planning Board
Director of Planning

TEL:914-277-3323
FAX:914-277-3960

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Town House
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WESTCHESTER COUNTY, N.Y.

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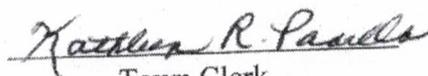


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Dated: August 24, 2015


Town Clerk

Cc: Supervisor
Director of Finance
Westchester County Planning
Planning Board
Director of Planning

Westchester County Planning Board Planning and Zoning Action Referral Form

Referral Name: Somers Zoning Board of Appeals

Westchester County Planning Board comments due by:

Address: Route 202, Somers, NY

Municipality: Town of Somers

Local Case Number: _____

Zip code of location of the action: 10589

Local Meeting Date: _____

Section: _____ Block: _____ Lot: _____

Public Hearing: Yes No

Referring Agency:

City Council

Town/Village Board

Planning Board/Commission

Zoning Board

Other: _____

General Land Use Classification: _____

Type of Action

- New
- Expansion
- Modification

SEQR Action

- | | | |
|--------------------------------------|------------------------------------|---|
| <input type="checkbox"/> EAF | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Positive Declaration |
| <input type="checkbox"/> Lead Agency | <input type="checkbox"/> Final EIS | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Draft Scope | <input type="checkbox"/> Findings | |

Referral Description: A Supervisor from the Westchester County Division of Land Records inquired as to why we have this requirement (see attached) as we are the only community in the County that does so. Additionally, this is not something their department, nor any other enforces. Since this is not mandated, the Zoning Board of Appeals respectfully requests that you consider eliminating this from the Code of the Town of Somers as it appears to not be necessary. Under Chapter 170.Zoning Section 170-70 Accessory Apartments we would like to remove letter L. from the Code

Referral Trigger (Type of Action)*

Please check appropriate box for actions involving **more than 5,000 square feet of new or renovated floor area OR 10,000 square feet of total land disturbance**. If this action involves less floor area or land disturbance, please use a "notification only" form to reduce paperwork/waste.

- Special Use Permit or Use Variance**
- Subdivision Plat** (Only when a new street will connect directly into a **state or county** road or a new drainage line will connect directly into a **county** drainage channel)
- Zoning Ordinance or Map** (Adoption or Amendment)
- Moratoriums**

- Comprehensive Plan** (Adoption or Amendment)
- Official Map** (Adoption or Amendment)
- Site Plan** (please circle the condition)
Affecting property within 500 feet of:
- A municipal boundary;
 - The boundary of an existing or proposed **state or county** park or any other **state/county** recreation area;
 - The right-of-way of an existing or proposed **state or county** road;
 - An existing or proposed **county** drainage channel line;
 - The boundary of **state or county**-owned land on which a public building/ institution is located;
 - The boundary of a farm located in an agricultural district.

Contact Information

Local Contact Name: Syrette Dym - Town Planner

Department/Agency: Somers Planning Board

Phone Number: (914) 277-5366 Email Address: sdym@somersny.com

Please provide notice at least **10 days** prior to any hearing (**30 days** in advance for site plans) with supporting documentation (including an EAF) and return address to:

Municipal Referrals
Westchester County Department of Planning
148 Martine Avenue, Room 432
White Plains, NY 10601-3311

Note: You may fax this sheet to (914) 995-3780, in order to start the referral process. Please send all supporting documentation within one business day of sending the fax.

* Note: This list is provided as a convenience. Please check General Municipal Law and the Westchester County Code to be certain which actions to refer.
<http://www.co.westchester.ny.us/planning/regionalplan/Referral%20Form.pdf> Prepared by Westchester County Department of Planning—March 2008