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PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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

SOMERS PLANNING BOARD
AGENDA
OCTOBER 14, 2015
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for August 12, 2015.

PUBLIC HEARING

1. **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.
   Hold Public Hearing and consider Draft Preliminary Subdivision Resolution.

TIME EXTENSION

2. **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
   Request for a 90-day time extension for Amended Final Subdivision Plat Approval for Section II from November 6, 2015 up to and including February 5, 2016 under Town Law Section 276 (7) (c). This is the fourth request for a time extension.

PROJECT REVIEW

3. **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.

4. **SOMERS POINTE COUNTRY CLUB [TM: 6.17-20-1.21]**
   Application of Somers Pointe Country Club for a Site Plan for property located on the southeast side of the Somers Pointe Clubhouse at 100 West Hill Drive for the construction of a swimming pool and cabana building and two tennis courts with associated parking lots to provide additional recreation activities.
   Consideration of referral from Town Board.

5. **AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, PO 12]**
   Application for Site Plan Approval, Steep Slopes, Tree Removal 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. The property is located on the south side of Route 6 and Clayton Blvd., east of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District. Update from applicant.

6. **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.
   Discussion of potential impacts of the relocation of the left turn exiting movements from the proposed access at Clayton Boulevard westbound to Route 6.

INFORMAL APPEARANCE WITH SKETCH PLAN REVIEW

7. **SOMERS COMMONS [TM: 4.20-1-11]**
   Application for informal appearance with sketch plan to construct two (2) additional freestanding signs at the access drive on Route 6 and the access drive on Miller Road/Route 118.

DETERMINATION OF LEAD AGENCY

8. **SOMERS FIRE DISTRICT PURCHASE OF FIREHOUSE PROPERTY [TM: 17.15-1-2]**
   The Board of Fire Commissioners, as the agency responsible for approving and funding the project, is requesting lead agency designation, as part of a coordinated SEQRA review. The property is located at 272 Route 202 adjacent to an existing fire station.

Next Planning Board Meeting is Tuesday, November 10, 2015
Agenda information is also available at www.somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers
WESTCHESTER COUNTY, N.Y.

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Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

Planning Board Meeting October 14, 2015

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2015-09
Granting of Conditional Preliminary Subdivision Plat Approval to
THE KEARNEY REALTY & DEVELOPMENT GROUP
for the
HIDDEN MEADOW SUBDIVISION
Town Tax Number: Section 15.07, Block 1, Lot 6

WHEREAS, on September 27, 2013, the Somers Town Board received an application to apply the MFR-BP Multifamily Residence Baldwin Place MFR-BP Floating Overlay district (Section 170-13-A Town Code) to a 16.7 acre parcel located at 16 Route 6 (Section 15.07 Block 1 Lot 6) zoned Residence District R-80 to permit development of 53 dwelling units located in 45 fee simple townhouse buildings, eight (8) of which would be affordable and also contain an additional affordable rental unit; and

WHEREAS, at its meeting of October 10, 2013, the Town Board reviewed the applicant's concept plan and indicated its willingness to apply the MFR-BP Floating Zone to the subject site, the site's location along Route 6 being the significant site attribute contributing to that determination, and by Resolution directed the Director of Planning to prepare a memorandum indicating that the MFR-BP floating overlay zone could be applied to the subject property; and

WHEREAS, by Resolution dated October 10, 2013, the Town Board also requested the Planning Board to review the application and consider acting as lead agency under SEQR for site plan and subdivision review and also established an application fee of $18,300; and

WHEREAS, at a Budget Hearing of October 21, 2013, the Town Board amended its Resolution of October 10, 2013 and directed the Director of Planning to notify the Westchester County Planning Board regarding the subject application and its opinion that the MFR-BP floating overlay district could be applied to the subject property Tax Map 15.07-1-6 located at 16 Route 6, known as Hidden Meadow at Somers; and

WHEREAS, at its meeting of November 13, 2013, the Somers Planning Board Declared its intent to be lead agency, indicated the proposed action as a Type 1 action under SEQR as requested by the Town Board and circulated such notice to all involved and interested agencies; and

WHEREAS, the Town Board at its meeting of November 14, 2013, directed the Town Director of Planning to refer the Hidden Meadow proposal to the Open Space Committee and extended the SEQR period for determination of significance to May 14, 2014; and

WHEREAS, a site walk for the project was conducted on Saturday, November 23, 2013 for members of the Planning Board to familiarize them with site related issues; and

WHEREAS, correspondence from the Open Space Committee of November 27, 2013 expressed concerns regarding extension of the MFR-BP district on the parcel due to adjacent areas of open space and their role in maintaining water quality and wildlife habitat; and

WHEREAS, in its letter of December 18, 2013 indicating the Planning Board could act as lead agency, NYCDEP identified a series of other environmental concerns regarding potential impacts on land and surface water and issues relating to use of the new environmental assessment forms and how questions were answered; and

WHEREAS, on December 20, 2013, the applicant submitted Preliminary Subdivision Application (12/18/13), Site Plan Approval Application (12/18/13), applications for environmental permits (12/18/13) including steep slope, wetland and watercourse protection and stormwater management and erosion and sediment control permits, a Full Environmental Assessment Form – Part 1 (12-20-13), Traffic Report from Maser Consulting (12-19-13), Preliminary Water Engineering Report (12/20/13), Preliminary Wastewater Engineering Report (12/20/13), Preliminary Stormwater Pollution Prevention Plan (12/20/13), Preliminary Subdivision Plat (12/20/13), and Site Plan Set (7 sheets – 12/20/13), Constraints Map (9/20/13), Soils Map (12/20/13), and Conceptual Architectural Drawing (9/26/13); and

WHEREAS, accompanying the application were application fees totaling $44,225 to cover the above applications and permits with tree removal permit fees to be submitted with such permit application at a later date; and

WHEREAS, the Project, located at 16 Route 6 and identified as tax lot 15-07-1-6 on the tax maps, consists of 16.77 acres to be subdivided into 46 lots, 45 of which range in size from 1,710 square feet to 2,400 square feet and to contain 45 townhouse fee simple lots totaling 1.935 acres and a Common Area Lot totaling 14.835 acres of which seven acres is proposed as a Conservation Easement; such easement to be held by the Homeowners Association to be formed by the Applicant as part of the marketing of the Hidden Meadow development; and

WHEREAS, the Project is a multifamily 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 with its own individual entry and each of which will be located within and owned by the owner of the corresponding affordable townhome, also with its own entry; and

WHEREAS, in memorandums of January 2, January 6 and January 7, 2014, the Town Director of Planning responded to information contained in the newly submitted updated EAF Part 1, commented on plan conformance with the requirements of Section 170-13.A of the Zoning Code relative to requirements of the MFR-BP district, amendments required regarding school children generation and compliance with on-site recreation area requirements of the MFR-BP District even though offsite-recreation was proposed by the applicant on adjacent town owned recreation land; and

WHEREAS, the Town Consulting Engineer, in a comment letter of January 3, 2014, identified numerous items still to be addressed by the applicant; and

WHEREAS, having received no letters of objection and the 30 day circulation period having passed, at its meeting of January 8, 2014, the Planning Board accepted its status as lead agency for site plan and subdivision review; and

WHEREAS, the applicant submitted revised site plan set (01/29/14), revised Full Environmental Assessment Form (01/29/14), Stormwater Pollution Prevention Plan (01/29/14), Phosphorus Loading Analysis (01/29/14), Drawing A-1Coppola Associates (01/16/14), Housing Action Council narrative (01/29/14), Fiscal Analysis (01/24/14), Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report (01/22/14); and

WHEREAS, by memorandum of January 28, 2014, the Open Space Committee,

having seen responses of the applicant in the January 6, 2014 submission, still objected to application of the MFR-BP zone to the subject site and the Planning Board continued to identify potential significant impacts that needed to be addressed by the applicant; and

WHEREAS, in correspondence of February 4, 2014, February 25, 2014 and March 10, 2014 the Watershed Inspector General (WIG) expressed concerns about phosphorous calculations and project impacts on existing pollution in the Amawalk Reservoir and its drainage basin; and

WHEREAS, a meeting was held with the WIG, the applicant and his consultant's and the Town Consulting Engineer on March 18, 2014 to address outstanding stormwater issues and a methodology for analyzing phosphorous impacts was agreed upon; and

WHEREAS, due to questions regarding provision of required recreation space, the Applicant prepared conceptual plan alternatives that were discussed at a meeting of February 6, 2014 and the Planning Board meeting of February 12, 2014; and

WHEREAS, one alternative was provision of an on-site road to access the Town owned recreation parcel to the west of the site, such road and its traffic capacity constraints having preliminarily been identified by NYS DOT to the Applicant and Planning Board; and

WHEREAS, at the February 12, 2014 Planning Board meeting, the Board reviewed the alternatives and determined to require on-site recreation at the minimum required by zoning of 8,700 square feet; and

WHEREAS, in response to the Planning Board, Town and agency comments, the applicant provided a revised submission consisting of a revised Site Plan set (2/26/14), Recreation Figures 1-3 (2/25/14), Full EAF and Report (2/26/14) including Appendix A: Full EAF Part 1 Attachments; Appendix C: Stormwater Pollution Prevention Plan; Appendix D: Pollutant Loading Analysis; Appendix E Water Engineering Report; Appendix F: Wastewater Engineering Report; Appendix J: Fiscal Analysis; and

WHEREAS, at a meeting of March 6, 2014 with staff, Town committee representatives and the applicant, issues regarding recreation space, and those of the WIG and Open Space Committee were discussed: and

WHEREAS, Open Space Committee concerns related to adequacy of the Applicant's Threatened and Endangered Species Habitat Suitability Assessment

and Wetland Report prepared by Ecological Solutions, LLC and Wetland Report of January 22, 2014; and

WHEREAS, a biodiversity assessment protocol for scoping and defining the investigation of additional species of concern within the project area was agreed upon after a verification site walk of April 11, 2014 and carried out from the end of April with completion by early June, 2014; and

WHEREAS, in memorandums to the Planning Board by the Director of Planning of March 6, 2014 and April 3, 2014 and by the Town Consulting Engineer of March 12, 2014, areas of potential environmental significance and their determination or need for additional studies needed to make that determination were submitted to the Planning Board for discussion at its meeting of April 9, 2014; and

WHEREAS, the Director of Planning, as requested by the Town Board, reviewed the Town of Somers 1994 Comprehensive Master Plan and Section 170-13.A MFR-BP District of the Zoning Ordinance and contacted former Town Planner Ed Buroughs who authored that Plan, and issued a memorandum dated March 20, 2014 indicating that amendments to the 1994 Plan and to Section 170-13A MFR-BP district of the Zoning Ordinance would be required to enable application of the floating zone on the subject site; and

WHEREAS, a revised site plan set (3/26/14), Drawing SL-1, Sight Line Profiles (3/26/14) and Tree Removal permit (3/26/14) were submitted to the Planning Board including copies of the tree survey and tree removal plan providing an opportunity for assessment of visual impacts of the project; and

WHEREAS, by memorandum dated April 11, 2014, the Director of Planning outlined proposed amendments to the 1994 Plan and to Section 170-13 of the Zoning Ordinance that updated and clarified the land use plan for the Baldwin Place/Route 6 corridor of the Town of Somers within the context of changes in development patterns in a way that would permit application of the MFR-BP district to the Hidden Meadow site, as well as to another group of parcels already eligible for such designation; and

WHEREAS, at its meeting of April 10, 2014, the Town Board declared its intent to be Lead Agency under SEQRA for proposed modifications to the1994 Comprehensive Master Plan and text amendments to the Zoning Ordinance, authorized such notice be distributed to all involved and interested agencies and referred proposed plan and text amendments to the Somers Planning Board and the Westchester County Planning Board for their review and comment as

permitted under Section 272-A of Town Law and under Section 239-M of General Municipal Law; and

WHEREAS, in a letter of April 17, 2014, the Westchester County Planning Board indicated it had no objection to the Somers Town Board acting as lead agency and stated their support since the recommendations were in keeping with the policies of *Westchester 2025* and *Patterns for Westchester*, and because higher density housing can be accommodated here due to proximity of commercial support amenities and potential expansion of the County trunk sewer line along Route 6; and

WHEREAS, at a special meeting of the Planning Board on April 22, 2014, the applicant responded to concerns raised by the Planning Board at its meeting of April 9, 2014 regarding the layout of the site and visual impacts by presenting three alternative revised conceptual layouts for review and discussion by the Board; and

WHEREAS, after review of the three alternatives, the Planning Board voted to direct the applicant to resubmit an engineered plan with similar configuration to the original plan but, due to redesign of the townhouse buildings with garages under the units, to spread the units apart and free up more space for a central recreation area and reduce the visual image of prominent driveways and garages; and

WHEREAS, the Planning Board, at its special meeting of April 22, 2014, approved such proposed modifications to the 1994 Plan and to the Zoning Ordinance with suggested changes to limit the modifications to parcels at a certain distance from the intersection of Route 6 and Mahopac Avenue and referred such approval to the Town Board; and

WHEREAS, at its meeting of May 8, 2014, the Town Board accepted its role as lead agency for Comprehensive Master Plan and zoning text amendments, considered and voted to accept the comments referred by the Planning Board and set June 12, 2014 as the date for separate public hearings for the zoning ordinance amendment as required by Section 244(l) of NYS Town Law and for the comprehensive plan modification as required under Section 272-a of NYS Town Law; and

WHEREAS, a duly advertised public hearing on the Zoning Amendments was held on June 12, 2014 and continued on July 10, 2014, at which time any further comments were taken and at which time, on July 10, 2014, the Town Board voted to close the Zoning Amendment public hearing; and

WHEREAS, a duly advertised public hearing on the amendments to the 1994 Comprehensive Master Plan was held on June 12, 2014, at which time public comments were taken and the hearing on the Master Plan was closed; and

WHEREAS, a duly advertised second public hearing on the Zoning Amendments was held on September 11, 2014 and continued on October 9, 2014 at which time additional public comments were taken and at which time, on October 9, 2014, the Town Board voted to close the public hearing; and

WHEREAS, a duly advertised second public hearing on the amendments to the 1994 Comprehensive Master Plan was held on September 11, 2014 and continued on October 9, 2014 at which time additional public comments were taken and at which time, on October 9, 2014, the Town Board voted to close the public hearing; and

WHEREAS, it was determined on October 9, 2014 that the Proposed Action of amending the Town of Somers 1994 Comprehensive Master Plan and § 170-13 Multifamily Residence MFR Districts of the Code of the Town of Somers would not have a significant adverse effect on the environment and the Town Board adopted a Negative Declaration; and

WHEREAS, on October 9, 2014, the Town Board adopted Local Law No. 3 of 2014 which included the amendments to the Town of Somers 1994 Comprehensive Master Plan and Local Law No. 4 of 2014 which included the amendments to the Code of the Town of Somers Chapter 170 entitled Zoning; and

WHEREAS, the Town Board considered the approval of a preliminary development concept plan and the reclassification of a specific parcel to the Multifamily Residential Baldwin Place District Floating Zone pursuant to Section 170-13 Multifamily Residence MFR Districts of the Code of the Town of Somers to the property located at 16 Route 6 and identified as tax lot 15.07-1-6 on the tax maps; and

WHEREAS, through correspondence dated December 1, 2014, the Watershed Inspector General (WIG) indicated that all of their significant outstanding concerns related to the project Stormwater Pollution Prevention Plan (SWPPP) and phosphorous loading calculations were addressed and that only incorporation of additional text related to soil restoration in the SWPPP is suggested based upon review of the revised project design documents.

WHEREAS, the Planning Board, acting as Lead Agency, determined on January 28, 2015 that the Proposed Action would not have a significant adverse effect on the environment and adopted a Negative Declaration; and

WHEREAS, a duly advertised public hearing on the preliminary development concept plan and the reclassification of the Project Site to the Multifamily Residential Baldwin Place District Floating Zone was held by the Town Board on July 9, 2015, at which time public comments were taken and the hearing was closed on July 9, 2015; and

WHEREAS, the Town Board made findings that the proposed preliminary development concept plan and the reclassification of the Project Site to the Multifamily Residential Baldwin Place District Floating Zone met that criteria of §170-13 of the Town of Somers Zoning Law; and

WHEREAS, on July 9, 2015, the Town Board approved the preliminary development concept plan and reclassified the parcel to be in the Multifamily Residential Baldwin Place District Floating Zone pursuant to Section 170-13 Multifamily Residence MFR Districts of the Code of the Town of Somers; and

WHEREAS, the Applicant submitted petitions dated February 26, 2015 for extension of Sewer District No. 1 and extension of The Windsor Farms Water District to include the subject site and to benefit all other property owners within the proposed district extension; and

WHEREAS, a public hearing was held on each petition on April 9, 2015 and all wishing to be heard were heard and hearings were closed; and

WHEREAS, based upon the Negative Declaration of January 28, 2015 issued by the Planning Board and its own environmental findings pursuant to SEQRA , the Town Board approved extension of Somers Sewer District No. 1 and extension of The Windsor Farms Water District, both to be known as the "the Hidden Meadows Extensions"; and

WHEREAS, on April 9, 2015, the Town Board also voted to have the Town Attorney prepare and the Supervisor execute and file a petition with the Westchester County Board of Legislators to extend the Peekskill Hollow Sewer District to include the boundaries of the Hidden Meadow extension area of Somers Sewer District #1; and

WHEREAS, such resolution was sent to the Town Clerks of the Towns of Yorktown and Cortlandt and City Clerk of the City of Peekskill pursuant to Section 237.131 of the Laws of Westchester County; and

WHEREAS, on May 15, 2015, the Town Board authorized the Supervisor to apply to Westchester County for a Housing Implementation Fund (HIF) grant for the development and to enter into an Intermunicipal Developer Agreement (IMDA) with the County and Developer to subsidize the cost of infrastructure improvements to the project to assure affordability of the development and improve the sewer infrastructure related to the site development; and

WHEREAS, the Planning Board has considered, in accordance with *Town Law* §277-4 and §150-24.A of the Town Code, the relationship between the proposed subdivision and the potential recreational needs resulting therefrom; and

WHEREAS, the Planning Board finds that a proper case exists for requiring a park or parks suitability located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be suitably located on such subdivision plat, after assessing the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreation facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood and the prospective character of the development, therefore, in lieu thereof, a recreation fee shall be paid in an amount determined by the Town Board; and

WHEREAS, a duly advertised public hearing on the preliminary subdivision plat was held by the Planning Board on October 14, 2015, at which time public comments were taken and the hearing was closed on October 14, 2015; and

WHEREAS, the Planning Board has considered the arrangement of lots, in accordance with Section 150-23 "Lots" of the *Code of the Town of Somers*, and has determined that the lot lines are acceptable; and

WHEREAS, the proposed Conservation Easement shown on the plat as part of Common Area Lot 46 which constitutes 304,920 square feet or seven acres of the 646,203 square feet, 14.835 acre Lot 46 shall be held by the homeowners association to be formed for the proposed development who will be responsible for its maintenance; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the foregoing **WHEREAS** clauses are incorporated herein by reference and are fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that the application for Preliminary Subdivision Approval for Hidden Meadow at Somers as shown and described by the materials enumerated herein, is hereby conditionally granted in accordance with the New York State Town Law §276 and §278 and in accordance with §150-13J "Planning Board Action" of the Code of the Town of Somers, **SUBJECT TO** the following modifications and conditions being fulfilled as set forth below prior to Final Subdivision Plat Approval, unless otherwise stated below:

1. That the Applicant shall prepare an acceptable Final Subdivision Plat drawing in accordance with all required content as defined by Town Code §150-30, including standard plat notes, name of water and sewer districts serving the lots.

2. That the Applicant submits written evidence of have obtained approval by the Westchester County Department of Planning of Housing Implementation Funds for the project.

3. That the Applicant submits written evidence of having obtained approval by the Westchester County Department of Health for the realty subdivision and sewer and water main extensions.

4. That the Applicant shall address all outstanding engineering comments necessary to be resolved prior to issuance of Final Subdivision Plat approval as referenced ino Consulting Town Engineering Memorandum, dated October 31, 2014, including those comments as summarized below:

    a. Update the construction plans to incorporate the final preferred school bus waiting area parking area into project grading and stormwater system designs.

    b. The Applicant shall produce a revised Stormwater Pollution Prevention Plan (SWPPP) that contains detailed sizing calculations based upon the final proposed system designs as determined acceptable by the Consulting Town Engineer. In addition, the SWPPP shall also address the following design considerations:

        i. Final Land Disturbance Phasing Plan

        ii. Earthwork Management and Rock Removal:

iii. Confirmation of Soil Erosion and Sediment Control management design based upon site specific soil gradation evaluation (sieve/hydrometer analysis).

c. The Applicant shall prepare a revised final draft Stormwater Maintenance Agreement (SMA) based upon the final proposed stormwater system designs for review by the Consulting Town Engineer and Town Attorney.

d. Provide structural design calculations for proposed retaining walls greater than four feet in retained soil height.

e. Provide final design reports and details related to on-site water main improvements and the proposed sanitary sewer collection system and pump station. Final acceptance of the proposed water supply and wastewater infrastructure is subject to the recommendation of the Consulting Town Engineer and Town Water and Sewer Superintendent

5. That the Applicant shall provide documentation of having received outside agency approval from the New York City Department of Environmental Protection for the following permits and approvals:

   a. Approval of SWPPP

   b. Approval of Pump Station & Sanitary Sewer District Extension

6. That the Westchester County Board of Legislators grant extension of the Peekskill Hollow Sewer District to include the boundaries of the Hidden Meadow Extension Area of Somers Sewer District No. 1 and that such acceptance be provided to the Town of Somers.

7. Provide documentation of having received outside agency approval from the NYSDEC & United States Army Corp of Engineers (USACE) for issuance of a Wetlands Permit related to proposed disturbance of regulated wetland area on the site.

8. Provide documentation of NYSDOT approval of the proposed highway improvements to U.S. Route 6 related to the turning lane and shoulder expansion.

BE IT FURTHER RESOLVED that the Conditional Granting of Preliminary Subdivision Plat Approval is also subject to compliance with the following condition:

1. All references to "the Applicant" shall include the Applicant's successors and assigns

BE IT FURTHER RESOLVED, that this conditional approval of the preliminary subdivision plat application shall expire on April 14, 2016, if no application for final subdivision plat approval is submitted, unless an extension of this time period is requested by the Applicant prior to the expiration of the conditional approval, and approved by the Planning Board in accordance with §150-12.N of the *Code of the Town of Somers.*

This resolution shall have an effective date of October 14, 2014.

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2015-09 adopted by the Town of Somers Planning Board granting of **Conditional Preliminary Subdivision Plat Approval to The Kearney Realty & Development Group for Hidden Meadow Subdivision** at a meeting held on October 14, 2015.

_____ _____

Syrette Dym, AICP **Date**
Director of Planning

C-
PB
TP
CTE
applicant

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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MICHAEL BARNHART
CHAIRMAN

SOMERS TOWN HOUSE
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SOMERS, NY 10589

RECEIVED
SEP 25 2015
PLANNING BOARD

890

MEMO TO: Planning Board

FROM: Open Space Committee

RE: Hidden Meadow

DATE: September 24, 2015

The Committee reviewed the site plan issued for the Hidden Meadow project. Sheet 6 shows a rip rap drainage channel, which funnels the water to the bottom portion of the property rather than the more westerly areas, which will tend to dry out the wetland. The recommendation is for the water flow to disperse into the existing wetlands. The Committee would also like to know what delineation the wetland count is based on as indicated in Sheet 12.

C-
PB
TP
CTE

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
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GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN

NOELLE CRISALLI WOLFSON

HENRY M. HOCHERMAN
RETIRED

September 23, 2015

RECEIVED
SEP 25 2015
PLANNING BOARD
TOWN OF SOMERS

Via Electronic Mail

Hon. John Currie, Chairman
and Members of the Planning Board
Town of Somers
Somers Town Hall
335 Route 202
Somers, New York 10589

891

Re: Amended Final Subdivision Plat Approval for Haft/Ridgeview Designer Builders, Inc.
Lovell Street, Town of Somers
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42
Fourth Request for Extension for Section II

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated August 13, 2014, your Board granted Amended Final Subdivision Approval for the above-referenced Subdivision to permit the Final Plat to be filed in two sections. Section I was filed in the Office of the Westchester County Clerk, Division of Land Records on September 25, 2014 as Filed Map Number 28808 and Ridgeview Designer Builders has been constructing a new residence on one of the lots in that Section. At the Board's July 8, 2015 meeting, it extended Amended Final Subdivision Approval to November 6, 2015. A portion of Section II continues to be encumbered with a mortgage and Ridgeview and Haft are not prepared to file Section II at this time. Even though Haft and Ridgeview have filed Section I and have three years from September 25, 2014 to file Section II, to avoid any confusion over the continued effect of the Amended Final Subdivision Approval for Section II, we are writing to request a ninety-day (90) extension of such Approval to and including February 5, 2016. This is our fourth request for an extension of Amended Final Subdivision Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

I understand that Mr. Steve Woelfle makes periodic inspections of the site, that the site is well stabilized, and that there have been no issues.

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

DATE: September 30, 2015

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Susan Haft/Ridgeview Designer Builders, Inc. Amended Subdivision – Fourth Request for Extension for Section II

On August 13, 2014, the Planning Board granted Amended Final Subdivision Approval for Ridgeview Builders by Resolution 2014-01to permit the Final Plat to be filed in two sections. Section I was filed on September 25, 2014 in the Westchester County Clerk's office. The Resolution stated that the amended approval was to expire on February 9, 2015 and Ridgeview and Haft were not prepared to file Section II at that time, so they requested a ninety-day (90) extension of approval until May10, 2015. By Letter of March 16, 2015, the applicant's attorney requested a second ninety-day (90) extension of approval up to and including August 8, 2015, which was granted on April 8, 2015 by the Planning Board. The applicant's attorney requested a third ninety-day extension of approval up to and including November 6, 2015 which was granted at the Planning Board meeting of July 8, 2015.

Once again, the applicant is requesting a ninety-day (90) extension of the amended Final Subdivision Approval for Section II even though they have three years from September 25, 2014 to file Section II. Therefore, the request is for an extension of such Approval up to and including February 5, 2016. Steve Woelfle continues to monitor work on the site and indicates all is going well.

Given the filing of Section I in a timely manner and submission of the request for the fourth extension of approval for filing of Section II prior to the expiration date, and authority given to the Planning Board to grant such extension under Town Law Section 276(7)(c), I have no problem with the Board granting this request.

cc: Geraldine Tortorella, Esq.
Susan Haft

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

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MEMORANDUM

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

Date: October 9, 2015

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

As requested, we have prepared the attached revised draft **Resolution of Final Subdivision Plat Approval** in connection with the above captioned project for discussion at the October 14, 2015 Planning Board meeting.

As the Board may recall, at the September 9, 2015 Planning Board meeting, the Applicant requested a staff level meeting to review the draft Resolution. As a result of comments received from the Planning Board on September 9, 2015 and discussions at the staff level meeting, the Resolution has been revised as follows:

1. A "whereas" paragraph has been added that notes the violation issued by the NYSDEC and a condition has been added that the violation must be resolved prior to the signing of the plat.

2. A "whereas" paragraph has been added regarding the Town Board's recommendation to the Planning Board regarding the recreation fee.

3. Three "whereas" paragraphs have been added that provide additional historical information regarding the previous approval.

4. A "whereas" paragraph was added addressing information received from the Watershed Inspector General.

5. Condition 1 has been revised to state that, prior to signing the plat, a covenant shall be placed on the property which restricts the issuance of any building permits on all lots until the clean-up is complete. The revision of this condition would allow for the plat to be filed prior to the clean-up; however, no building permits for any lot would be issued until the clean-up is complete.

6. A condition was added requiring acknowledgement from the NYSDOT for the connection to Tomahawk Street prior to the signing of the plat.

7. A condition was added that requires the lead clean-up to be performed and documentation received from the NYSDEC that the site has been remediated prior to the issuance of any building permits.

All revisions are shown in the Resolution using underlining and ~~strikeout~~.

We look forward to discussing the resolution with you.

Sarah L. Brown
Senior Associate/Planning

Attachment

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

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PLANNING BOARD
Town of Somers, Westchester County, New York

RESOLUTION No. _____

GRANTING OF CONDITIONAL FINAL SUBDIVISION PLAT APPROVAL, STORMWATER MANAGEMENT & EROSION AND SEDIMENT CONTROL PERMIT 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 Tomahawk Street (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 claims regarding the information in the Final Environmental Impact Statement concerning the impact of proposed septic systems of the Project upon the Amawalk reservoir,...*"; and

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

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

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

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

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

WHERAS, during the preliminary application review process, the following revisions were made to the plans:

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

- The use of common driveways to reduce the number of curb cuts on Route 118/202, and

- The preservation of the historic roadbed and stonewalls by the adjustment of lot lines and dwelling placement, as well as through restrictive covenants; and

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Planning Board granted two 90-day time extensions for the Applicant to file the Final Subdivision Plat, on January 8, 2003 and April 23, 2003, respectively.

WHEREAS, the Applicant was unable to address all conditions specified by the July 24, 2002 conditional final subdivision approval that was set to expire on July 22, 2013 as prescribed by Town Code §150.

WHEREAS, on July 9, 2003, the Planning Board re-granted conditional final subdivision approval to the Granite Pointe Subdivision after determining that there had been no change in the Application or the final plat since the Board's prior approval on July 24, 2002.

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

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

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

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

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

WHEREAS, at its meeting on June 9, 2004, the Planning Board rescinded the conditional final subdivision approval and the subdivision reverted back to preliminary subdivision approval granted April 22, 1998, based upon newly discovered facts, information and evidence and/or changes of circumstances, including, but not limited to the impacts of lead contamination on the property and the determination that a Supplemental Environmental Impact Statement shall be prepared; and

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

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

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

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

WHEREAS, the FSEIS was circulated to all Involved and Interested Agencies and a 20-day written comment period was established through October 22, 2013; and

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

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

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

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WHEREAS, the final subdivision application, dated April 10, 2015 includes the following materials:

1. Plan entitled, "Subdivision of Property to be known as 'Granite Pointe,'" prepared by Donald J. Donnelly, Land Surveyor, dated January 22, 1999, last revised May 8, 2003;

2. Plan labeled EX, entitled, "Existing Conditions," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

3. Plan labeled IPP, entitled, "Construction Plan & Integrated Plot Plan," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;
4. Plan labeled RP-1, entitled, "Road Profile and Details," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

5. Plan labeled D-1, entitled, "Details," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

6. Plan labeled EC-1, entitled, "Erosion Control Plan," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

7. Plan labeled EC-2, entitled, "Erosion Control Details," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

8. Plan labeled SW-1, entitled, "Stormwater Basins," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

9. Plan labeled SW-2, entitled, "Stormwater Treatment Details," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

10. Plan labeled WL-1, entitled, "Water Line Profile & Details," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

11. Plan labeled PH-1, entitled, "Phasing Plan," prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised July 31, 2015;

12. "Stormwater Pollution Prevention Plan for Granite Pointe Subdivision", prepared by Bibbo Associates, LLP, dated April 10, 2015, last revised September 1, 2015;

13. Application for Environmental Permit, "Stormwater Management and Erosion and Sediment Control", by the Applicant, dated April 10, 2015;

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14. Application for Environmental Permit, "Wetland and Watercourse Protection", prepared by the Applicant, dated June 31, 2015; and

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

WHEREAS, as set forth in Section 150-13.F of the *Code of the Town of Somers*, "*In the event that an application for final subdivision plat approval is submitted more than six months after the date of approval of the application for preliminary subdivision plat, the Planning Board may, in its discretion, conduct a public hearing on the application for final subdivision plat approval, notwithstanding that the final plat is in substantial agreement with the approved preliminary subdivision plat, to assist the Planning Board in identifying pertinent new information or changes in circumstances*"; and

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

WHEREAS, an Application for Wetland and Watercourse Protection Permit ~~was submitted~~dated ~~by the Applicant on~~ June 31, 2015 [sic] was received by the Town on August 4, 2015; and

WHEREAS, on June 24, 2015, the New York State Department of Environmental Conservation issued a Notice of Violation to Suelain Realty, Inc. based upon "failure to provide advance notice of a change of use, conducting activities that disrupt and expose contamination and significantly interfere with ongoing remedial actions at the site, and, potentially, off-site"; and

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

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

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

WHEREAS, a letter of recommendation dated _____ was received from the Town Board recommending that (*insert recreation fee recommendation made by Town Board*); and

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

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

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

WHEREAS, the Watershed Inspector General provided advisory input concerning the Applicant's Phosphorous Pollutant Loading Analysis that was prepared following the Simple Method for the proposed full subdivision build-out and such comments were considered by the Planning Board and it's consultants; and

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

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

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

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

Conditions Required Prior to Signing the Plat

1. A covenant shall be placed on the property which restricts the issuance of any building permits for all lots prior to ~~T~~the clean-up of the site ~~shall be performed~~ in accordance with the approved Remedial Action Plan to the satisfaction to the NYSDEC. The covenant agreement shall be submitted to the Town Attorney for review and approval. ~~The Applicant shall provide documentation from the NYSDEC accepting the site as remediated with no further action required. No construction associated with the subdivision shall commence prior to such documentation from the NYSDEC.~~

~~1.~~2. The Applicant shall address all terms and obligations for corrective actions required by the Notice of Violation and Consent Order issued by the NYSDEC for unauthorized disturbance of the Brownsfields Cleanup Site on June 24, 2015.

~~2.~~3. The Applicant shall submit a copy of the plat that has been endorsed by the Westchester County Health Department for review and approval.

~~3.~~4. Provide documentation of NYC DEP approval of the Subdivision Stormwater Pollution Prevention Plan (SWPPP).

~~4.~~5. A copy of the deed restrictive covenant shall be provided for the historic roadbed.

~~5.~~6. The frontage of Lot 27 shall be revised to meet the 150-ft requirement for frontage.

~~6.~~7. The Town Assessor shall approve the lot numbers, with a copy of the approving letter submitted to the Planning Board.

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~~7.~~8. The Applicant shall submit evidence that the Applicant, after consultation with the Town Historian, has written to the Town Board and requested approval of the name of the street.

~~8.~~9. The Applicant shall submit the proposed wording and design of the three cast metal commemorative plaques for the historic roadbed, for approval by the Planning Board and Town Historian.

~~9.~~10. Provide draft stormwater maintenance agreements for stormwater infrastructure required to be maintained by private Homeowner's Association (HOA) or individual homeowners. Private stormwater infrastructure subject to preparation of stormwater maintenance agreements shall include all stormwater conveyance swales and individual lot subsurface infiltration systems as proposed to be constructed on Lot No. 19 and No. 29.

~~10.~~11. Prepare the final subdivision Stormwater Pollution Prevention Plan (SWPPP) that addresses all outstanding comments of the Consulting Town Engineer, as referenced in memorandum dated September 4, 2015, included by not limited to the final SWPPP. The final SWPPP must be prepared to the satisfaction of the Consulting Town Engineer and Principal Engineering Technician.

~~11.~~12. The Applicant shall provide final details of proposed conservation and preservation measures for the historic roadbed, including submittal of the proposed wording and design for three cast metal commemorative plaques as required by previous Planning Board resolution of approval, to the satisfaction ofthe Planning Board and Town Historian

~~12.~~13. The Applicant shall provide documentation from the Army Corp of Engineers (USACE) pertaining to their jurisdictional determination over the 890 square feet wetland area as shown on the south-west corner of the Granite Pointe property. Provided documentation must address whether additional permitting/approvals from USACE will be required for disturbance of the identified wetland area. The Applicant shall be required to comply with all necessary criteria for issuance of USACE permit/approval if the wetland is determined to be within jurisdiction of the USACE.

~~13.~~14. 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.

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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.~~15. 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.~~16. 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.~~17. All proposed easement documents shall be reviewed and approved by the Town Attorney.

~~17.~~18. 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.

19. 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.

20. The Applicant shall provide documentation from NYSDOT acknowledging the proposed construction of Munson Frost Drive and its connections to Tomahawk Street (Route 118) sufficient to demonstrate that the Department does not object to the proposed roadway and intersections and that only a Highway Work Permit will be required to be obtained.
~~18.~~

Conditions Required Prior to Issuance of Building Permits

The clean-up of the site shall be performed in accordance with the approved Remedial Action Plan to the satisfaction of the NYSDEC. The Applicant shall provide documentation from the NYSDEC accepting the site as remediated with no

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further action required. No construction associated with the subdivision shall commence prior to such documentation from the NYSDEC.

On-going Conditions Required After Signing of Plat

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

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

    a. Submit documentation that the final approved stormwater maintenance agreement was filed with the Westchester County Clerk's Office.

    b. Submit documentation of NYSDOT Highway Work permit approval for the proposed construction of the development roadway intersections with ~~US 202 (~~Tomahawk Street~~)~~ and work within the right-of-way.

    c. Submit documentation of WCDOH Construction Approvals for the proposed individual lot septic field areas.

    d. Submit documentation of WCDOH construction approval for the new proposed water main.

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

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

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

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

8. Appropriate erosion control measures satisfactory to the Department Engineering Technician shall be installed prior to starting the construction and maintained during the contract period, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, and the New York State Stormwater Management Design Manual, dated January 2015 (including all updates/or revisions).

9. If rock is encountered during construction, removal will first be accomplished by ripping, hammering, or drilling, in accordance with Section 148-7.B(4)(k) of the Code.

10. Significant trees and stonewalls on site will be preserved to the maximum extent practicable, in accordance with the note indicated on the subdivision plans.

11. No more than 5 acres of area are to be disturbed and left exposed at one time.

12. Construction activity will be limited from 7:00 a.m. to 6:00 p.m. Rock removal shall be limited to Monday through Friday 8:00 AM to 6:00 PM. No construction activity will occur on Sundays or legal New York State holidays.

13. An erosion and sediment control bond shall be posted to cover the cost of soil erosion and sediment control measures onsite during the course of construction. Said security shall be in a form and amount determined acceptable by the Consulting Town Engineer and Principal Engineering Technician.

14. Tree Removal permits shall be required for the removal of Town-regulated trees. Tree removal and planting replacement plans shall be submitted for each lot as part of the building permit application.

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15. That field changes that do not change the intent of the design or are not significant, if required, may be approved by the Department Engineering Technician and the Consulting Town Engineer prior to implementation. Significant field changes or those that deviate from the intent of the design as approved by that Planning Board must be approved by the Planning Board.

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

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

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

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

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

This resolution shall have an effective date of _____.

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BY ORDER OF THE PLANNING BOARD
TOWN OF SOMERS

_____

John Currie, Chairman

Dated: _____

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CTE
TP
Appl.

Marc and Diane Houslanger
5 Gwynne Drive
Granite Springs, New York

RECEIVED
SEP 28 2015
PLANNING ENGINEERING
TOWN OF SOMERS

September 28, 2015

John Currie, Chair
Town of Somers Planning Board
Somers Town House
335 Route 202
Somers, New York 10589

Re: Granite Pointe Final Subdivision Approval

Dear Mr. Currie and Members of the Board:

We submit this letter on behalf of Environmental and Community Advocates encompassing all Gwynne Drive residents and representing Somers, Westchester, and New York State citizens. Environmental and Community Advocates continue our broad-based, multiyear opposition to the 23-unit housing subdivision, Granite Pointe, ill-planned for the forested promontory of Amawalk Reservoir, the primary drinking water source of more than 40,000 local area residents. At your meeting of September 9, 2015, your Board indicated your intention to vote at your upcoming meeting of October 14, 2015 to grant final subdivision approval to the Granite Pointe housing subdivision on Amawalk's drinking water supply.

We advise you as follows:

1. NYS-Licensed, Professional Engineer David Clouser of David Clouser & Associates, in his independent review of the Granite Pointe Stormwater Pollution Prevention Plan (SWPPP) and Pollutant Loading Analysis (PLA), culminating in his two sets of expert written comment submitted to your Board on August 26, 2015 and September 8, 2015, expressed serious, unaddressed, unmitigated concerns with project design flaws and with inaccurate assumptions and calculations purporting to support the project's SWPPP and PLA. David Clouser, PE, further noted several references to "cluster subdivision" in the draft conditional final approval prepared at Mr. Currie's request by F.P. Clark Associates. Mr. Clouser's experience leads him to believe such references further reflect poor-fit project design elements of Granite Pointe. It appears the formal process that needs to be strictly followed to classify a development as a "cluster subdivision" and that is regulated by NYS Town Law §278 may have been ignored by the Town of Somers in granting "cluster subdivision" classification to Granite Pointe. It further appears qualifying standards have not been adhered to, with the end result being a housing development enabled by the Town of Somers to squeeze more lots than could be developed if NYS Town Law §278 classification standards and proper zoning requirements had been followed and met. It is our firm opinion and that of David Clouser, PE, LS the Granite Pointe housing development does not reflect design elements of a cluster subdivision and does not warrant such classification issued by your Board and/or the Somers Zoning Board.

2. At your September 9, 2015 meeting, Mr. Currie reiterated the project engineer's statement to your Board that "Applicant will be liable for all project consequences, and that the Town will be liable for nothing after final plat sign-off." Such blanket statement your Board is relying upon to grant final approval at your October 14, 2015 meeting is entirely false. We hereby further advise your Board the Town of Somers will be liable for gross negligence if the Granite Pointe housing subdivision is built on Amawalk's drinking water resulting in degradation and harm to the drinking water supply, public health, public scenic vistas, and if harm is inflicted by your Board's actions upon any other party.

3. It is our firm opinion your Board negligently applied Home Rule to the matter of Granite Pointe. Home Rule should not have been extended to acceptance of such unsuitable and bad-fit project for SEQRA review, a housing development on a dense forest directly situated on, and jutting into, a primary drinking water supply.

4. We hereby place your Board and the Town of Somers on written notice of our clear most intent and that of the public interest we represent to legally oppose any issuance by your Board of conditional final subdivision approval to the Granite Pointe housing subdivision. Your Board, the present landowner/Applicant, and the planned next site owner should expect our broad-based opposition to this egregiously bad-fit project to continue. Your Board and the present landowner/Applicant are informed with clarity and determination that protracted litigation will follow your Board's action to grant final approval to the Granite Pointe housing project on the Amawalk Reservoir public drinking water supply. Accordingly, the Town of Somers and the Applicant should be prepared for litigation.

Sincerely,

Marc Houslanger

Marc Houslanger

Diane Houslanger

Copy: Somers Town Board
David Clouser, PE, LS, David Clouser & Associates
William Maker, Jr., Esq.
Community Watersheds Clean Water Coalition
Environmental and Community Advocates
News Media

TOWN BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

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SOMERS TOWN HOUSE
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SOMERS, NY 10589
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(914) 277-3323
FAX (914) 276-0082

October 8, 2015

Interested Agencies

Re: Somers Pointe Country Club – (TM 6.17-20-1.21); 1000 West Hills Drive, Somers, NY 10589

The proposed action seeks to amend the Town of Somers Zoning Code to allow for tennis courts and swimming pools to remain as permitted principal use within the Designed Residential Development district, but to be for the use by the general public, rather than being primarily for the residents of the Designed Residential Development district. Assuming adoption of this text amendment, Somers Pointe Country Club seeks to construct a new swimming pool (±50ft. X 30 ft.) and new accessory cabana building (± 70 ft. X 50 ft.) adjacent to the existing golf clubhouse; two new tennis courts; and new associated parking. The proposed pool and tennis courts would be made available by membership to the general public but be limited in number of memberships offered.

At its meeting of October 8, 2015, the Town of Somers Town Board voted to declare its intent to be Lead Agency for the Proposed Action under SEQR based on its review of a Full EAF –Part 1 dated September 18, 2015.

The Proposed Action is an Unlisted Action pursuant to Chapter 92 of the *Code of the Town of Somers.* The Town Board will conduct a coordinated environmental review. The attached Notice of Intent to Be Lead Agency and attached Full EAF are being distributed to interested agencies for their information.

Rick Morrissey
Town Supervisor

Attach. – Notice of Intent to Be Lead Agency
SEQR Distribution List
Full Environmental Assessment Form – Part 1

Cc: Interested Agencies
See Attached List

NOTICE OF SEQR ACTIONS – Proposed Zoning Text Amendment to Designed Residential Development (DRD) District and Site Plan Approval for a Swimming Pool, Cabana Building, Two Tennis Courts and Associated Parking for Existing Somers Pointe Country Club

Notice of Intent to Act as Lead Agency

Issued by Town of Somers Town Board
Westchester County, New York

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act (SEQRA)) of the New York State *Environmental Conservation Law* and Chapter 92 (Environmental Quality Review) of the *Code of the Town of Somers, New York.*

The Town Board of the Town of Somers, Westchester County, declares its intent to act as lead agency for a Proposed Zoning Text Amendment to the Designed Residential Development (DRD) District that would allow for a swimming pool and accessory cabana building and tennis courts with associated parking as part of an associated Site Plan Approval process.

The Somers Town Board at its meeting of October 8, 2015 declared its intent to establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code as part of a coordinated review.

The Proposed Action is an Unlisted Action under SEQRA as per Chapter 92 of the *Code of the Town of Somers* in conjunction with Article 24 of the NYS *Environmental Conservation Law.*

PROPOSED LEAD AGENCY: Town Board, Town of Somers
Somers Town House
335 Route 202
Somers, New York 10589

TITLE OF ACTION: Zoning Text Amendment to Designed Residential Development (DRD) District and Site Plan Approval for Pool, Cabana, Tennis Courts and Parking for Somers Pointe Country Club

DESCRIPTION OF ACTION: The proposed action seeks to amend the Town of Somers Zoning Code to allow for tennis courts and swimming pools to remain as permitted principal use within the Designed Residential Development district, but to be for the use by the general public, rather than being primarily for the residents of the Designed Residential Development district. Assuming adoption of this text amendment, Somers Pointe Country Club seeks to construct a new swimming pool (±50ft. X 30 ft.) and new accessory cabana building (± 70 ft. X 50 ft.) adjacent to the existing golf clubhouse; two new tennis courts; and new associated parking. The proposed pool and tennis courts would be made available by membership to the general public but be limited in number of memberships offered.

SEQR DISTRIBUTION LIST – Proposed Zoning Text amendment to Designed Residential (DRD) District and Site Plan Approval for Swimming Pool, Cabana Buildings, Two Tennis Courts and Associated Parking for Existing Somers Pointe Country Club

Interested Agencies

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.: Martin Brand, Regional Director

New York City Department of Environmental Protection
465 Columbus Avenue
Valhalla, New York 10595
Attn.: Mariyam Zachariah

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

Westchester County Planning Board
432 Michaelian Office Building
White Plains, New York 10601
Attn: Edward Buroughs

Town of Somers Town Clerk
Somers Town House
335 Route 202
Somers, New York 10589
Attn.: Kathleen R. Pacella, Town Clerk

Somers Planning Board
Somers Town House
335 Route 202
Somers, New York 10589

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

Architecture Review Board
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

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

Other- Lead Agency Representatives

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

Woodard & Curran Engineering P.A P.C.
709 Westchester Avenue Suite L2
White Plains, NY 10604
Attn: Joseph Barbagallo, Senior Vice President

Stephans, Baroni Reilly & Lewis LLP
175 Main Street White Plains, NY 10601
Attn: Roland A. Baroni, Esq.

Other- Project Sponsor Representatives

Sive Paget & Riesel P.C.
460 Park Avenue
New York, NY 10022
Attn: Christine Leas/Mark Chertok

John Petroccione, P.E.
129 Neptune Drive
Monroe, NY 10950

Spruce Wang
Steven Koo
41-99 Main Street
Suite 203
Flushing, NY 11355

LOCATION: 1000 West Hills Drive, Somers NY, Westchester County ((TM 6.17-20-1.21)

SUPPLEMENTAL INFORMATION: A Long Form (EAF) Part 1 has been prepared for the Proposed Action. This form is being distributed to all Involved and Interested Agencies (see list below), and this information is also available for review in the Planning and Engineering office at the Town House and on the Town's web site.

Contact: Syrette Dym, AICP, Director of Planning
335 Route 202
Somers, New York 10589

Telephone: 914-277-5366

Date of this Notice: October 8, 2015

SEQR DISTRIBUTION LIST – See Attached

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

MEMORANDUM

TO: Town of Somers Town Board

FROM: Syrette Dym, Director of Planning

DATE: September 29, 2015

RE: Project: Somers Pointe Country Club Amended Site Plan and Zoning Text Amendment
Applicant: Somers Pointe Country Club, LLC
Location: 1000 West Hills Drive (Section 6.17 Block 20 Lot 1.21)
Zoning: DRD Designed Residential Development Overlay District
Actions: Site Plan Application to Planning Board- Request for Construction of a Swimming Pool, Cabana and Two Tennis Courts; Zoning Text Amendment to DRD District to Town Board

Application Request:

By original; application dated April 22, 2015 Somers Pointe Country Club, LLC submitted an application to construct a swimming pool and cabana and two tennis courts, with associated parking. The application was for Site Plan Approval, Stormwater Management and Erosion and Sediment Control Permit and Steep Slope Protection Permit.

After review of the submission and associated documents, discussion by the Planning Board and town staff, and additional submissions by the applicant, it was determined that the request was not a permitted use in the DRD District as currently written.

Therefore, by letters of September 21, 2015 from Christine Leas of Sive Paget & Riesel P.C., attorney for the applicant, submitting a Petition for Zoning Text Amendment and of September 21, 2015 from John Petroccione, P.E., engineer for the applicant, submitting a proposed site plan associated with the requested text amendment, the application has been updated for review by the Town. The original applications for Site Plan Approval, Stormwater Management and Erosion and Sediment Control Permit and Steep Slope Protection Permit approvals are still valid. A revised Full EAF Part 1 dated September 18, 2015, covering the requested zoning text amendment and site plan approval, has been submitted as part of this resubmission.

The Petition for Zoning Text Amendment seeks to amend Section 170.12C of the Designed Residential Development (DRD) District such that some uses, namely swimming pools and tennis courts, need not be restricted to use primarily by residents of a designed residential development. Golf courses, riding stables and general recreational and athletic facilities within a designed residential development would still be limited to use primarily by residents of such developments.

Actions To Be Taken By Town Board and Planning Board

The following is the general sequence of actions that will need to be taken by both the Town Board and Planning Board to process the applicant's request for the zoning text amendment and site plan approval.

Town Board Meeting of October 8, 2015 –

(1) Presentation by Applicant, if requested by Town Board; discussion of Petition for Zoning Text Amendment
(2) Town Board declares intent to be lead agency;
(3) Town Board refers lead agency designation to Planning Board and other interested agencies for comment
(4) Town Board also refers Petition to Somers Planning Board and Westchester County Planning Board for substantive comments on requested change
(5) Town Board sets date for zoning text amendment public hearing for **November 12, 2015**. (Public Notice to be placed)

Planning Board Meeting of October 14, 2015 –

(1) Planning Board comments on zoning text change;
(2) Planning Board discuss and determine whether Town Board should act as lead agency as part of a coordinated SEQR review with one Negative Declaration issued for both Zoning Text Amendment and Site Plan Approval
(3) Planning Board proceeds with site plan review if chooses to do so pending approval of zoning text amendment

Town Board Meeting November 12, 2015

(1) Hold Text Amendment Public Hearing; determine keeping public hearing open or close. Wait for site plan review and SEQR comments by Planning Board. Receive substantive comments, if any, from others.

Town Board Meeting Date(s) TBD –

(1) Town Board invites Planning Board to work session to discuss potential environmental impacts and make determination of significance. At appropriate regular meeting, Town Board issues a Negative Declaration.
(2) Town Board votes on proposed zoning text amendment

Planning Board Meeting Date(s) TBD –

(1) Planning Board issues Site Plan approval and resolution, once zoning text amendment is approved

Zoning Text Amendment

The applicant's request to amend Section 170.12C has arisen from issues raised regarding the proposed pool and tennis court uses being permitted uses subject to the DRD requirement that now reads: "(5) Golf courses, swimming pools, tennis courts, riding stables and general recreational and athletic facilities intended primarily for use of the residents of the designed residential development". Somers Pointe Country Club is and always has been a private club within the Heritage Hills development. Heritage Hills provides a variety of pools and tennis courts for its own residents. As demonstrated in the memorandum of June 3, 2015 from the Planning Director to the Planning Board,, it was not clear that the club could successfully market the pool and tennis courts only "primarily for use by residents of the designed residential development" given the already existing facilities available to those residents. The proposed text amendment is, therefore, a solution to that issue that permits the limited number of memberships to be made available (up to 106), to include members not "primarily" residents of Heritage Hills.

Full EAF

A Full EAF Part 1, dated September 18, 2015, was submitted as part of the zoning and resubmitted site plan approval package.

While most items seem to be correct, several site related acreages do not appear to be consistent and need explanation or clarification. Under D.1.b.b on page 3, total acreage of the site to be physically disturbed is indicated as 1.95 acres of a total site size of 68 acres. First, the applicant should clarify what the 68 acres includes. Then, on page 6, itemD.2.e.i. indicates that 1.3 acres of impervious surface will be created out of the 68 acre site, or that .65 acres of that to be disturbed will not result in impervious surfaces.

Page 9 item E.1.b shows a table of current acreage and acreage after project to completion. It indicates an increase in impervious surface of 1.06 acres, less than the 1.3 acres indicated above. This discrepancy needs to be explained.

In addition, the categories of land use before and after construction equal 6.49 acres, a number which does correspond to any other site size indicated. Please explain what these 6.49 acres corresponds to.

Cc: Town Board
Joe Barbagallo/Rob Wasp
Roland Baroni
Mark Chertok
Christine Leas
John Petroccione
Steven Koo
Spruce Wang

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
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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: September 28, 2015

RE: Comments on Avalon Bay Somers Submission of September 22, 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

Milone and MacBroom submitted a revised set of site plans that include the following revision dates:

IN – 9/21/15
EX-1 – EX - 4 and EX – 6 - Existing Conditions & Tree Removal – 06/09/14
EX-5 Existing Conditions and Tree Removal – Schedule of Tree Removal – 06/09/14
LA-1 & LA-2 – Site Plan Layout – 9/21/15
LS -1 & LS- 2 – Site Plan – Landscaping - 9/21/15
GR-1 & GR-2 – Site Plan - Grading - 9/21/15
UT -1 & UT -2 – Site Plan – Utilities – 9/21/15
SA-1 & SA-2 Steep Slope Analysis – Existing Conditions & Proposed Conditions – 9/21/15
SP-1 – 4 Stormwater Pollution Prevention Plans & Details – 9/21/15
SD-1 – 6 Site Details 9/21/15
PH-1 - Photometric Plan – 9/21/15
PR-1-5 – Road Plan and Profile - Road 1, 3, & 4; Off Road Sanitary Sewer, Road B, Off Road Sewer – 9/21/13
ST-II, III, IVA, IVB & VIII – Construction Phase Plans – 07/21/15
Construction Sequencing Plans: Stages I, II, III, IVa, IVb, V, I, VII, VIII, IX – 9/22/15

This plan set was submitted by Milone &MacBroom with cover letter dated September 22, 2015, containing slight refinements in the design and to address comments contained in the Woodard & Curran memorandum dated March 4, 2015 and those not previously addressed in the Director of Planning memorandum of August 4, 2015.

Steep Slopes – March 2, 2015 Comment Memorandum

The project slope data has been revised on drawings SA-1 and SA-2to reflect a boundary of disturbed area plus 25 feet beyond. The only question now is, the existing condition area totals 12.5 acres and the proposed condition totals 12.75 acres. Although these are indicated as "±", is there any other reason for this difference?

Both existing and proposed conditions are now identified as 13±acres. Addressed

Architectural Plans

Elevations for the garages have now been provided. Although the rear of the buildings is facing away from the main areas of the project, the Planning Board may want to discuss additional articulation of the buildings. **Planning Board has still not addressed.**

The Applicant should bring renderings of rear of garages and request comments from Planning Board.

Parking Requirement and Sidewalks

The memorandum of April 6, 2015, clarified the position of the Town Highway Superintendent with regard to parking spaces on the public roads in the PH district. He was in favor of allowing parking as long as parking was prohibited during snow events when snow removal was necessary. To ensure this, he suggested that the Town Board adopt regulations that would not allow parking during times of snow removal in areas along the Village Green where public parking spaces are proposed to be located. No action has been taken by the Town Board. This action should be taken prior to final site plan approval of the project. **Not addressed.**

The Applicant should coordinate with the Director of Planning to place a draft resolution on the Town Board agenda regarding the suggestion of the Highway Superintendent.

In addition, the Superintendent indicated that some type of buffer area between the roadway and sidewalks be created so that plowed snow would not cover the sidewalks. It does not appear that the current plans incorporate any such area.

Drawing LA-2 now shows a reserve area along each edge of the Village Green and along the western side of Road B between the road and sidewalk that can be used for snow plowed from the street. The southern portion of Road C across from the Village Green has inadvertently omitted this area, as discussed with Tom Shields of Milone & MacBroom, and will be adjusted in the next set of plans. Will be addressed fully.

Two items related to the landbanked parking need further discussion. First is that the northernmost spaces are adjacent to a planted area. Plants in that area need to be low in scale to ensure visibility of these spaces to cars entering the driveway, should they ever be developed. Second, landscape plans LS-1 and LS-2 show trees and shrubs planted within these landbanked areas. There will have to be carefully considered conditions regarding monitoring of parking space utilization, what would constitute a trigger for the need for and development of some or all of the landbanked spaces, and the process under which tree and shrub removal and parking space creation would take place should the need arise. **Needs to be addressed.**

The Applicant needs to submit a proposed plan for monitoring adequacy of spaces for review by Planning Board and Director of Planning.

Letter from DOT

A letter relates to the June 5, 2015 and June 10, 2015 submission and revised submission by Maser consulting for Somers Realty. Attached to the letter is a "Project Submission Review Report". There are several requirements stated in the letter, the most important of which is DOTs prohibition on a left turn out of the project at the new project entrance at Clayton Boulevard and Route 6 and that a right-out only movement is required. Since

the Planned Hamlet DEIS and FEIS all incorporated a left turn movement at this newly created intersection as part of the traffic analysis, the impacts of removing this as a permitted movement was not analyzed. The applicant has requested the opportunity to have discussions with DOT to try to resolve this issue prior to preparing any new analysis for review by the Town and determination of potential need for additional mitigation. The applicant will keep the Planning Board, Director of Planning and Town Consulting Engineer aware of what it has already represented to DOT and any new material or analysis it will present.

Somers Realty is in the process of providing the Planning Board's consulting traffic engineer with an analysis of the traffic resulting with no left turn out of the new intersection of Clayton Blvd. with Route 6. The results of this analysis and any potential impacts will be made available to the Planning Board.

Playscape

Drawing LA-2 identifies the playscape to be provided as part of the Village Green as to be provided "By Others". The Planning Board should request samples of what this might consist of and determine parameters for such facility that it may want to set as part of its Site Plan approval.

Cc: Rick Morrissey
Roland Baroni
Joe Barbagallo
Tommy Chiaverini
Mike Galante
Todd Nicotra
Peter Wise
Linda Whitehead

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

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October 9, 2015

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

Subject: **Traffic Analysis Review – Site Access Modifications – Somers Realty, U.S. Route 6, Somers, New York**

Dear Ms. Dym:

As requested, we have completed a review of the Traffic Report prepared by the Applicant's Consultant, Maser Consulting. This report is dated October 2, 2015 and was submitted to the Town Planning Board for their consideration.

Project Description

The Applicant is proposing to modify a portion of the previously approved development of the subject property located on the southerly side of U.S. Route 6 between the intersections of Mahopac Avenue and Clayton Boulevard.

The current proposal includes an additional 50 units of senior housing for a total of 147 units, the medical building space will be increased from 20,000 to 30,000 square feet and the recreational center will be increased from 4,000 to 4,800 square feet of floor area. However, the professional office space will be reduced from 45,000 to 10,000 square feet of floor area.

This represents a decrease in site traffic generation of 42 and 50 vehicle trip ends during the weekday morning and weekday afternoon peak hours. It will result in an increase in site traffic generation of 63 vehicle trip ends during the Saturday midday peak hour.

Previously, the Town approved a full-movement driveway serving the subject property, which permits all turning movements into and out of the site. However, based on recent comments obtained from the New York State Department of Transportation (NYSDOT) it was specifically requested that the left turn movement exiting the subject property be prohibited. Therefore, the Applicant has modified its plans to physically restrict a left turn movement from the subject property; however, the plan maintains the westbound left turn movement into the site and a right turn movement into the site. Site traffic would continue to have access to Clayton Boulevard.

Review Comments

As noted above the Applicant submitted a Traffic Study, which included the following intersections for the weekday morning, weekday afternoon and Saturday midday peak hours:

- U.S. Route 6 at Clayton Boulevard (signalized);
- U.S. Route 6 at the proposed site access drive;
- U.S. Route 6 at Mahopac Avenue (signalized); and,
- Clayton Boulevard at site access drive/Somers Common Shopping Access Drive.

The traffic analysis is based on a 2027 build traffic condition, which represents a 10-year future design year from the planned opening of the full development.

Based on our review of the traffic volumes which illustrate the shifting of left turn site traffic from this main driveway to Clayton Boulevard for each of the peak hours, the analyses indicate that U.S. Route 6/Clayton Boulevard signaled intersection will maintain acceptable Levels of Service on each approach and overall for the intersection for the weekday morning, weekday afternoon and Saturday midday peak hours. Specifically, the Levels of Service will be "A," "B" and "B" for the weekday morning, weekday afternoon and Saturday midday peak hours, respectively. The northbound approach lanes on Clayton Boulevard to U.S. Route 6, which will accommodate the additional traffic shifted from the main access drive to U.S. Route 6, will operate at Level of Service "C" during each of the peak hours, with the added site traffic.

The U.S. Route 6/Mahopac Avenue signalized intersection will not have any changes in operational characteristics or Levels of Service, since all of the site traffic added to this

intersection under the previous plan and the modified plan will be exactly the same. Therefore, this intersection will operate at an overall Level of Service "C," "D" and "C" during the weekday morning, weekday afternoon and Saturday midday peak hours, respectively. This represents the condition with the modified traffic signal timing, as proposed by the Applicant.

At the U.S. Route 6/Site Access Drive/Golf Work driveway, without a left turn exit movement, will operate at Level of Service "B," "C" and "C" for the exiting movements (right turn only) from the site driveway during the weekday morning, weekday afternoon and Saturday midday peak hour, respectively. Traffic flow on U.S. Route 6 for turning movements in and out of the subject property will maintain a Level of Service "A," "B" and "B" during the same peak hours noted above.

It is important to note that the driveway located opposite the site driveway on U.S. Route 6 will continue to operate at Level of Service "D," "F" and "F" during the three peak hours noted above. The results of this site driveway intersection indicate that with the removal of the left turn movement from the site driveway, exiting movements from the site will improve significantly to acceptable Levels of Service.

The internal intersection of Clayton Boulevard at the Site's Access Drive, which is opposite the Somers Shopping Center access drive, indicates it will continue to operate at acceptable Levels of Service on each of the approaches during each of the peak hours.

A review of the plans provided by the Applicant for the development of the site driveway, as described above, have been updated to meet the most recent comments from the NYSDOT. These modifications include additional traffic control signing on the access drive.

Findings

Based on our review of the Traffic Study and Site Plan and our knowledge of the subject property and the surrounding roadways and intersections, this modification to restrict left turns from the site will minimize potential traffic conflicts along U.S. Route 6 along the site frontage. This modification will shift site traffic to the Clayton Boulevard signalized intersection with U.S. Route 6 and provide a single controlled intersection for these movements.

It is important to note that the NYSDOT is planning improvements to the signalized intersection of U.S. Route 6 at NYS Route 118, which is not included in this analysis. It is assumed that any final determination of a traffic signal timing plan for the U.S. Route 6/Clayton Boulevard intersection will be coordinated with the modified traffic signal plan at the U.S. Route 6/NYS Route 118 intersection.

Field observations during peak hours do indicate that eastbound traffic flow on U.S. Route 6 does back up to and block the Clayton Boulevard intersection. Therefore, any modification to traffic signal timing plans for these two signalized intersections should address this blockage as much as possible. It is assumed the modifications to the intersection to the east of Clayton Boulevard will minimize the current delays and improve overall traffic flow.

In conclusion, it is our recommendation that the Traffic Report and Site Plan, as presented to the Planning Board, are accepted for your further consideration.

Sincerely,

Michael A. Galante
Executive Vice President

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ARCHITECTURAL REVIEW BOARD

Telephone
(914) 277-5582
Fax
(914) 277-3790

JOHN ALFONZETTI
CHAIRMAN

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

DENISE SCHIRMER
SECRETARY
dschirmer@somersny.com

C-
PB
TP
CTE
applicant

RECEIVED
OCT 8 2015
PLANNING DEPT OF THE TOWN OF SOMERS

895.

MEMO TO: Planning Board

FROM: Architectural Review Board

RE: 50 Route 6

DATE: October 8, 2015

At our September 24, 2015 meeting, the Board met with Todd Nicotra, Development Director, AvalonBay Communities, Inc. and Sal Talamo, AIA, NCARB, The Sullivan Architect Group with regard to revisions on the exterior colors schemes for AvalonBay Somers located at 50 Route 6.

Each individual building will have a combination of two different siding colors, each having a specific accent color scheme. The color combination of each building is depicted on Drawing Number A4.00, Titled: Exterior Color Scheme Coordination Site Plan, Dated 8/6/15. The specifics for each color combination are shown and detailed on Drawing Number M1.00, Titled: Material and Color Selections, Dated: 9/23/15.

ZARIN &
STEINMETZ

David J. Cooper
Jody T. Cross ●
Marsha Rubin Goldstein
Jeremy E. Kozin
Helen Collier Mauch ▲
Matthew R. Pisciotta
Daniel M. Richmond
Brad K. Schwartz
Lisa F. Smith ●
David S. Steinmetz ■
Krista E. Yacovone
Michael D. Zarin

■ Also admitted in D.C.
● Also admitted in CT
▲ Also admitted in NJ

September 3, 2015

RECEIVED
SEP - 4 2015
PLANNING BOARD

Overnight Mail
Hon. John Currie, Chairman
and Members of the Planning Board
Town of Somers
335 Route 202
Somers, NY 10589

Re: ***Somers Commons***
80 Route 6, Somers, NY
Tax Lot: 4.20-1-11
Application For Additional Signage

Dear Chairman Currie and Members of the Planning Board:

We represent UB Somers, Inc., the owner of the above-referenced property, also known as Somers Commons (the "Applicant"). Enclosed please find ten (10) copies of the following in connection with the Applicant's Request for Informal Appearance Before Planning Board in connection with the Applicant's intent to file an Application for additional signage for Somers Commons:

1. Application form;

2. Existing Amended Site Plan, indicating to locations of the proposed signage (the "Site Plan");

3. Rendering of proposed sign design ("Rendering");

4. Planning Board Resolution No. 99-30, dated October 13, 1999 (the "1999 Resolution");

5. Proof that taxes have been paid, per item II(H) of the Application; and

6. A check in the amount of $300.00 in connection with the Application Fee.

Somers Commons is located in the Community Shopping ("CS") Zoning District. Section 170-21.6 of the Town of Somers Zoning Code, which sets forth the Design Guidelines for the CS Zoning District, states that "[a] freestanding project identification sign shall be permitted *at each access drive connecting to the external, public road system.*" Zoning Code § 170-21.6(R) (emphasis added).

Presently, there is only one (1) freestanding sign serving Somers Commons, which is located at the main entrance on Route 6. The Applicant is seeking to add two (2) additional signs at the following locations (indicated by asterisk on annexed Site Plan): (i) the access drive on Route 6, located to the west of the main entrance; and (ii) the access drive on Miller Road/Route 118. As illustrated on the annexed Rendering, the proposed sign design would be consistent with the existing sign at the main entrance.

As set forth in the 1999 Resolution, the sign proposed at the Route 6 access drive to the west of the main entrance was initially contemplated and approved at the time Somers Commons obtained Site Plan Approval. (See 1999 Resolution at 7). Despite said approval, however, the sign was never constructed. Although no sign was previously requested at the Miller Road/Route 118 access drive, it appears that a sign at that location would likewise be permitted in accordance with Section 170-21.6(R).

The Applicant is, therefore, seeking an Informal Appearance before your Board at the October 14, 2015 meeting to present and discuss the foregoing request to construct two (2) additional freestanding signs. We look forward to answering any question the Board may have at that time.

If you have any questions in the interim, or if you require any further information, please do not hesitate to contact me.

Respectfully submitted,

ZARIN & STEINMETZ

By: _____
Jody T. Cross

Encls.
cc: Syrette Dym, AICP
Mr. Willing Biddle (via email)

7/05

TOWN OF SOMERS PLANNING BOARD
REQUEST FOR INFORMAL APPEARANCE BEFORE PLANNING BOARD

FEE: $150 WITHOUT CONCEPTUAL PLAN $300 WITH SKETCH PLAN REVIEW
FEE PAID: _____ DATE PAID: _____

I. IDENTIFICATION OF APPLICANT:

A. OWNER: UB Somers Inc. SUBDIVIDER: _____
ADDRESS: 321 Railroad Ave ADDRESS: _____
Greenwich CT 06830
TELE #: 203-863-8200 TELE #: _____

B. SURVEYOR: Eustance and Horowitz P.C. TELE #: 845-361-4541
ENGINEER: Eustance and Horowitz P.C. TELE #: 845-361-4541

II. IDENTIFICATION OF PROPERTY:

A. Project Name: Proposed Signage
B. Street abutting property: Miller Rd (Rt 118) + U.S. Rt 6
C. Tax Map Design: Sheet: 4.20 Block: 1 Lot: 11
Zoning District: CS
E. Project (does) (does not) connect directly into (State) (County) highway.
F. Proposed drainage (does) (does not) connect directly into channel lines established by the County Commission of Public Works.
G. Project site (is) (is not) within 500 feet of Town boundary.
H. Proof that taxes have been paid. ✓ - attached

III. BRIEF DESCRIPTION OF PROJECT PROPOSAL:
Additional pylon signs to be added on property

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, Road Specifications, State Environmental Quality Review Act, Wetland and Steep Slope Ordinances, as applicable.
The comprehensiveness of the material submitted will determine the extent of comments that the Planning Board can make on a sketch plan. No materials received after the submission date of this application will be considered by the Board.
Ten (10) copies of all plans and written reports are requested.
By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.
The undersigned hereby requests an informal appearance before the Planning Board to discuss the proposed project.

UB Somers Inc Date: 8/11/15
Applicant

[signature] Date: 8/11/15
Owner V.P. Director Management & Const.

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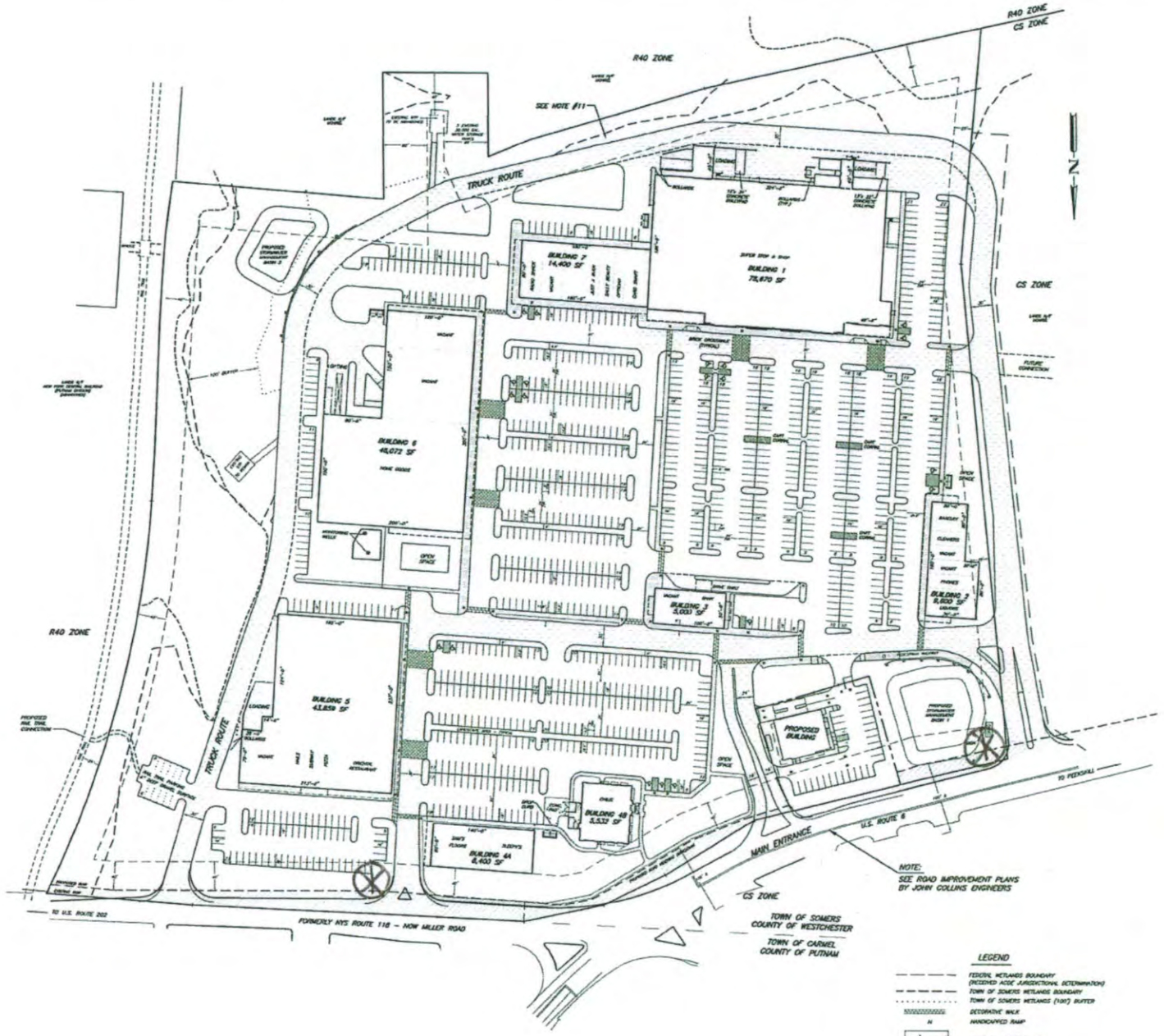


NOTE:
SEE ROAD IMPROVEMENT PLANS
BY JOHN COLLINS ENGINEERS

LEGEND

- FEDERAL WETLANDS BOUNDARY (PROPOSED ACOE JURISDICTIONAL DETERMINATION)
- TOWN OF SOMERS WETLANDS BOUNDARY
- TOWN OF SOMERS WETLANDS (100') BUFFER
- DECORATIVE WALK
- H HANDICAPPED RAMP
- CONCRETE PAVEMENT AREA
- HEAVY DUTY PAVEMENT AREA
- LIGHT DUTY PAVEMENT AREA
- PEDESTRIAN WALK
- WOOD GUIDE RAIL (SEE LANDSCAPE PLAN)

ZONE DISTRICT – CS

TABLE OF MINIMUM DISTANCES

ZONE: (CS)COMMUNITY SHOPPING	REQUIRED	PROVIDED
WIDTH AT FRONT LOT LINE	150 FT.	1,380 FT.
FRONT YARD	40 FT.	40 FT.
REAR YARD	25/80 FT.	80 FT.
SIDE YARD	25/40 FT. *	16 FT. **
	PERMITTED	PROVIDED #
SITE COVERAGE	70 %	67 % #
% OF LOT TO BE OCCUPIED: PRINCIPAL BUILDINGS	18 %	17.28 %
HEIGHT IN STORIES/FEET	2/30	2/30

* 40 FT. WHEN ADJACENT TO RESIDENTIAL

PARKING	REQUIRED	PROVIDED
RETAIL – (213,533 S.F.)	5 SPACES PER 1000SQFT 1068 SPACES	1050 REGULAR 20 HANDICAPPED 1070 TOTAL

** AN AREA VARIANCE WAS GRANTED FOR THE MINIMUM SIDE YARD.

NOTES

1. TAX MAP # SECTION 4.20, BLOCK 1, LOT 11
2. TOTAL AREA: 28.5144 ACRES
   TOTAL AREA AFTER R.O.W. TAKING: 28.1184 ACRES
3. TOTAL AREA FOR DENSITY PURPOSES: 26.10 ± ACRES
4. ZONE: CS – COMMUNITY SHOPPING
5. PROPOSED USE(S): RETAIL SHOPPING, BANK, RESTAURANT
6. RECORD OWNER: COLUMBIA SOMERS LLC
   30 CORPORATE CIRCLE
   ALBANY, NEW YORK, 12212
7. APPLICANT: COLUMBIA DEVELOPMENT GROUP
   30 CORPORATE CIRCLE
   ALBANY, NEW YORK 12212
8. SITE ENGINEER: EVSTIGNEE AND HOROWITZ P.C.,
   P.O. BOX 42
   CROTONVILLE, NY 10519
9. TRAFFIC ENGINEER: JOHN COLLINS ENGINEERS, P.C.
   11 BRIGHARCT AVENUE
   HAWTHORNE, NEW YORK, 10533
10. ARTICLE XX OF THE SOMERS TOWN CODE LOT AREA EXCLUDES 75% OF THE AREA DESIGNATED AS TOWN WETLANDS. BASED UPON A TOTAL LOT AREA OF 28.5 ACRES AND 3.2 ACRES OF WETLANDS, DENSITY CALCULATIONS ARE BASED UPON 26.10 ACRES. THIS RESULTED IN A MAXIMUM F.A.R. OF 227,363.20 SQ. FT. (0.20) OF WHICH 204,626.88 SQ. FT. (0.18) CAN BE FOR NON-RESIDENTIAL USES. THE SOMERS ZBA HAS GRANTED A VARIANCE TO ALLOW A MAXIMUM F.A.R. OF 19.17% (218,000 SQ.FT.) FOR NON-RESIDENTIAL USES.
11. SECTION 170.21.5J OF THE SOMERS CODE PROVIDES THAT WHERE THE CS DISTRICT ABUTS A RESIDENCE DISTRICT, THE MINIMUM REAR YARD SETBACK SHALL BE 80 FEET, 40 FEET OF WHICH SHALL BE MAINTAINED AS A LANDSCAPE BUFFER. THE SOMERS ZBA HAS GRANTED A VARIANCE PERMITTING THE PERIMETER DRIVE TO ENCROACH WITHIN THE 40-FOOT SETBACK IN AN AREA ENCOMPASSING APPROXIMATELY 1,719 SQUARE FEET.
12. SECTION 170.21.5H OF THE SOMERS CODE PROVIDES THAT WHERE THE CS DISTRICT ABUTS A NONRESIDENTIAL DISTRICT, THE MINIMUM SIDE YARD SETBACK SHALL BE 25 FEET. THE SOMERS ZBA HAS GRANTED A VARIANCE PERMITTING THE PROPOSED 8,800 SQUARE FOOT RETAIL BUILDING TO ENCROACH INTO SUCH 25 FOOT SET BACK IN TWO AREAS, ONE OF 190 SQUARE FEET AND THE OTHER OF 385 SQUARE FEET.
13. PROPERTY TO BE CONVEYED FROM SOMERS REALTY CORPORATION TO SOMERS DEVELOPMENT CORP. (AS SUCCESSOR IN INTEREST TO BIO V PROPERTIES, INC.) PURSUANT TO SETTLEMENT AGREEMENT DATED JULY 06, 1993.
14. THE DRIVEWAY TO BE CONSTRUCTED ON LANDS OWNED BY SOMERS REALTY IS SUBJECT TO AN EASEMENT AGREEMENT.
15. ALL LANDSCAPED ISLANDS WILL BE A MINIMUM OF EIGHT FEET IN WIDTH.
16. AS SET FORTH IN SECTION 444-3.2.(E)(3) OF THE CODE, NO CONSTRUCTION ACTIVITY WHICH PRODUCES OBJECTIONABLE NOISE LEVELS AT THE APPLICANTS PROPERTY LINE SHALL BE ALLOWED TO START BEFORE 8:00 A.M. OR EXTEND BEYOND 6:00 P.M. NO CONSTRUCTION ACTIVITY SHALL BE ALLOWED ON SUNDAYS OR LEGAL NEW YORK STATE HOLIDAYS.
17. HVAC EQUIPMENT WILL BE PROPERLY LOCATED AND SCREENED TO MINIMIZE VISIBLE OR AUDIBLE IMPACT TO NEIGHBORING RESIDENTIAL PROPERTIES.
18. ALL BUILDINGS WILL BE PROVIDED WITH INDIVIDUAL WATER METER.
19. ALL MONITORING WELLS IN PAVED AREAS AND GRASSED AREAS TO HAVE CURB BOXES INSTALLED WITH LOCKABLE CAPS.
20. ANY UTILITIES WITHIN THE HYDRIC SOIL COMPLEX, SHALL BE IDENTIFIED AND SHALL BE EXCAVATED TO A DEPTH OF 24" BELOW THE HYDRIC SOIL LAYER, TO PROVIDE A STABLE TRENCH.(SEE DETAIL SHEET)
21. ALL WELLS TO BE ABANDONED ARE TO BE FILLED WITH CONCRETE.

REVISED	NATURE OF REVISION	BY	REVISED	NATURE OF REVISION	BY

AMENDED SITE PLAN
FOR
UB SOMERS, INC. & BVS ACQUISITION CO., LLC

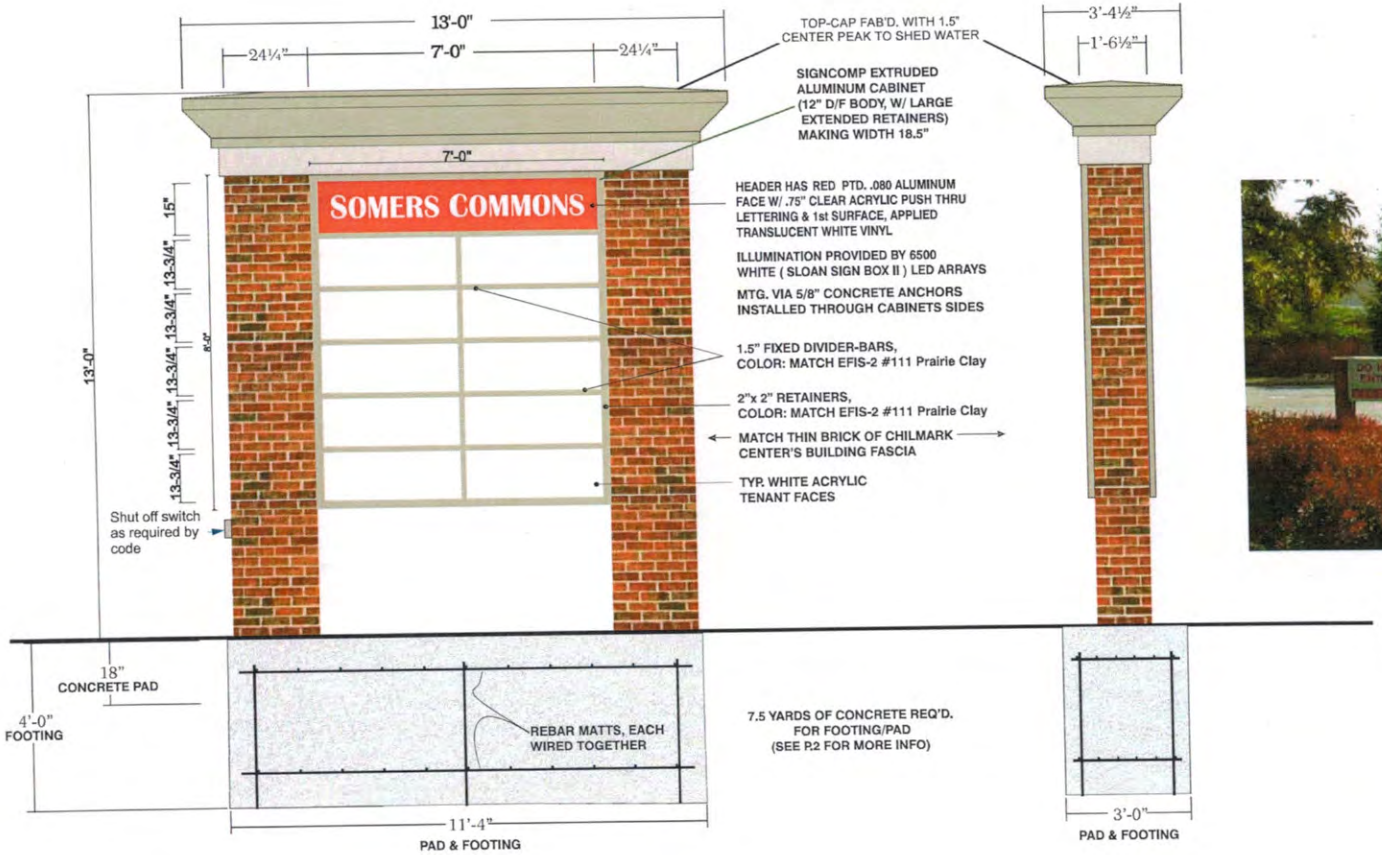
TOWN OF SOMERS — WESTCHESTER COUNTY, N.Y.

SCALE: 1"= 50' — APRIL 13, 2009

DRAWN BY: — CHKD BY: — EVSTIGNEE & HOROWITZ, P.C. P. O. BOX 42 CROTONVILLE, NEW YORK 10519 — SHEET # — SCH # 0190020

UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN BEARING A LICENSED PROFESSIONAL'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW

ONLY COPIES FROM THE ORIGINAL OF THIS PLAN MARKED WITH AN ORIGINAL PROFESSIONAL'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.



PROJECT:	Urstadt Biddle Properties
LOCATION:	Route 6 Baldwin Place, NY
DESIGN NO. 060215 A	DATE: JUNE/15
SCALE: Not To Scale	REV: .

FROHLING SIGN CO.

DESIGNERS • FABRICATORS • INSTALLERS

419 East Route 59 Nanuet, N.Y. 10954 • 845-623-2258 • FAX: 845-623-2799

This original drawing copy is submitted for your personal use in connection with a project we are planning for you. It is not to be copied, reproduced or exhibited to anyone outside your organization w/without written permission from **FROHLING SIGN CO.**

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: October 2, 2015

RE: Informal Application for Additional Signage – Somers Commons Shopping Center

As indicated in the cover letter of September 3, 2015 from Jody Cross of Zarin & Steinmetz, attorney for UB Somers, Inc. the owner of Somers Common Shopping Center, the shopping center seeks to erect two additional free-sanding signs, one at the second entrance on Route 6 and one at the entrance on Miller Road/Route 118. Included in the application is a copy of the Site Plan Approval Resolution No. 99-30 granted by the Planning Board on October 13, 1999. That approval provided for two freestanding signs "to be constructed at each main entrance to the site along Route 6". It also stated the following:

> "...the actual signage designs for the Project shall be subject to separate applications and approval from the Planning Board, upon recommendation of the ARAB; "

Approval for the second sign, having not been constructed and for which no extensions of completion of construction were made pursuant to Section 170-114K of the Town Code, is now lapsed.

Therefore, the request for the two signs is subject to the provision of Section 170-213.B. Accessory Uses within the Community Shopping (CS) District which states that:

> "No accessory uses shall be permitted in a CS District other than the following:

B. Signs, in accordance with the provisions and procedures of Chapter 6 and as depicted on an approved site plan and subject to the limitation in Section 170-26."

Chapter 6.4 Architectural Review Board (ARB) under Section 6-4. Jurisdiction and submission requirements states the following:

Section 6.4.A. "The Architectural Review Board shall examine:

(4) Signs intended to advertise businesses, services or other uses within the Town's residence districts, Designed Residential Development Overlay District, the Business-Historic Preservation District, the Office Business District, the Corporate Research/Office District, the Neighborhood Shopping District, the Community Shopping District, the Office and Light Industry District and the Planned Hamlet District. Specific sign standards and requirements may have been approved as part of the original site plan approval for certain developments within some of the stated zoning districts."

Therefore, based on the above, since the original approval is no longer valid and the sign was part of the original site plan application, the sign request would require a modification of the original larger site plan approval and separate sign application and review and recommendation from the ARB.

A preliminary discussion with Denise Schirmer, Secretary for the ARB, indicated that the applicant's representative indicated to her at an earlier date that, not only was the ARB to review the one and/or two signs to be recommended and approved by the Planning Board, but that the owner intended to replace and upgrade the existing freestanding sign such that all three signs would be consistent with the rendering supplied to the Planning Board. The Planning Board should verify if this is still the intent of the applicant.

Cc: Joe Barbagallo
Roland Baroni
Jody Cross

Z:\PE\Site plan files\Baldwin Place\Somers Commons Signs\Planner Comments 10-02-15.docx

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
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(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: October 1, 2015

RE: Coordinated SEQRA Review for Purchase of Firehouse Property – 272 Route 202; Section 17.15 Block 1 Lot 2

The Planning Board is being asked to comment on the Board of Fire Commissioners of the Somers Fire District acting as lead agency for the proposed purchase of a 0.48 acre property by the Somers Fire District located on Route 202 adjacent to an existing fire station. The initial purpose of the purchase is to utilize the exiting building and parking area in their current form and configuration for overflow parking and some Fire District related offices from the adjacent firehouse

The long term use of the site is the anticipated construction, as disclosed for purposes of environmental review, on the Short Environmental Assessment Form Part 1 submitted with the cover letter of September 17, 2015 from the Fire District attorney. At such time of construction of the firehouse, there would be additional environmental review.

Z:\PE\General files\Fire District\Planner Comments 10-01-15.docx

C-
PB
TP

KORNFELD, REW, NEWMAN & SIMEONE

ATTORNEYS AND COUNSELLORS AT LAW
46 WASHINGTON AVENUE
POST OFFICE BOX 177
SUFFERN, NEW YORK 10901

845-357-2660
FAX 845-357-6977

FRANK T. SIMEONE
THOMAS J. NEWMAN, JR.
WILLIAM S. BADURA
SCOTT A. DOW
JEROME S. JEFFERSON

ROBERT E. REW JR. (1912-1960)
THOMAS J. NEWMAN (1928-2012)
JEROME M. KORNFELD (1923-2012)

RECEIVED
SEP 30 2015
PLANNING ENGINEERING
TOWN OF SOMERS

894

OUR FILE # _____

September 29, 2015

TO ALL INTERESTED OR INVOLVED AGENCIES:
(See Attached Distribution List)

RE: Acquisition of Real Property and Improvements located at 272 Route 202, Somers, New York

---

We now enclose a proposed Short Environmental Assessment Form, Parts 1, 2 and 3 which has been prepared for consideration by the Board of Fire Commissioners at its regular meeting scheduled for October 20, 2015. It is expected that at that time the Board will declare itself lead agency for the purchase of this parcel, declare the action to be a Type II action and issue a negative declaration.

For purposes of clarity, please note that it is not the Board's intention at this time with respect to this proposed action to make any physical changes to the property or the building situated thereon. When such further action is determined to occur, the Board will institute a separate SEQRA proceeding.

If you have any questions, please contact me.

Very truly yours,

Frank T. Simeone

FTS:sr
Enclosure

cc: Board of Fire Commissioners
Somers Fire District
P.O. Box 300
Somers, New York 10589 (w/enc.)

DISTRIBUTION LIST

Westchester County Planning Board
148 Martine Avenue
White Plains, New York 10601

Somers Town Board
335 Route 202
Somers, New York 10589

Somers Town Planning Board
335 Route 202
Somers, New York 10589

New York State Department of Environmental Conservation (Region III)
21 South Putt Corners Road
New Paltz, New York 12561-1696

New York State Department of Transportation – Region 8
4 Burnett Boulevard
Poughkeepsie, New York 12603
Attn.: William Gorton, Regional Director

New York City Department of Environmental Protection
59-17 Junction Boulevard
13th Floor
Flushing, New York 11373

Westchester County Department of Health
148 Martine Avenue
White Plains, New York 10601

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Acquisition of Real Property and Improvements located at 272 Route 202, Somers, New York

Project Location (describe, and attach a location map):
272 Route 202, Somers, New York / Section 17.15, Block 1, Lot 2, Town of Somers Tax Map

Brief Description of Proposed Action:
The proposed action involves only the transfer of fee ownership from the present owner to the Somers Fire District, which is acquiring the property for both long and short term purposes.

The long term use involves, within 5 years, the construction of a new firehouse. The short term use involves no change from the current use; i.e., occasional use of the office space and the parking lot as needed for fire department operations.

Name of Applicant or Sponsor:	Telephone: 914-248-7411
Somers Fire District Board of Fire Commissioners	E-Mail:

Address:
Lincolndale Firehouse, Primrose Street, Route 139

City/PO:	State:	Zip Code:
Somers	New York	10589

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? .48 +/- acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.18 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): firehouse on adjacent lot
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☑
b. Consistent with the adopted comprehensive plan?	☐	☐	☑

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☑
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☐	☑
b. Is the proposed action located in an archeological sensitive area?	☑	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Somers Fire District, Attn: Board of Fire Commissioners Date: _____

Signature: _____

By: John Markiewicz, Chairman

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

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Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action involves only fee transfer of ownership. In the future, when any physical alteration of the site is planned, such as for the development of the property into a firehouse site, a separate SEQRA action will be taken, so that the environmental assessment process undertaken at that time will be no less protective of the environment.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Somers Fire District Name of Lead Agency	Date
Board of Fire Commissioners Print or Type Name of Responsible Officer in Lead Agency	Chairman Title of Responsible Officer
JOHN MARKIEWICZ Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM