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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

John Currie, Chairman
Fedora DeLucia
Christopher Foley
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

SOMERS PLANNING BOARD
AGENDA
JANUARY 28, 2015
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for December 10, 2014.

CONTINUATION OF PUBLIC HEARING

1. **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.

PUBLIC HEARING

2. **AVALONBAY SOMERS [TM: 4.20-1-13,14,15, p/o 12]**
   Application for Site Plan Approval, Steep Slopes, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits for AvalonBay Communities, Inc. for the construction of 152 residential units within 17 buildings with 23 affordable units on 45.1 acres. Also proposed is a community recreation building, pool and 324 parking spaces. Property is located on the south side of Route 6 and Clayton Blvd. and east of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District.

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 Home Owners Association.
   Review of the Negative Declaration

Next Planning Board Meeting is Wednesday February 11, 2015
Agenda information is also available at www.somersny.com

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Steven Woelfle
Principal Engineering Technician
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Syrette Dym, AICP
Director of Planning
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: January 13, 2015

RE: Somers Realty Planned Hamlet Master Plan Preliminary Subdivision Application#3

Somers Realty Corporation – Planned Hamlet Zone Phase 3 Subdivision Preliminary Subdivision Approval

The original proposed action consisted of the following components and those that have since changed are highlighted:

1. *Proposed Amendment to the Somers Realty Planned Hamlet Master Plan pursuant to the Somers Zoning Code Planned Hamlet PH District Section 170-23.3 Approval process which states that: "The site plan required for each proposed development within a PH district shall be consistent with the approved site master plan. The site master plan may be amended only with the approval of the Planning Board."*

   The proposed amendments were initially indicated to include the following items, the first of which was identified in the application cover letter of June 9, 2014 from McCullough, Goldberger & Staudt LLP. That letter indicates that the subdivision plan is consistent with the approved Master Plan but then goes on to identify minor changes that include the following: (1) shortening of proposed Town Road B; (2) consolidation of AvalonBay site plan resulting in excess material due to imbalance of cut and fill and need for additional export from the site in addition to stockpiled material from construction of Clayton Boulevard

associated with the Mews I and 2; (3) additional area required for stormwater management facilities and associated minor disturbance outside of the designated Clearing and Grading Limit Line in area adjacent to Clayton Boulevard near the Route 6 entrance. Additional modifications not included in that letter include: (4) Elimination of 80,000 square foot assisted living facility and 30,000 square foot mixed professional office/retail/restaurant use moved south of Clayton Boulevard as part of the Subdivision 2 approval by not showing any evidence of location for these uses. The Preliminary Subdivision Plat dated June 6, 2014 showed only 5 lots whereas the September 17, 2014 plat preliminary plat drawing showed 6 lots. No use was proposed for lot 6, but a previous informal submission by Somers Realty to the Planning Board identified this area as a possible site for an assisted living facility; (5) a reserve parcel has been identified on Insite Drawing MC-1 Proposed Post-Development Drainage Boundaries that was not identified in the Planned Hamlet Master Plan; This is the same parcel that is now the 7.1 acres Lot 6 referred to above; (6) Proposed lot 3c, to be conveyed to Avalon Bay, was previously identified as a community recreation area and now is a 6.4 acre subdivided lot with no identified use; and (7) the Planned Hamlet Master Plan called for the development of 152 townhouse units which were to be fee simple units and Avalon is building rental units with a differing bedroom count than previously proposed and analyzed for purposes of impacts on traffic, parking, utilities, community facilities and fiscal impacts.)

The Preliminary subdivision Plat dated October 20, 2014 has further modified the lot arrangements. Proposed Town Road B has been extended beyond the edge of the proposed Village Green through a newly configured Avalon site layout that provides connection to a proposed Town Right-of-Way that had previously been shown on the approved conceptual Planned Hamlet Master Plan to the southern boundary of the property. This proposed Road B extension and proposed Town Right-of-Way now divide what was the prior proposed Lot 3A of 38.3 acres, into two lots, Lot 3A of 27.3 acres to the west of Town Road B and the proposed Right-of-Way and a new Lot 3D of 10.0 acres to the east of Town Road B and the proposed Right-of-Way. The increased road and right-of-way area of 1.0 acre has been added to the prior proposed Right-of-Way parcel total of 3.3 acres for a now proposed 4.3 acre total. In total, therefore, there are now 7 proposed lots in addition to the right-of-ways, compared to the original proposed submission of 5 lots.

The Preliminary Subdivision Plat of January 6, 2014 (Should say 2015) now shows a proposed Town right-of-way from the end of proposed Town Road B to the southern property boundary and an associated proposed stormwater management practice construction and maintenance easement. The plat also shows the Proposed Access, Utility and Stormwater Management Practice Easement from the Proposed Clayton Boulevard Extension to proposed Lot 6. This easement will also provide a second, western access road to the proposed AvalonBay 153 unit multifamily development.

These modifications from the Somers Realty Planned Hamlet Master Plan that was the subject of the SEQRA Findings Statement of February 10, 2009, while many are identified in the long form EAF provided, may require further analysis to determine that they are not significant changes to the approved Master Plan and that their resulting impacts are the same as or less than those identified in the Findings Statement.

2. *Preliminary Subdivision#3 for Applicant Somers Realty Corporation, for the Somers Realty Planned Hamlet Master Plan to further subdivide prior created Lot 3 (Town Tax Map Sheet 4.20, Block 1. Lot 15) now with the October 20, 2014 submission, into seven lots and several street right-of-ways totaling 62.3 acres.* ***The right-of-ways include Clayton Boulevard extension to Route 6 and proposed town roads B, C, D, and E (4.3 acres); Lot 3A for AvalonBay Communities (27.3 acres); Lot 3B Village Green (1.4 acres); Lot 3C Area north of Road D (6.4 acres, Lot 3D (10.0 acres);) all four to be developed by AvalonBay Communities; Lot 4 is the Planned Hamlet commercial lot of 4.9 acres; Lot 5 is the firehouse parcel (0.9 acres) and Lot 6 is he formerly referred to "Reserve Parcel", now to be subdivided (7.1 acres).***
3. *Steep Slopes Permit*
4. *Wetland and Watercourse Protection Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

Comments as of January 13, 2015

Application Submissions

- Cover letter from Insite Engineering of January 6, 2015
- Memorandum from McCullough, Goldberger & Staudt, LLP dated January 6, 2015
- Preliminary Stormwater Pollution Prevention Plan dated January 6, 2015
- Phosphorus Loading Analysis dated September 17, 2014 Revised January 5, 2014 **(should be 2015)**

Plans submitted are the following:

- Preliminary Subdivision Plat - Somers Realty – PH Zone Phase III – Resubdivision of Lot 3 dated 9-17- 14 by Insite Engineering
- Resubmitted Plan set by Insite Engineering dated 01-06-15 including the following:
    - OP-1 – Overall Site Plan –9-17-14
    - SP-1.1 – Layout and Landscape Plan
    - SP-1.2 – Layout and Landscape Plan
    - SP-1.3 - Layout & Landscape Plan
    - SP-2.1 - Grading & Utilities Plan
    - SP-2.2 – Grading & Utilities Plan
    - SP-2.3 – Grading & Utilities Plan
    - SP-3.1 – Sediment & Erosion Control Plan
    - SP 3.2 – Sediment & Erosion Control Plan

- SP-3.3 – Sediment & Erosion Control Plan
- PR-1 – Road Profiles
- D-1 – D-6 - Details

- Pre-Development Phosphorus Analysis Figure 1, dated 01-06-**14** by Insite Engineering.
- Post-Development Drainage Map, dated 01-06-15 by Insite Engineering
- Wetland & Wetland Buffer Impact Analysis dated 9-15-14 by Insite Engineering

Cover Letter and Preliminary Subdivision Plat and Plans

The Preliminary Subdivision Plat now shows the proposed access, utility and stormwater management practice easement as discussed at the Planning Board meeting of December 10, 2014. The letter indicates that the SWPPP and Phosphorus Loading Analysis account for future development on Lot 6 and the Firehouse Parcel. Is it correct to assume that the stormwater management practice easement accounts for these other parcels or does it only address the area needed for accessway to Lot 6? Please clarify.

The plat also identifies the proposed stormwater management practice construction and maintenance easement that will be needed for future construction of the proposed town right-of-way to be constructed by others at such time that development may occur on the property to the south.

The Avalon walkways shown for the buildings located south of Town Road C and east of Town Road B are encroaching into the right of way of Town Road B. If this is a drafting error, please correct or make appropriate adjustments in the Avalon site plan to correct this.

The access easement that will provide future access to parcel 6 provides also provides access to the western portion of the Avalon project. Who will be responsible for constructing and maintaining the first portion that provides access to Avalon's project? Who will be responsible for building and maintaining the second portion that will provide access to a future assisted living development on Lot 6? Will there need to be some joint agreements with both parties if two separate parties are to be responsible? As in Road B, a portion of Avalon walkways appear to be drawn within the easement boundaries.

McCullough, Goldberger & Staudt, LLP Letter of January 6, 2015

As requested, the letter of January 6, 2015 addresses some issues of fiscal impact that might be affected due to changes in the prosed project. These changes specifically relate to the change in the project from fee simple ownership to rental and the reduction in unit sizes and overall bedroom count. As indicated, the DEIS anticipated a net benefit of $805,769 when units were fee simple. Based on revenue of $1,320,603, the DEIS estimated that for rentals, revenue would be approximately $650,000 per year. So, if costs remained constant at $514,834 the net benefit would be approximately $135,000. Since these costs accounted for school children generated, the number of school children generated by the rental project would have to be about the same or less than that of the

owner units in the DEIS for this calculation to be relevant. As the letter indicates, based on Avalon's own project experience, their school children multipliers, even in a worst case scenario, would result in generation of about the same number of children as that projected in the DEIS. Additionally, some costs might be less due to smaller units and less bedrooms. The conclusion then is that fiscal impacts will still be positive, albeit less so than what would have been generated by the conceptual plan analyzed as part of the DEIS and FEIS and addressed in the Findings D Statement of February 10, 2009.

Status of Application

The public hearing remains open. The Planning Board will determine whether the applicant has made all the appropriate materials available for public review by the Board and the public and whether it will close the public hearing. Time frames for consideration of adoption of a Negative Declaration and approval of Preliminary Subdivision may need to be extended by the Applicant if the hearing is closed and certain necessary information for completion of these documents and their consideration by the Planning Board and its staff and consultants is not soon made available.

Cc: Roland Baroni
Joe Barbagallo
Linda Whitehead
Janet Giris
Rich Williams

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Syrette Dym, AICP
Director of Planning
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MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: January 13, 2015

RE: Comments on Avalon Bay Somers Submission of January 6, 2015
AvalonBay Communities, Inc. - Site Plan Approval for Somers Avalon

The current proposed action consists of the following components:

1. *Site Plan approval for Applicant AvalonBay Communities, Inc. for Avalon Somers, to construct 152 residential rental apartments units containing a total of 183,060 square feet of which 129 are market rate and 23 are to be affordable units. Apartment mix is to be 62 one-bedroom, 66 two-bedroom and 24 three-bedroom units. The project includes a 3,779 square foot community recreation building and outdoor pool, and a "town green", the community recreation building for the sole use of apartment unit renters. The project site consists of proposed subdivided Lots 3a, 3b, 3c and 3d (45.1 acres), where Lot 3b is the Village Green lot at 1.4 acres, to be subdivided as part of the associated Somers Realty, Inc. subdivision application. Tree Removal Permit*
2. *Stormwater Management and Erosion and Sediment Control Permit*
3. *Steep Slope Protection Application*

Overall

The newly revised complete set of Site Plans and Architectural Site Plans consist of the following drawings, where all site plans are dated January 5, 2015 and all architectural site plans are dated December 5, 2014.

Drawing No.	Title	Prepared By	Dated
---	Title Sheet	Milone & MacBroom ("MM")	01-05-15
IN	Index Plan	MM	01-05-15
EX-1	Existing Conditions	MM	01-05-15
EX-2	Existing Conditions &Tree Removal	MM	01-05-15
EX-3	Existing Conditions & Tree Removal	MM	01-05-15
EX-4	Existing Conditions & Tree Removal	MM	01-05-15
EX-5	Existing Conditions & Tree Removal – Schedule of Tree Removal	MM	01-05-15
EX-6	Existing Conditions & Tree Removal	MM	01-05-15
LA-1	Site Plan - Layout	MM	01-05-15
LA-2	Site Plan – Layout	MM	01-05-15
LS-1	Site Plan – Landscaping	MM	01-05-15
LS-2	Site Plan – Landscaping	MM	01-05-15
GR-1	Site Plan – Grading	MM	01-05-15
GR-2	Site Plan – Grading	MM	01-05-15
UT-1	Site Plan – Utilities	MM	01-05-15
UT-2	Site Plan – Utilities	MM	01-05-15
SA-1	Steep Slope Analysis – Existing Conditions	MM	01-05-15
SA-2	Steep Slope Analysis – Proposed Conditions	MM	01-05-15
SP-1	Stormwater Pollution Prevention Plans	MM	01-05-15
SP-2	Stormwater Pollution Prevention Plans	MM	01-05-15
SP-3	Stormwater Pollution Prevention Details	MM	01-05-15
SP-4	Stormwater Pollution Prevention Details	MM	01-05-15
SD-1	Site Details	MM	01-05-15
SD-2	Site Details	MM	01-05-15
SD-3	Site Details	MM	01-05-15
SD-4	Site Details	MM	01-05-15
SD-5	Site Details	MM	01-05-15
SD-6	Site Details	MM	01-05-15
PH -1	Photometric Plan	MM	01-05-15
PR-1	Road Plan and Profile – Road "E" and Road "H"	MM	01-05-15
PR-2	Road Plan and Profile – Road "F"	MM	01-05-15
PR-3	Road Plan and Profile – Off Road Sanitary Sewer	MM	01-05-15
SP-01	Architectural Site Plan	The Sullivan Architecture Group ("Sullivan")	12-24-14
A1.01	Building 201 Floor Plans	Sullivan	12-05-14
A1.02	Building 201-S Floor Plans	Sullivan	12-05-14
A1.03	Building 204 Floor Plans	Sullivan	12-05-14
A1.04	Building 204-S Floor Plans	Sullivan	12-05-14
A1.05	Building 209 Floor Plans	Sullivan	12-05-14
A1.06	Club House Floor Plan	Sullivan	12-05-14
A2.01	Building 201 Elevations	Sullivan	11-20-14
A2.02	Building 201S Elevations	Sullivan	11-20-14
A2.03	Building 204 Elevations	Sullivan	11-20-14
A2.04	Building 204S Elevations	Sullivan	11-20-14
A2.06	Leasing Office Elevations	Sullivan	11-20-14
A2.07	Leasing Office Elevations	Sullivan	11-20-14
A4.01	Unit AD2 Plans	Sullivan	12-23-14
A4.02	Unit AD3 Plans	Sullivan	12-23-14
A4.03	Unit BD3A	Sullivan	12-05-14
A4.04	Unit CD9 Plans	Sullivan	12-05-14

In addition the following reports were submitted:

- Engineering Report, Milone & MacBroom, Inc. dated June 9, 2014 last revised January 5, 2015
- Sanitary Sewer and Potable Water Design Summary by Milone & MacBroom, Design Summary dated December 10, 2014
- David Sullivan, P.E. of Milone & MacBroom letter of January 5, 2015, traffic implication of new Avalon access road from Road A through to Lot 6 and future assisted living development

Revised Site Plan Drawings LA1 ND 2

In my comment letter of December 15, 2014 (see Attached), I commented on the Milone & MacBroom preliminary site plan of November 19, 2014, the rendered preliminary plan made available at the Planning Board meeting of December 10, 2014 and the submission letter of November 14, 2014.

I commented that the more linear structure of the interior roads in this revised plan more closely approximated the original Master Plan new urbanist design concept and I felt that the entry boulevard, proposed to provide joint access to the current Avalon plan and potential future assisted living facility on Lot 6, was a good solution for access to both developments. I had concerns about potential traffic and parking conflicts due to design of this access road that I felt needed some adjustment and expressed these in a follow up phone conversation with Todd Nicotra (AvalonBay) and Tom Sheil of Milone & MacBroom. The adjustments have been made and will provide fewer potential conflicts in the future when Lot 6 is built and operating. It appears that a stop bar has been added to the northbound interior approach to the main entry road. Is there any plan to add a stop or yield sign at this location? As indicated in the comment memorandum of January 13, 2015 on the Somers Realty subdivision, the question is who will be responsible for constructing and maintaining the first portion of the roadway easement that provides access to Avalon's project? Who will be responsible for building and maintaining the second portion that will provide access to a future assisted living development on Lot 6? Will there need to be some joint agreements with both parties if two separate parties are to be responsible?

Many of the Avalon walkways as well as the Village Green walkways appear to exist outside the boundaries of Avalon's lots and within the Town road right-of-ways. Thirty--six parking spaces around the Village Green on proposed Town roads B and C are also counted as required parking for the Avalon project, however, these spaces are outside Avalon property boundaries. The Master Plan Table 1 Zoning Requirements on page 10 under "Parking", only indicates a standard of two spaces per each one family dwelling, which is the standard Avalon has indicated that it is meeting. How these 36 spaces outside Avalon's boundaries can be counted toward this total needs to be addressed so it can be found that the parking requirement is met. Since they exist in what will be Town right-of-way, will the Town or Avalon be responsible for their maintenance and control? Also, walkways for the Village Green and other parcels are located within what appears to be the right-of-way of Road A, i.e., Clayton Boulevard. These spaces are not required

parking spaces for the Avalon development, but who will be responsible for their maintenance and of maintenance of the walkways?
Village Green

The site plan proposes a more fully designed hybrid Village Green with a large central green, but also with a playscape and picnic area. This design is the alternative to the more formal New England Village Green Design represented on drawing SP-01 of the Architectural Site Plan that is exclusively passive in nature.

Site Easements

Given the above areas indicated outside of the Avalon lots, it is not clear how the required sight easements shown on the subdivision plans will actually work and how they will coordinate with the proposed landscape plans. Please review and provide an explanation of this.

Tree Removal Schedule – Drawing EX-5

Please indicate the overall number of trees to be removed as a result of this plan and how that changes from the earlier plans presented.

Landscaping Plan – LS 1 and 2

The Rain Garden, Water Quality Swale and Bioretention Filter Notes provide specific treatment for the many rain gardens that have been provided throughout the plan. The Planting Notes are very clear and indicate in item 11 that "only quality native plants from a nursery source shall be used.

Under the section Vegetation Wildlife and Ecology of the February 2009 Master Plan SEQRA Findings, it was stated that: "The landscape plans will propose to plant native non-invasive species to the greatest extent practicable". However, under Planting Notes, there is no reference to the planting of native and noninvasive species. Please indicate that this requirement of the Master Plan is reflected in the plantings chosen for the proposed landscape plan and state so on the plans. Also, for the rain gardens, etc. please indicate that non-invasive species will be used.

Steep Slopes

Existing Conditions drawings SA-1 and SA-2 indicate that the existing slopes 0-15% are 11.4 acres (91%) and 15-25% slopes are 1.1 acres (9 percent) of the proposed disturbed area plus 25 fee, where the steep slopes occur in the middle of that area. The disturbed area boundaries do not include the Village Green. . The label - Total Area of Parcel: 79.58 acres - is confusing and should be screened or - removed. Proposed conditions for this disturbed area are that 0-15% slopes will be

11acres (86%), 15-25% slopes will be 0 acres, 25-35% slopes will be 0.75 acres (6%) and slopes greater than 35% will be 1 acre (8%) for a total of 12.75 acres versus 12.50 acres in existing conditions. The proposed condition steep slopes occur at the periphery of the property. Please provide indication of the height of various retaining walls being provided throughout the plan.

Architectural Plans

The architectural plans for the buildings appear to remain the same from earlier sketches. A detail of the interior of the club house indicates that the main community facility provided is an exercise room and men's and women's bathrooms. All other community functions relate to pool maintenance for the outdoor pool or apartment leasing activities. So the amenities to be considered for any offset against recreational fees are the pool, exercise room and a playground (i.e., playscape), to be provided either as part of the village green design, or somewhere else within the apartment community itself.

There is still no elevation plan for the proposed garage buildings.

Cc:

Roland Baroni
Joe Barbagallo
Steve Ralston
Janet Giris
Grant Jaber
Linda Whitehead

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Syrette Dym, AICP
Director of Planning
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MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: January 14, 2015

RE:

Project:	Hidden Meadow – Town Board Referral
Applicant:	The Kearney Realty & Development Group
Location:	16 Route 6 (Section 15.07 Block 1 Lot 6)
Zoning:	R80 Residence District
Actions:	Request for Designation of the MF-BP Multifamily Residence Baldwin Place Floating Overlay Zone – Preliminary Subdivision and Site Plan Approval Application

Definition of Affordable Units as Multifamily Residences

The Planning Department staff brought to my attention an issue that Nancy Gerbino raised in passing in a visit she made to the Planning Department office during the week of January 5th. The issue of concern to her appeared to center around the fact that the affordable units in the Hidden Meadow development were proposed to be constructed on fee simple lots, but in fact, had two units per lot, something not addressed by our zoning code and, therefore, not permitted.

After reviewing the code, talking with Efrem Citarella, Roland Baroni, the applicant's attorney, Charles Martabano, and the applicant's architect, we came to the conclusion that the proposed affordable owner occupied units, each with an affordable rental apartment, were a permitted use in the MFR-BP district for the following reasons.

First, Section 170-13 Multifamily Residence MFR Districts states its opening purpose as the following:

"Multifamily residence districts are hereby established in order to provide suitable opportunities within the Town for the development of housing designed to satisfy the needs of households maintained by the young, the elderly and families earning less than 80% of the country's median income, and to permit a broad array of housing types, dwelling unit sizes and forms of ownership/occupancy."

Dealing first with the issue of the townhouse units proposed for Hidden Meadows, although the Somers Zoning Code does not have a definition for "townhouse", townhouses have previously been interpreted as being a permitted use in the MFR districts as one of the "broad array of housing types" permitted in the districts.

Second, as pertains to the affordable units, such units as are proposed cannot be classified as townhouses. The Residential Code of New York State provides the following definition for townhouse:

TOWNHOUSE. A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two side.

Section R317.2.4 Structural independence. Each individual townhouse shall be structurally independent. (The units cannot share a floor/ceiling system between them.)

Exceptions are the following:

- Foundations supporting exterior walls or common walls
- Structural roof and wall sheathing from each unit may fasten to the common wall framing
- Nonstructural wall coverings
- Flashing at termination of roof covering over common wall
- Townhouses separated by common 2-hour fire-resistance-rated wall as provided in Section R317.2

The 16 affordable housing units are proposed to be constructed in buildings that do not meet the above definition. There are two buildings with stacked units, where the owners units are stacked above the rental units, thereby not meeting the "foundation to roof criteria" of a townhouse. Each building of eight units is, therefore, classified as an apartment building and is subject to the Building Code of New York State which, for example, requires them to be sprinklered and have handicapped access at grade level, which is the case in each proposed building. The Somers Zoning Code defines a "multifamily residence" as a building containing three or more dwelling units. Therefore, the affordable units are multifamily residences in buildings of eight units each, and can still be sold to individual owners on fee simple lots, and comply with the MFR district zoning.

Cc: Town Board
Town Clerk
Roland Baroni
Open Space Committee
Joe Barbagallo
Ken Kearney
Rich Williams
Charles Martabano

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State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date of Adoption: _____

Name of Action: Hidden Meadow at Somers

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Somers Planning Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

SEQR Status: Type I Action

Conditioned Negative Declaration: No

Description of Action: The Proposed Action consists of a multi-family housing development with associated site appurtenances, consisting of (8) buildings containing (53) total units as follows: (37) market rate town homes, (8) affordable town homes and (8) affordable apartments. Each affordable apartment, with its own individual entry, will be located within and owned by the owner of the corresponding affordable townhome, also with its own entry. The project includes public water and sewer connections and onsite stormwater management.

This Negative Declaration also pertains to the Actions necessary to implement the above described project which include:

- Site Plan Approval by the Planning Board
- Subdivision Approval by the Planning Board
- Application of the MFR-BP overlay district on the subject site by the Town Board

The findings of this Negative Declaration will enable the Town Board to subsequently make Findings regarding the application of the MFR-BP district to the subject site and then apply the overlay district to the site. Once the overlay zone is mapped by the Town Board, the Planning Board can consider Preliminary and Final Subdivision and Site Plan approval of the above described project.

Location: Town of Somers, Westchester County

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Reasons Supporting This Determination:

Based upon a review of Parts 1, 2 and 3 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, the Planning Board makes the following findings:

IMPACT ON LAND

Construction on slopes of 15% or greater

Approximately 24,000 square feet of slopes in excess of 15% exist within the project area. Of the total area of slopes in excess of 15%, 5,900 square feet is proposed to be disturbed. As part of the Proposed Action, filling of the slopes will take place along US Route 6. The filling is required to widen US Route 6 in order to create a westbound left turn lane into the site. Even if the project is not constructed, the long term plans of the NYSDOT contemplate widening US Route 6, so it is likely that this impact would occur in the future. In addition, the proposed project will necessitate excavation which will result in the creation of on-site slopes steeper than currently exist and the removal of vegetation. An erosion and sediment control plan has been developed in accordance with the requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the technical standards of the *New York State Standards and Specifications for Erosion and Sediment Control.*

In order to mitigate the erosion from construction runoff during the initial land disturbance and construction phase of the project, the Erosion and Sediment Control Plan includes the provision of silt fence, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, as well as seed mixtures appropriate for the proposed slopes. The Erosion and Sediment Control Plan also provides for monitoring during construction through weekly site inspections. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

Excavation and removal of more than 1,000 tons of natural material

Over 1,000 tons of natural material are proposed to be excavated in conjunction with the Proposed Action. The proposed earthwork will result in the need to import material to the site. Pursuant to NYSDEC regulations, a mining permit is not required because the earthwork is being performed in conjunction with a Site Plan. Based on requests by the Planning Board, the Applicant explored several alternatives to avoid the cutting and

filling required for implementation of this site plan. The alternative selected by the Planning Board, which is the Proposed Action, greatly reduced the earthwork on-site compared with other identified alternatives. Potential impacts identified with the site excavation include the potential for erosion and truck traffic associated with importing materials.

An erosion and sediment control plan has been developed in accordance with the requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the technical standards of the *New York State Standards and Specifications for Erosion and Sediment Control*. The potential impact would occur during the initial land disturbance or construction phase of the project.

In order to mitigate the erosion from construction runoff during the initial land disturbance and construction phase of the project, the Erosion and Sediment Control Plan includes providing a silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, providing temporary soil stockpile locations that restrict temporary earthwork staging within controlled areas, providing diversion swales, and providing temporary sediment traps. The Erosion and Sediment Control Plan also provides for monitoring during construction through weekly site inspections. The anticipated construction traffic will be less than the proposed peak traffic generated by the Proposed Action, which was studied in the Traffic Report. Therefore, the truck traffic is not anticipated to create any impacts beyond those already contemplated and evaluated for the project. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

Increased erosion from physical disturbance and vegetative removal

The proposed project consists of 9.4 acres of disturbance on soils with Hydrologic Soil Groups of "C" and "D." The project also contains an onsite wetland that is tributary and in close proximity to the Muscoot River. Vegetation removal can lead to erosion from the site which has the potential to impact downstream water bodies. An erosion and sediment control plan has been developed in accordance with the requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the technical standards of the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features.

The erosion and sediment control plan was developed to mitigate impacts associated with vegetation removal. The Erosion and Sediment Control Plan includes providing a silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing temporary soil stockpile locations that restrict temporary earthwork staging within controlled areas, providing erosion control blankets on steep slopes, providing diversion swales, and providing temporary sediment traps. The Erosion and Sediment Control Plan also provides for monitoring during construction through weekly site inspections. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACTS ON SURFACE WATER

Construction within or adjoining a freshwater wetland

The Proposed Action includes approximately 0.03 acres of disturbance to local Town of Somers and Army Corps of Engineers regulated wetland. The impact to the wetland is only proposed within an isolated area and is 1.3% of the overall wetland. The existing wetland is located along the fill area of the U.S. Route 6 widening. Disturbance to wetlands is a regulated activity under the Town of Somers Code and must be thoroughly evaluated for impacts to the wetland, potential habitat and hydrology. In addition, the project requires approval of a Wetland Permit from Army Corps of Engineers for disturbance within the regulated wetland boundary.

A Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report was prepared and addresses the potential impacts to the wetlands and potential habitat. A Biodiversity Assessment Report was also prepared to examine impacts to the wetland plants and fauna. Wetland functions and values were evaluated for the property in accordance with Town Code and following U.S. Army Corps recognized evaluation methodology. A Stormwater Pollution Prevention Plan (SWPPP) was prepared for the project. The SWPPP maintains that approximately 30.8 acres of pre- and post-development area drain to the onsite wetland. Therefore, no impact to the hydrology of the wetland is anticipated. Unnecessary disturbance will be avoided through the installation of construction barrier fence and silt fences prior to the start of land clearing activities.

Based upon the wetland assessment findings and scope of proposed disturbance, impacts to the site wetlands are minimal at 0.03 acres. Potential impacts to stormwater quality resulting from erosion and sedimentation and nutrient loading will be mitigated by the proposed permanent stormwater management practices, construction erosion and sediment control plan and site restoration. Two proposed stormwater pocket wetlands will be provided along the edge of the wetland buffer and will act in a similar manner as

the displaced wetlands and will provide for functions of flood-flow attenuation and biological nutrient filtration. The project also requires issuance of a Wetlands Permit from the U.S. Army Corp of Engineers (ACOE) for the proposed disturbance to the regulated wetland area. Design of supplementary mitigation prior to issuance of such permit will be required if determined to be necessary by the ACOE. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

Creation of turbidity in a waterbody from runoff

Land disturbance encountered during clearing and construction activities has the potential to cause erosion and produce sediment laden stormwater runoff and turbid water conditions. In addition, improper design of permanent site stormwater controls risks the potential of increased and concentrated stormwater runoff peak flows that may also have the ability to create erosion and produce turbid conditions in receiving waterbodies.

An erosion and sediment control plan has been developed in accordance with the requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the technical standards of the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features. The potential impact would occur during the initial land disturbance or construction phase of the project. Long term impacts associated with post-construction stormwater runoff also have the potential to impact water quality. The Erosion and Sediment Control Plan, contained as part of the project SWPPP, was reviewed by the office of the New York State Attorney General, Watershed Inspector General (the WIG) during project review. Comments from the WIG related to the SWPPP were contemplated during project review by the Planning Board and were incorporated where applicable into the final design of stormwater management practices and the site SWPPP.

In order to mitigate the erosion from construction runoff during the initial land disturbance and construction phase of the project, the Erosion and Sediment Control Plan includes the provision of silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, provision of diversion swales, and providing temporary sediment traps. The SWPPP also includes the design of stormwater management practices to a proposed level spreader with rip-rap stabilized outlet apron sized to dissipate peak flows and stabilize the ground surface against erosion. The Erosion and Sediment Control Plan, as well as the Code of the Town of Somers, requires the Applicant to retain a qualified professional, as defined by

the SPDES General Permit for Stormwater Discharges from Construction Activity, to perform weekly erosion and sediment control inspections throughout the duration of construction until proper Final Site Stabilization is determined by the Town to be met. Copies of the inspection reports will be kept on-site with the SWPPP document and must be available for inspection by Town and State officials. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

Cause soil erosion or create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies

Land disturbance encountered during clearing and construction activities has the potential to cause erosion and produce sediment laden stormwater runoff and turbid conditions. In addition, improper design of permanent site stormwater controls risks the potential of increased and concentrated stormwater runoff peak flows that may also have the ability to create erosion, sedimentation and produce turbid conditions in receiving waterbodies.
An erosion and sediment control plan has been developed as part of the project SWPPP in accordance with the requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the technical standards of the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features. In order to mitigate the erosion from construction runoff during the initial land disturbance and construction phase of the project, the Erosion and Sediment Control Plan includes providing silt fences, stabilized construction entrance, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, management of earthwork in controlled temporary stockpile areas, installation of erosion control blankets on steep slopes, construction of diversion swales, and providing temporary sediment traps. The SWPPP, as well as the Code of the Town of Somers, requires the Applicant to retain a qualified professional, as defined by the SPDES General Permit for Stormwater Discharges from Construction Activity, to perform weekly erosion and sediment control inspections throughout the duration of construction until proper Final Site Stabilization is determined by the Town to be met. Copies of the inspection reports will be kept on-site with the SWPPP document and must be available for inspection by Town and State officials.

Long term impacts associated with post-construction stormwater runoff also have the potential to impact water quality.

Permanent stormwater controls have been designed in accordance with the NYSDEC *New York State Stormwater Management Design Manual*, Town Code requirements and the supplemental design criteria prescribed by the NYC DEP *Rules and Regulations for*

the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources. Site stormwater flows will be controlled, mitigated and discharged to stabilized outlet practices through a stormwater management system consisting of surface sand filters, Bioretention filters, porous pavement, hydrodynamic separation, pocket wetlands and level spreaders.

The project SWPPP was also reviewed by the office of the New York State Attorney General, Watershed Inspector General (the WIG) during project review. Comments from the WIG related the SWPPP were contemplated during project review by the Planning Board and were incorporated where applicable into the final design of stormwater management practices and the site SWPPP. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

Affect the water quality of any water bodies within or downstream of the site

Land disturbance encountered during clearing and construction activities has the potential to cause erosion and produce sediment laden stormwater runoff and turbid conditions. In addition, improper design of permanent site stormwater controls risks the potential of increased and concentrated stormwater runoff peak flows that may also have the ability to create erosion, sedimentation and produce turbid conditions in receiving waterbodies The potential impact would occur during the initial land disturbance or construction phase of the project. Long term impacts associated with post-construction stormwater runoff also have the potential to impact water quality.

In order to mitigate the erosion from construction runoff during the initial land disturbance and construction phase of the project, the Erosion and Sediment Control Plan, contained as part of the project SWPPP, includes providing a silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing temporary soil stockpile locations that restrict temporary earthwork staging within controlled areas, providing erosion control blankets on steep slopes, providing diversion swales, and providing temporary sediment traps. Permanent post-construction stormwater management controls have also been prepared for the project and are detailed in the project SWPPP. The SWPPP has been designed to meet the Enhanced Phosphorus Removal Standards identified in Chapter 10 of the *New York State Stormwater Management Design Manual*. Through following the design provisions for stormwater practices prescribed in Chapter 10, the proposed site stormwater management practices are determined to meet NYSDEC phosphorous treatment performance goal requirements in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001).

The project SWPPP was also prepared to conform with the NYC DEP "Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources", April 2010, and follows the supplementary stormwater design criteria prescribed by the NYC DEP for SWPPP approval. Although not a regulatory requirement, phosphorus loading calculations were performed for the subject project using the latest NYSDEC published phosphorous concentration values and the Simple Method loading methodology. The Simple Method is recognized by the NYSDEC as an acceptable phosphorus loading methodology and utilizes NYSDEC published coefficients for phosphorus loading. Based on the phosphorus loading calculations, the subject project would have a post-development phosphorus load after treatment which equates to an 11% reduction from pre-development load. The site SWPPP and phosphorous loading calculations were reviewed by the office of the New York State Attorney General, Watershed Inspector General (the WIG) during project review. Comments from the WIG related to phosphorous loading calculations and SWPPP were contemplated during project review by the Planning Board and were incorporated where applicable into the final design of stormwater management practices and the site SWPPP. There have been no other impacts identified that would require mitigation.

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Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACT ON GROUNDWATER

May result in new or additional use of groundwater or may have the potential to introduce contaminants to ground water or an aquifer

The project will not result in the additional use of groundwater because the project will be connected to the Windsor Farms Water District. As discussed in the Water Engineering Report, there is adequate capacity in the existing system to service the project. In addition, there will be no bulk storage of petroleum or chemical products at the site eliminating, the potential of introducing contaminants to the groundwater. In addition, site stormwater practices were designed to provide for water quality treatment of stormwater constructed wetlands and sand and bioretention practices. They do not rely primarily on the infiltration of collected stormwater.

There have been no impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACT ON PLANTS AND ANIMALS

May cause reduction in population or loss of individuals of any threatened or endangered species

A Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report and a Biodiversity Assessment Report were prepared for the Site. Four threatened or endangered species of animals have been identified as having the potential to use the site as a habitat. The species identified include the Bog Turtle, Indiana Bat, Northern Long Eared Bat, and the New England Cottontail. However, correspondence with the NYSDEC and US Fish and Wildlife indicate that there has been no occurrence of any of the species documented on the site. As noted in the Biodiversity Assessment Report, due to the adjacent heavily traveled Route 6, the property is not part of a significant wildlife corridor and yield low wildlife usage of the property, as revealed during the site surveys. However, potential impacts from the project were avoided to the maximum extent practicable by reducing grading, utilizing the area topography, and concentrating development in one area of the property. With respect to the Indiana Bat and the Northern Long Eared Bat, the Reports indicate that there is potential habitat for both of these species on the site. The potential to harm either bat species occurs when forest is cleared outside of the hibernation period when the species are using the forest.

In addition to the NYSDEC and the US Fish and Wildlife list of Threatened and Endangered species, the Westchester County endangered species list was reviewed to determine whether locally designated species were observed utilizing the habitats on the property. The list of endangered species, threatened species and species of special concern was prepared by Westchester County Commissioner of Parks, Recreation and Conservation and was adopted by the Town of Somers. Westchester County listed mammals possibly found in this area include the bobcat and the river otter. Neither of these species are likely to occur on the property except as transients because of the property being located adjacent to Route 6. Suitable habitat for these species is lacking within the property. The eastern box turtle, the spotted turtle and the wood turtle are the only Westchester County listed reptile or amphibian documented for the area in which the property is located. However, none of the turtles were observed on the site or in the surrounding locale during the six site visits performed during the survey. The type of habitat needed by these turtles is not found on the property. The wood thrush was the only Westchester County listed bird species of special concern documented on the property. It was recognized through vocalization. Since the species is highly mobile and there is no specific need to utilize the habitat onsite for its life cycle, meaning that it is not a site specific species, there would be no significant impact since foraging and other wooded habitat will remain on the property. None of the fourteen species of butterflies or the nine species of dragonflies listed by Westchester County have been identified on the site.

As recommended by the Open Space Committee, to further ensure that habitat fragmentation will not occur on site, "Cape Cod" style curbing will be used along roadways in order to allow for the movement of smaller animals, particularly turtles and amphibians, over the road and a 2-foot by 2-foot box culvert will be placed under the entrance roadway to allow animals to pass under the roadway, instead of over it. To avoid impacts to either the Indiana Bat or the Northern Long Eared Bat, clearing would be restricted to occur between October 1 and March 31. In addition, as recommended by the US Fish and Wildlife Service, orange construction fencing and/or silt fencing would be placed between the areas to be cleared and the areas to be left undisturbed. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

May result in a reduction or degradation of any habitat used by rare, threatened or endangered species

Four threatened or endangered species of animals have been identified as having the potential to use the site as a habitat. The species identified include the Bog Turtle, Indiana Bat, Northern Long Eared Bat, and the New England Cottontail. However, correspondence with the NYSDEC and US Fish and Wildlife indicate that there has been no occurrence of any of the species documented on the site.

A Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report and a Biodiversity Assessment Report were prepared for the Site. As noted in the Biodiversity Assessment Report, due to the adjacent heavily traveled Route 6, the property is not part of a significant wildlife corridor and yields low wildlife usage of the property, as revealed during the site survey. However, potential impacts from the project were avoided to the maximum extent practicable by reducing grading, utilizing the area topography, and concentrating development in one area of the property and placing the remainder of the site in a conservation easement. With respect to the Indiana Bat and the Northern Long Eared Bat, the Reports indicate that there is potential habitat for both of these species on the site. The potential to harm either bat species occurs when forest is cleared outside of the hibernation period when the species are using the forest.

To avoid impacts to either species, clearing would be restricted to occur between October 1 and March 31. In addition, as recommended by the US Fish and Wildlife Service, orange construction fencing and/or silt fencing would be placed between the areas to be cleared and the areas to be left undisturbed. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

May substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species on site

The proposed development will require the clearing of approximately 8 acres of oak-hickory forest habitat. Earth moving, operation of heavy machinery, construction, alteration of existing drainage patterns, addition of impervious surfaces, changes in traffic patterns, and increased human activity will occur on the property. The closed canopy in the oak-hickory forest will be partially cleared. Approximately 3 acres will remain as a buffer to the on-site forested wetland that will be preserved. The oak-hickory woods on the property are already fragmented since there are no contiguous woodlands around the property, which is surrounded by Route 6 and fields. Habitat fragmentation is the separation and isolation of habitats and wildlife populations by placing impenetrable barriers between habitats that prevent mixing formerly connected or adjacent wildlife populations, thereby creating "habitat islands." For the project site, significant habitat fragmentation has already existed for many decades in the form of Route 6. The proposed 8 acres of impact to the oak-hickory habitat component will not likely impede wildlife movement through the property because the remaining habitat will continue to connect to adjacent offsite habitats. Due to the heavily traveled Route 6, the property is not part of a significant wildlife corridor as revealed during the site surveys, which showed low wildlife usage of the property.

A Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report and a Biodiversity Assessment Report were prepared for the Site. While the Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report and the Biodiversity Assessment Report did not identify any potential plant or animal species requiring mitigation, certain measures will be taken to protect wildlife on the property. The Applicant will minimize impacts by leaving undisturbed, naturally vegetated zones, demarcated in the field by orange construction fencing, and by clearing only areas within the limit of disturbance. The impacted oak-hickory forest areas will not fully be replaced but will be enhanced by replanting some areas within the development with native plant species. The native plantings will provide wildlife with habitat and food sources. Other habitat aspects of the property that will be preserved include stonewalls and standing dead trees (snags). Old stonewalls provide habitat for small mammals, herptiles and invertebrates. Snags provide perching, nesting, and feeding areas for a wide variety of wildlife.

As recommended by the Open Space Committee, to further ensure that habitat fragmentation will not occur on site, "Cape Cod" style curbing will be used along roadways in order to allow for the movement of smaller animals, particularly turtles and amphibians, over the road and a 2-foot by 2-foot box culvert will be placed under the entrance roadway to allow animals to pass under, instead of over it. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACT ON OPEN SPACE AND RECREATION

The proposed action may result in an impairment of natural functions, or "ecosystem services," provided by an undeveloped area, including but not limited to, stormwater storage, nutrient cycling, wildlife habitat

The project will consist of the development of approximately 9.4 acres of currently undeveloped land. The loss of natural resources through construction is likely to be an irreversible impact. To lessen the impact to the overall property, the development has been clustered on site. As opposed to a conventional subdivision, the clustered development results in less overall land development and has allowed for slightly less than 50% of the site to be placed in a Conservation Easement. The Proposed Action includes approximately 0.03 acres of disturbance to local Town of Somers and Army Corps of Engineers regulated wetland. The impact to the wetland is only proposed within an isolated area and is 1.3% of the overall wetland.

A Stormwater Pollution Prevention Plan (SWPPP) has also been prepared for the project. The SWPPP maintains that approximately 30.8 total acres of pre- and post-development area drain to the onsite wetland. Therefore, non impact to the hydrology of the wetland is anticipated. The SWPPP has been designed to meet the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), including the Enhanced Phosphorus Removal Standards of the *New York State Stormwater Management Design Manual,* Town Code requirements, and the supplementary SWPPP requirements prescribed by the NYC DEP *Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, latest edition.* The site SWPPP and phosphorous loading calculations were reviewed by the office of the WIG during project review. Comments from the WIG related to phosphorous loading calculations and the SWPPP were contemplated during project review by the Planning Board and were incorporated where applicable into the final design of stormwater management practices and the site SWPPP. Based on the provided phosphorus loading calculations, the subject project has been calculated to have a post-development phosphorus load after treatment that equates to an 11% reduction from pre-development load.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

If the Town elects to pursue development of a park on the adjacent property, this project will assist the Town with the opportunity to develop the adjacent recreation parcel with a town park.

One positive impact of the project relates to the future opportunity for the Town to develop an adjacent piece of Town owned property as a Town park. The Town property has constrained access from Route 6, and the Hidden Meadow site could provide future joint access that would permit development of a limited amount of ball fields and/or other recreational uses. The Applicant has agreed to provide an easement with water and sewer connection from the project entry road to the adjacent property, such road to be completed at some point in the future by the Town. The environmental impacts of the adjacent parcel would be considered at the time of such development and are not impacts considered as part of this SEQRA action.

There have been no impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

The Project Site is located adjacent to the Baldwin Place Critical Environmental Area (CEA). The CEA is due to the history of hazardous materials leaking into the groundwater from the former Baldwin Place Shopping Center and affecting potable water supplies. The subject project proposes to extend and use the Windsor Farms Water District.

There have been no impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACT ON TRANSPORTATION

A Traffic Report was prepared to study the impacts of the proposed development. The NYSDEC assumes that projects generating fewer than 100 peak hour vehicle trips will not result in any significant increases in traffic. The Traffic Report for the proposed project indicates the project will generate 26 peak hour trips, which is well below the 100 peak hour vehicle trips considered by the NYSDEC. The Town is also in receipt of correspondence from the New York State Department of Transportation (NYSDOT) which states that the proposed project will not result in a significant impact on traffic. Temporary impacts in the form of construction traffic delays may occur; however, these impacts are anticipated to be short in duration. It is not now known whether school buses

will stop inside the development or on Route 6 to pick up project generated school children. The Somers Central School District will not make a final determination on school bus pick up until construction of the development is complete and a request from the Homeowners Association is received by the District. The two possible scenarios for student pickup/drop off include the following: 1) buses entering and exiting the Hidden Meadows Development to pick up/drop-off students within the property; or 2) school bus routing such that school buses approaching from the west would turn right onto Windsor Road, exit at the easterly terminus connection with Route 6, make a left turn onto Route 6 westbound, then proceed on Route 6 to the development access, load and unload students along the site frontage and continue easterly along Route 6. The drop-off trip would be done in the same manner. The stopping on Route 6 would be temporary and not result in a major impact on Route 6 traffic. Appropriate bus stop signage would be provided as part of the final access improvement plans. The implementation of either of these options would eliminate the need for any students to cross Route 6.

The temporary impacts identified with regard to traffic delays from construction vehicles will be mitigated with a Maintenance and Protection of Traffic Plan for the project. There have been no other impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACT ON ENERGY

The project is a residential development within an already developed area. The project will be designed to meet the New York State Energy code. A new substation or upgrades to an existing substation are not anticipated to be needed for the project.

There have been no impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

IMPACT ON NOISE, ODOR, AND LIGHT

The noise anticipated to be generated by the project is the typical noise generated by a residential neighborhood. Noise levels will be temporarily elevated during the short-term construction phase. Blasting is not anticipated on the site.

The temporary impacts of noise during construction are unavoidable. A limited number of lighting fixtures are proposed for parking and safety lighting. All lighting fixtures will be fully shielded, downward-directed. A photometric plan has been provided and demonstrates that the lighting will not result in light spillage onto adjacent properties.

There have been no impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

CONSISTENCY WITH COMMUNITY PLANS

The project is consistent with the requirements of the MFR-BP Multifamily Residential Baldwin Place District and the 1994 Comprehensive Master Plan as amended. The project is also consistent with other residential developments in the area, such as the Yorktown Mews and the existing and proposed development of the Somers Realty Planned Hamlet. In addition, the project will result in the positive impact of 16 units of affordable housing which will assist the Town and Westchester County meet its affordable housing obligations. The affordable units will consist of 8 owner occupied units with a separate affordable rental unit on the lower level of each unit. All of the units are proposed to be clustered in one area of the site. As is customary in implementing affordable housing, the Westchester County Planning Board has recommended that the units be scattered throughout the site. However, due to the rear, first-level, rental apartments of these units and their unit and parking access requirements in relation to site topographical features, only a specific area of the site can accommodate these units. Therefore, after careful consideration of available site alternatives, the Planning Board has decided to provide all of the affordable units in one area to create less impact to onsite grading and to provide better accessibility to units and parking. Therefore, the affordable units have been clustered rather than scattered throughout the site. On balance, the Planning Board determines that the positive impact of providing 16 units of affordable housing is greater than any impacts caused by clustering the units

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

CONSISTENCY WITH COMMUNITY CHARACTER

The project is consistent with the requirements of the MFR-BP Multifamily Residential Baldwin Place District and the 1994 Comprehensive Master Plan as amended. The project is also consistent with other residential developments in the area, such as the Yorktown Mews and the existing and proposed development of the Somers Realty Planned Hamlet. The architectural styles are consistent with other developments in the Baldwin Place area. The Town of Somers Architectural Review Board will be working with the Applicant to ensure that the architectural style is satisfactory prior to the issuance of a building permit.

There have been no impacts identified that would require mitigation.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact.

CONCLUSIONS

The Proposed Action is not expected to result in any significant adverse impacts on the environment. In summary:

1. The Proposed Action will not have a significant adverse environmental impact with respect to the impact on land. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features.

2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms because there are no unique or unusual land forms in the area.

3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies. Stormwater management practices for the site have been designed to conform with all required State and local stormwater design regulations and treatment objectives including the enhanced phosphorous removal standards of the NYSDEC Stormwater Management Design Manual, latest edition, and supplementary SWPPP requirements of the NYC DEP "Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, latest edition. Mitigation for the wetland disturbance consists of the construction of 0.75 acres of wetlands (pocket wetlands). The two proposed pocket wetlands will be provided along the edge of the wetland buffer and will act in a similar manner as the displaced wetlands.

4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer. The project will be connected to the public water supply. In addition, the proposed project will be residential development, and except for the reasonable use of lawn care products, does not involve any contaminants.

5. The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding. The project is not located within the floodplain.

6. The Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source because the area does not involve or affect any State regulated air emission source.

7. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.

8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources because there are no agricultural resources on the site.

9. The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.

10. The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources because there are no historic or archaeological resources in the study area.

11. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource. If the Town elects to pursue development of a park on the adjacent property, this project will assist the Town with the opportunity to develop the adjacent recreation parcel with a Town Park.

12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental Area (CEA).

13. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems. The Traffic Report for the proposed project indicates the project will generate 26 peak hour trips, which is well below the 100 peak hour vehicle trips considered significant by the NYSDEC.

14. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy.

15. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.

16. The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

17. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with the existing community character. The project is

consistent with the requirements of the MFR-BP Multifamily Residential Baldwin Place District and of the policies of the 1994 Comprehensive Master Plan as amended.

Based upon this information and the information in the Environmental Assessment Form, the Planning Board finds that the proposed project will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared.

Involved Agencies:

Town of Somers Town Board Members, Somers Town House, 335 Route 202, Somers, New York 10589

Westchester County Board of Legislators, 800 Michaelian Office Building, 148 Martine Avenue, 8th Floor, White Plains, New York 10601, Attn: Tina Seckerson

Westchester County Department of Health, 25 Moore Avenue, Mt. Kisco, New York, 10549, Attn.: Frederick Beck

New York City Department of Environmental Protection, 465 Columbus Avenue 1st Floor, *Valhalla*, New York 10595, Attn.: Cynthia Garcia

New York State Department of Environmental Conservation, Division of Environmental Permits--Region 3, 21 South Putt Corners Road, New Paltz, New York 12561-1696 Attn.: Daniel T. Whitehead, Regional Permit Administrator

New York State Affordable Housing Corporation, 641 Lexington Avenue, New York City, NY 10022, Attn: Len Sedney, AICO, Director, Environmental Services

New York State Department of Transportation, Region 8 Office, 4 Burnett Boulevard Poughkeepsie, NY 12603, Attn.: William Gorton, P.E., Acting Regional Director

U.S. Army Corps of Engineers, Eastern Permits Section, New York District, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090

Interested Agencies:

Town of Somers Open Space Committee, Somers Town House, 335 Route 202, Somers, New York 10589

Town of Somers Architecture Review Board, Somers Town House, 335 Route 202, Somers, New York 10589

Town of Somers Affordable Housing Board, Somers Town House, 335 Route 202, Somers, New York 10589

Town of Somers Parks & Recreation Board, Somers Town House, 335 Route 202, Somers, New York 10589

Town of Somers Energy and Environment Committee, Somers Town House, 335 Route 202, Somers, New York 10589

Somers Bureau of Fire Prevention, Somers Town House, 335 Route 202, Somers, New York 10589

Somers Fire District, P.O. Box 300, Somers, NY 10589, Attn.: John Markiewicz, Chairman, Board of Fire Commissioners

Town of Somers Highway Department, Somers Town House, 335 Route 202, Somers, New York 10589, Attn.: Thomas Chiaverini, Highway Superintendent

Town of Somers Police Department, Somers Town House, 335 Route 202, Somers, NY 10589

New York State Police (Somers), 295 Route 100, Somers, NY 10589

NYS Office of the Attorney General, Environmental Protection Bureau, NYC Watershed Inspector General Scientist, The Capitol, Albany, NY 12224-0341, Attn: Charles Silver, Ph.D.

Somers Central School District, P.O. Box 620, Lincolndale, New York 10601, Attn: Dr. Raymond Blanch

Westchester County Planning Board, 432 Michaelian Office Building, White Plains, New York 10601

New York State Office of Parks, Recreation and Historic Preservation, P.O. Box 308, Staatsburg, NY 12580, Attn.: Linda Cooper, Taconic Regional Director

Central Hudson Gas & Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12601, Attn: Veronica Bardunias, Real Property Services Representative

Others – Lead Agency Representatives

Syrette Dym, AICP, Director of Planning, Somers Town House, 335 Route 202, Somers, New York 10589

Woodard & Curran Engineering P.A P.C., 709 Westchester Avenue Suite 12, White Plains, NY 10604, Attn.: Joseph Barbagallo, Senior Vice President

Stephens, Baroni, Reilly & Lewis LLP, 175 Main Street, White Plains, NY 10601

Others – Project Sponsor Representatives

The Kearney Realty & Development Group, 1777 Route 6, Carmel, NY 10512, Attn: Ken Kearney

Housing Action Council, Inc., 55 South Broadway, 2nd fl., Tarrytown, NY 10591 Attn: Rose Noonan

Insite Engineering, Surveying & Landscape Architecture, P.C., 3 Garrett Place, Carmel, NY 10512

Riverkeeper, Inc., 78 North Broadway, E-House, White Plains, NY 10603, Attn: Misti Duvall, Esq., Staff Attorney, Watershed Program

For Further Information Contact: Syrette Dym, Director of Planning, Somers Town House, 335 Route 202, Somers, New York 10589, (914) 277-5366