

Telephone
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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



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

**SOMERS PLANNING BOARD
AGENDA
OCTOBER 26, 2016
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for August 10, 2016

CONTINUATION OF PUBLIC HEARING

1. SOMERS CROSSING [17.15-1-15.1]

Application for Site Plan, Preliminary/Final Subdivision Approval, Steep Slopes Preservation, Wetland, Stormwater Management and Erosion and Sediment Control, Tree Preservation and Groundwater Protection Overlay District Special Exception Use Permits for the development of 66 residential condo units accessed from Route 100, recreation building and a 19,000 s.f. grocery store. The property is located at NYS Route 100 and US Route 202.

DECISION

2. NYSMSA D/B/A VERIZON WIRELESS [TM: 4.20-1-11.6]

Application for Special Use Permit and Wetland Permit for a co-location of a public utility wireless telecommunication facility within the existing Unipole with related equipment at the base thereof. The tower is located at the property known as Somers Commons Shopping Center.
Consideration of a Draft Resolution.

PROJECT REVIEW

3. SOMERS PUBLIC SAFETY CENTER [TM: 17.18-1-1]

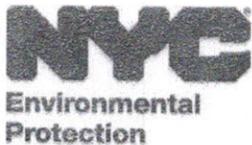
Application for Preliminary Subdivision Approval to create a separate 12-acre parcel of land for the construction of a new Somers Public Safety Center to act as headquarters for the NYS Police, Somers Fire District, and Somers Emergency Services. A helicopter landing pad will be installed for emergency use. The property is located at 295 Route 100 and is in the R-80 Zoning District. .

DISCUSSION

4. THE MEWS II

Discussion on additional handicapped parking spaces at the Mews II.

Next Regular Planning Board Meeting is Wednesday November 9, 2016
Agenda information is also available at www.somersny.com



September 23, 2016

Timothy S Allen, PE
Bibbo Associates, LLP
293 Route 100, Suite 203
Somers, NY 10589

Re: Somers Crossing
Somertown Turnpike – Route 100
(T) Somers; Westchester County; New York
Muscoot Reservoir Drainage Basin
DEP Log # 1994-MU-0240-SP.1

Vincent Sapienza
Acting Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

Dear Mr. Allen:

The New York City Department of Environmental Protection (DEP) determined that the above referenced application was *complete* on August 24, 2016. Please note that the following issues must be satisfactorily addressed prior to approval.

1. The drainage map and design lines contain various issues that will affect the analysis and layout of the proposed stormwater management practices. These issues will be discussed during the meeting scheduled for September 26, 2016:
 - a. The pre-development drainage area consists of several distinct drainage areas that flow to different sections of the wetland area.
 - b. The property line is not the design line. The design line should be located along the boundary of the wetland / pond.
 - c. Provide some mapping of the surrounding properties to verify the drainage areas.
2. The post development drainage sub-catchments should reflect the areas that drain to each infiltration practice. See SUB #8 (CB#2) for example. This catch basin and the area draining to it should be included in SUB #9 with the other catch basins (CB#1, CB#3 & CB#4) in this sub-network. Update the report and calculations accordingly.
3. The design report has a lot of information and references about an analysis to a design point. Clarify why this information is included in the report. If it is not necessary, then it should be removed for clarity.
4. The existing ground elevation near infiltration system #3 is around 237 feet. The proposed bottom elevation of infiltration system #3 is at 239.5 feet. There does not seem to be enough clearance to install the infiltrators without providing fill. The New York Stormwater Management Design Manual states that infiltration practices may not be located in fill except for the top quarter. Please revise the design accordingly.

5. The existing ground elevation near infiltration system #5 is around 240 feet. The proposed bottom elevation of infiltration system #5 is at 240.5 feet. There does not seem to be enough clearance to install the infiltrators without providing fill. The New York Stormwater Management Design Manual states that infiltration practices may not be located in fill except for the top quarter. Please revise the design accordingly.
6. The yard drains (CB16, 17, 18, 19 & 28) may require more frequent maintenance due to their location in grassy areas in proximity to sloped areas. Clarify what is being proposed to mitigate this condition.
7. Do the proposed structures (residential & commercial) require proposed roof and footing drains? If this is the case, provide the locations where they outlet / connect to drainage systems. There is a roof drain detail located on sheet D-1.
8. The section of parking area near infiltration system #7 does not appear to have any storm water collection (i.e. catch basins). Clarify what is being proposed to collect this runoff.
9. The section of parking area near infiltration system #6 does not seem to have enough storm water collection to prevent the water from pooling or flowing over the curb and bypassing the treatment practices. Clarify what is being proposed to collect this runoff.
10. Provide the soils test pit and infiltration results on the plans.
11. The drainage table on GU-2 has overlapping text and is difficult to read. Please revise the plans accordingly.
12. Clarify whether or not a drainage easement is proposed for the proposed stormwater management practices. If this is the case, the easements shall be detailed in an attachment to maintenance covenant.
13. The overall phasing plan (PH-1) is very difficult to read. Consider revising this plan to avoid overlapping dashed lines.
14. The plan for "Phase 2" is difficult to read. Consider eliminating the small "islands" of no work between the work areas or adding shading to make it more clear what is in the phase.
15. DEP recommends encircling the soil stock pile areas in silt fencing to avoid having runoff from uphill enter the stockpile areas.
16. Plans call for orange fencing to be placed around infiltration areas to avoid damage during construction. Show fencing around infiltration system #1 since part of the system is not under the pavement.

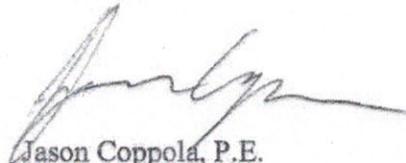
17. DEP recommends adding a note to state that orange fencing will be used to delineate areas outside of the current phase.
18. On the plans for phases 2 and 3: check to make sure there are no gaps in the erosion and sediment controls where runoff would bypass.
19. On the plans for phase 4: add erosion and sediment controls around the work being proposed.
20. The placement of temporary sediment traps in the location of future infiltration practices may cause the infiltration systems to not function properly. Consider relocating the temporary sediment traps as to not interfere with the permanent condition.
21. The pocket wetland design contains various issues:
 - a. Provide a cross section of the pocket wetland / temporary sediment basin showing the difference between the temporary and permanent conditions.
 - b. The existing ground elevation around TP #3 is 238 feet, and the depth to groundwater is shown at 7 feet deep. This would place the groundwater table around 231 feet which is below the proposed micropool bottom (EL. F). Clarify how the design will maintain the permanent pool elevation when the groundwater is below the deepest part of the practice.
 - c. The orifice elevation (EL. D) and the 1-year storm elevation (EL. I) are both at 236.50. Clarify if this was done to store the 1-year storm.
 - d. The top of grate elevation (EL. B) and emergency spillway elevation (EL.H) are both at 242.21. The spillway is typically set at a higher elevation than the top of grate to avoid both of these structures being used at the same time. Clarify.
 - e. The top of grate elevation (EL. B) and the 100-year storm elevation (EL. G) are set at 2 different elevations. These elevations are typically set at the same height. Clarify.
 - f. The top of the cap (EL. C) is set at 245.1. Clarify why this height is that far above the top of the berm.
 - g. The elevation chart on sheet D-2 shows a column for EL. J – WQV. Clarify where this elevation is shown on the diagram and why it differs from EL. I – WQV.
 - h. Include a planting plan for the pocket wetland. The permanent pool elevation should affect the placement of the plantings for this practice. The herbaceous obligate wetlands plants selected for planting here may not survive if these are more than 18” above the water table. Likewise, some of the wetland shrubs (winterberry holly and Cornus amomum) may need to be situated further downslope to provide appropriate hydrology.

22. The storage volume available in each infiltration system is controlled by the location of the weir in each diversion manhole compared to the outlet to the infiltration systems. Update the report and calculations accordingly.
23. The detail for the infiltration unit shows the storage provided per LF of structure to be 11.32 CF. It seems as per Appendix W that this number is based on the storage provided including the gravel around the infiltration unit. The HydroCAD calculations for the storage in each system break this number down and separate out the storage per element. The numbers combined do not equal the 11.32SF/LF as specified in Appendix W. Clarify why the combined number of 11.32 CF is not used in place of the breakdown per element.
24. The prismatoid used in the HydroCAD calculations for each infiltration system to calculate the storage in the gravel surrounding the infiltration system seems like it may be too large for what was shown in the plans.
25. The HydroCAD calculations for each infiltration system mention the component "Cultec HVLV FC-24." Clarify where this component is shown in the plans and report.
26. Add the "WQv Provided" to the tables in the section labeled "Stormwater Management Plan" for reference.
27. The diversion manhole table on sheet D-3: the columns for pipe "C" and pipe "D" seem to be in the wrong heading. Clarify.
28. The plan view detail for diversion manhole table on sheet D-3 does not show the condition where there is 2 inlet pipes as such is the case for DIVMH6. The plan view also does not match the pipe configurations show in the plans.
29. The area calculations included in Appendix A (WQv and RRv Calculations) and Appendix Y (NYS-DEC NOI) do not correspond to the areas shown in the plans, the summaries in the front section of the report and the HydroCAD calculations. Clarify.
30. The tables in Appendix U for the long term maintenance and inspection requirements must match the maintenance descriptions given in Appendix U. For example, the description for maintenance requirements of catch basins states that they should be inspected monthly and after major rain events while the chart states that they only need to be inspected after major rain events. Revise the report so these match. The maintenance schedules must also be shown on the plans.
31. The Norway spruce, pear, Carolina rhododendron, and boxwood proposed for the Plant Schedule are not native. However, to date, only Norway spruce is known to reproduce in untended areas in our region. As it appears these will only be planted for screening purposes along the Somerstown Turnpike, this should not pose a threat to native species in nearby natural areas.

32. There is some concern about certain species (primarily Norway spruce and sugar maple) achieving very tall heights at maturity (80- 120') and potentially being a hazard to people or property during high winds, should they uproot and topple over (which often occurs in wet, shallow or sandy soils). Periodic review of the screening plantings and street trees will be required to assure safety.

If you have any questions, I may be reached at (914)773-4516.

Sincerely,



Jason Coppola, P.E.
Civil Engineer II
Stormwater Design Review, EOH
Watershed Protection Programs

c: (T) Somers Planning Board, mmurphy@somersny.com
Syrette, Dym (Town Planner of Somers), townplanner@somersny.com
G. Boniello, gtboniello@aol.com

PLANNING AND ENGINEERING DEPARTMENTS

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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: October 18, 2016

RE: Project: Somers Crossing
Applicant: Boniello Land & Realty, Ltd.
Location: Route 100/Route 202 (Section 17.15 Block 1 Lot 15.1)
Zoning: MFR-DH District
Actions: Site Plan and Subdivision Approval for 66 Residential Units and a 19,000± Grocery Store

The following documents were submitted to the Planning Board on October 3, 2016:

- Cover Letter of September 30
- Aquifer Impact Assessment dated 9-23-16 by Hydro Environmental Services
- Letter of contract (DeCicco-Boniello)
- Engineer's Report – Bibbo Associates dated September 30m 2016
- Stormwater Pollution Prevention Plan
- Full-sized Construction Plans – 30 Sheets dated 9-29-16
- Residential Building Elevations
- DeCicco Building Elevations and Landscaping plan dated 4-12-16 by Studio RAI
- E-mail correspondence from Patrick Ferracane, NYSDEC dated November 5, 2014

Procedures

The procedures agreed to by the Town and the applicant to bring the Somers Crossing project to final approval are the following:

1. The Planning Board will continue the public hearings for subdivision and site plan approval at the special meeting on October 26th.
2. The Planning Board will consider resolution of preliminary and final conditional subdivision approval at its November 9th meeting and continue review of the commercial and residential site plans as if the subdivision plat was filed and of record.
3. The Town Board will commence the formation of the "paper" water and sewer district extensions of the Heritage Hills districts as soon as petitions are submitted by the applicant.
4. Once the water and sewer extensions are complete, the Health Department and NYCDEP will be in position to sign off on the subdivision plat and assuming all other conditions of approval have been met, the plat can be filed with the County.
5. With the filing of the subdivision plat complete, the Planning Board can then consider approval of the two conditional site plans (commercial and residential) hopefully prior to years' end or in early January

Subdivision and Zoning Compliance with Regulations of MFR-DH District

Layout Plan LP-1 dated 9/26/16 identifies the two proposed lots as a Commercial lot (Lot 1) of 4.10 acres and residential lot (Lot 2) of 22.56 acres, thereby meeting the requirement of the MFR-DH District Section 170-13. A. (1) of a minimum total of 10 acres and of Section 170-13C [2](b) of a minimum four-acre lot for the retail use.

With regard to compliance with the bulk regulation of the MFR-DH district, a Zoning Conformance Table has been provided on the Layout Plan LP-1. What does need to be provided is a zoning designation of MFR-DH on the site itself on this plan, in a similar manner that the zoning designations have been identified on the adjacent parcels.

Identification of Compliance with Regulations of MFR-DH District

- **Calculation of Base Lot Area** – This table was created and provided as part of the EIS and the Net lot area identified is correct. However, the asterisk note regarding the substitution of the grocery store for a 15% requirement of affordable housing was noted prior to the enactment of the MFR-DH District. Section 170-13C. (1) (a) [1] now states that for Development Density: "The basic density for multifamily residential housing in the Multifamily Residence Downtown Hamlet MFR-DH District shall be calculated as in the Multifamily Residence Baldwin Place MFR-BP District, with the exception that the basic average gross density shall not exceed two density units per acre of net land area **and shall not consist of affordable housing units**". Therefore, the footnote should be deleted from the plan.
- **Development Density** – Although the development density of 66 units was established during the EIS process, it has been brought to my attention by a Planning Board member that, as identified in Section 170-12D(1)(a)4 of the Designed Residential District (where the MFR-DH District Section 170-13-C(1)(a)[1] via Section 170-13A(a)4(a)directs one to establish development density), that no floor plans have been submitted that verify the

units as two and three bedroom units. As per Section 170-12D(1)(a)4, "the Building Inspector, based upon the Planning Board's report submitted in accordance with Subsection E(9)(b) of this section (site plan referrals), shall be responsible for determining the number of bedrooms in each dwelling unit in connection with its review of site development plans". Therefore, the Planning Board must require floor plans of each unit as part of the site plan approval process and refer these for determination to the Building Inspector.

- **Coverage** – Section 170-13C.(1)(a)[2] identifies that: "The net site area to be used in the calculation shall be established in the same manner as set forth for the Multifamily Residence Baldwin Place MFR-BP District in Subsection A9(6)." That Section says that the calculation percentages shall relate to net land area as set forth in Article XA", i.e., Environmentally Sensitive Lands. Therefore, net land area must deduct the State and local wetlands identified in the Calculation of Base Lot Area. Both the commercial coverage and residential building and impervious coverage were calculated on total lot area, of 4.1 acres for the retail and 22.58 acres for the residential. Instead, they need to be calculated on the net lot of area of 22.03 acres, but as those acres are now allocated for each subdivided parcel.
- **Setbacks** - The retail use/grocery store meets the minimum required setbacks of Section 170-13C. (1)(a)[2] that permit such use to be located directly on the front lot line and on the side lot line that abuts an adjacent shopping area, as the proposed use has a front setback of 19.7 feet and side yards to the east and west respectively are 16.6 and 300.2 feet. Other yards shall have a minimum depth of 20 feet and the south yard significantly exceeds this minimum at 223 feet.

The residential setbacks required in the MFR-Dh district are identified in Section 170-13C. which identifies Subsection 170-13A.(8)(a) of the MFR-BP district as the governing regulation for setbacks. This section states that all buildings must be setback at least 75 feet from any street line and 50 feet from any other lot line, except the minimum setback when adjacent to an adjoining single-family residence district is a minimum of 100 feet. In this case, the setback proposed is 50.5 feet at the western property line at building #4. The applicant has indicated that it is seeking an adjustment based on Section 144-2 Adjustment of Regulations that states:

"Where the Planning Board finds that, because of special circumstances of a particular case, extraordinary hardships may result from strict compliance with these regulations (i.e., site plan), it may adjust the regulations so that substantial justice may be done and the public interest secured, provided that any such adjustment will not have the effect of nullifying the intent and purpose of these regulations, the Town Development Plan or the Official Map of the town. In granting any adjustment, the Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the standards or requirements so adjusted."

I would suggest that a better basis for that requested setback adjustment would be Section 170-13. A (8) (a) which, while requiring the 100 foot setback from a residential district, provides for the following relief:

“Where the Planning Board determines that the objectives of such setbacks can be appropriately met with lesser distances, taking into consideration the nature of neighboring land uses, topographic conditions, existing vegetation, or other such similar factors, it may permit a reduction in such setback requirements.”

In either case, the Planning Board would have to make this finding as part of site plan approval.

- **Recreation Area and Open Space** - Section 170-13A. (16)- identifies a recreation area requirement that equals 300 square feet of lot area per density unit. The conformance table indicates a requirement of 19,600 feet based on this and suggests that 28,600 square feet are provided through the walking trail and (2,300 feet long X 5 feet wide) of 11,500 square feet of wood chip area and the remainder of 17,100 square feet of area around and including the recreation building. While the words “Prop. Walking Trail show up on the Layout Plan within the 100’ residential setback between the 100’ state wetland adjacent area to the north of buildings 6 and 7, there is no visible rail delineated. Please make this route clear and distinguish it from the surrounding FEMA 100-year floodplain line in the vicinity. Also, while there may be a dotted line that delineates the recreation area, this is also not easy to discern and needs to be shaded or better delineated. The Planning Board should determine whether it considers the hammerhead turnaround of Road E as something that should be counted as part of the recreation area calculation. Even without this area, the recreation requirement would be met.
- **Retail Square Footage and Parking Requirement** – The footprint of the grocery store is 19, 020 square feet and, based on that square footage and a parking requirement of 200 parking space per 200 gross square feet of retail use, 96 parking spaces are required and 123 spaces are provided for the retail use. However, as observed on the DeCicco & Sons submission received by the Planning Board on October 3, 2016 of plans from Studio Rai and Antonucci & Associates, Plan A1 First Floor Plan dated 04-12-16 clearly shows a mezzanine above the first floor. With input from Bibbo Associates, they determined from the architects that the mezzanine area is 4,800 square feet. If utilized in a similar manner as that of the Armonk store, it would be utilized for a craft beer tasting area and a sitting area with tables for people to consume in store bought foods. To determine whether the mezzanine square foot, which is not defined in the Town zoning, should or should not be counted as floor are, I contacted the Building Inspector who forwarded to me the section of the State Building Code Section 505 relative to mezzanines. Based on that input, a mezzanine should be considered a portion of the floor below and it should not contribute to either the building area or number of stories.

Sidewalk Plans and Speed Bumps

There is a lack of consistency of sidewalk design between the DeCicco architect’s plans and the Bibbo plans. There also seems to be a disconnect in some locations between proposed sidewalks in each plan set as well as lack of consistency of sidewalks with those existing in the Somers Town Center.

Bibbo plan SW-1, Off-Site Sidewalk Plan, shows sidewalks South of the retail driveway at the street line outside of the landscape strip and north of the driveway setback behind the landscape strip. Has this design been vetted with NYS DOT and found to be acceptable? What is the reason for this difference in design?

When these sidewalks are matched against the DeCicco plan, all sidewalks along the DeCicco property are shown outside the landscape strip. These need to be coordinated. The exterior sidewalks along Route 202 are to be provided by Boniello as part of their community benefit package and the interior connector sidewalks would be the responsibility of DeCicco's. Coordination of both plans needs to happen.

There is also inconsistency regarding the number and placement of speed bumps between both plans. The Town's traffic consultant for the project will comment on the best placement of these safety features.

Layout Plan LP-1 shows the existing condition of the Somerstowne Shopping Center and indicates what appears to be a sidewalk along the main entry driveway from Route 100. This walk sets a precedent that could be followed for the connector driveway between the proposed residential and existing shopping center. On what will be an active driveway with no pedestrian right of way, a sidewalk could provide safe passage to the shopping center even though it does not connect directly with other sidewalks.

Signage and Architectural Designs

The locations of traffic and placemaking signs are shown on some of the plans. Once subdivision approval is granted, and the site plan for both uses has been developed into its final form, the applicant should appear before the Architectural Review Board for determination regarding signs and building design.

Letter from Somers Town Center and Assumption Regarding Site Plan Changes

The applicant has not provided written confirmation that the Somerstowne Center Shopping Center is in agreement with the site plan changes that are identified as taking place on its property. Such a letter needs to be provided. Additionally, the Applicant's comment memorandum of September 30, 2016 indicates that no site plan approval for the modifications suggested will be required. This needs to be verified with the Town Attorney.

Response to Comments from Town Consultants

The submitted plans of 9-29-16 and cover letter from Bibbo Associates provide the applicant's response to comments made by the Town consultants. Additional memorandum based on review of the current plan set by Fred Wells of Tim Miller Associates and Brian Dempsey of Provident Design Engineering (formerly TRC) will state their position regarding items that have still not been addressed by the applicant.

In some cases, the applicant has determined that it will provide no further response. It is within the purview of the Planning Board to determine which of the consultant response yet to be addressed must be addressed by the applicant before the board proceeds to subdivision approval.

Cc: Joe Barbagallo
Rob Wasp
Roland Baroni
Fred Wells
Brian Dempsey
Gus Boniello
Tim Allen
Rick O'Rourke

BIBBO ASSOCIATES, L.L.P.

Consulting Engineers

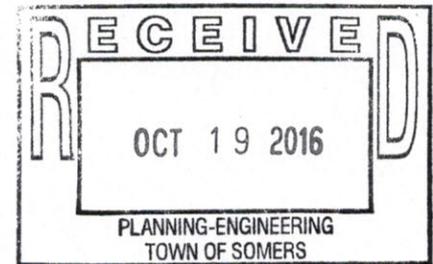
Joseph J. Buschynski, P.E.

Timothy S. Allen, P.E.

Sabri Barisser, P.E.

C-
PB
TP
CTE
Applicant's
Consultants

October 19, 2016



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

Attn: Mr. John Currie, Chairman

Re: Somers Crossing
Routes 100 & 202
Site Plan & Subdivision

00010.1

Dear Members of the Board:

In preparing the Zoning Tables for our most recent submittals, Syrette Dym has brought to our attention a few issues related to the residential component of the Site Plan and Subdivision.

At the onset of this project the residential unit density, bedroom count and coverage was considered using the property with its entire area of 26.68 acres. At the time we did not anticipate the subdivision of land into two parcels of 22.58 ac. (residential) and 4.10 ac. (grocery store). The zoning premise of a 26.68 ac. (total property) parcel was carried through the DEIS and FEIS.

In going forward with the subdivision, considering the residential 22.58 ac. lot, two zoning issues have arisen:

- The maximum building coverage in the revised MFR-DH zone is 15%, §170-13 C. (1) [2].

The residential building coverage using the property as a whole is less than 15%, but the subdivided lot of 22.58 ac. yields a coverage of 16.8%. (*See attached calculations*)

- The total number of units allowed (66) meets the code. However, per §170-12 D [1] [2] [3], the bedroom count yields 23 3-bedroom and 42 2-bedroom units using the subdivided property. Contemplated and proposed bedroom counts are 30 3-bedroom and 36 2-bedroom units. (*See attached calculations*)

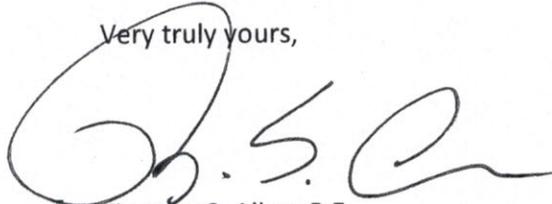
Based on project team discussions and a discussion with the Town Attorney the applicant will pursue a variance from the Zoning Board of Appeals to remedy the above referenced issues.

We request the Board consider at its October 26, 2016 meeting a referral and positive recommendation of approval to the Zoning Board of Appeals. It is important to note that the plan has not changed through the FEIS to the current proposal (i.e. unit count, unit size and bedroom count).

Site Design ♦ Environmental

We look forward to discussing this matter with you further at next Wednesday's meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T.S. Allen', written in a cursive style.

Timothy S. Allen, P.E.

TSA/mme
Enclosures

cc: G. Boniello
R. O'Rourke, Esq.
B. Von Ohlsen, RLA, JMC
F. Wells, TMA
J. Barbagallo, P.E., W&C
R. Baroni, Esq.
File

Somers Crossing – Zoning

Base Lot Area

Lot 2 (residential) – 22.58 ac

Wetlands = 4.839 ac x 75% = 3.629ac

100-year Floodplain = 0.645 ac x 75% = 0.484 ac

Base Lot Area = 18.47 ac (804,553 ft²)

Coverage:

Permitted Building coverage = 15% = 2.77ac (120,682 ft²)

Rec Building = 3,235 ft²

66 Units (2000 ft²/ unit) = 132,000 ft²

Building Coverage = 135,235 ft² = 135,235/ 804,553 = 16.8%

Calculation of maximum # of Dwelling Units:

Base Lot Area = 22.03 ac. (Total Property)

[2 Density Units / ac. (net)] x 22.03 ac. = 44.06
Density Units

1 Density Unit (DU) = 2 - 2 Bedrooms Units
= 1.5 - 3 Bedroom Units

X = 2 Bedroom Units, Y = 3 Bedroom Units

Therefore:

$$\text{Permitted DU} = \frac{1}{2} X + \frac{2}{3} Y$$

$$2(22.03) = \frac{1}{2} X + \frac{2}{3} Y$$

$$44.06 = \frac{1}{2} X + \frac{2}{3} Y$$

Permitted Units:

3 Bedroom = 30

2 Bedroom = 36

$$\text{DU} = \frac{1}{2} (36) + \frac{2}{3} (30)$$

$$\text{DU} = 38$$

Base Lot Area = 18.47 ac. (Subdivided Lot)

[2 Density Units / ac. (net)] x 18.47 ac. = 36.94
Density Units

1 Density Unit (DU) = 2 - 2 Bedrooms Units
= 1.5 - 3 Bedroom Units

X = 2 Bedroom Units, Y = 3 Bedroom Units

Therefore:

$$\text{Permitted DU} = \frac{1}{2} X + \frac{2}{3} Y$$

$$2(18.47) = \frac{1}{2} X + \frac{2}{3} Y$$

$$36.94 = \frac{1}{2} X + \frac{2}{3} Y$$

Permitted Units:

3 Bedroom = 23

2 Bedroom = 43

$$\text{DU} = \frac{1}{2} (43) + \frac{2}{3} (23)$$

$$\text{DU} = 36.83$$

PLANNING AND ENGINEERING DEPARTMENTS

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Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning
Fred Wells, Tim Miller Associates

DATE: October 21, 2016

RE: Project: Somers Crossing
Applicant: Boniello Land & Realty, Ltd.
Location: Route 100/Route 202 (Section 17.15 Block 1 Lot 15.1)
Zoning: MFR-DH District
Actions: Basis of Need for Variances From Zoning Board of Appeals Relative to Density Units and Coverage for Site Plan and Subdivision Approval for 66 Residential Units Portion of Somers Crossing Project

=====
Based on the calculations provided in the Bibbo memorandum of October 19, 2016, the following explains the level of density unit variance the applicant requires based on the net base lot area for the new residential lot to achieve his desired overall unit count of 66 units consisting of 30 -3 bedroom units and 36- 2 bedroom units.

Base Lot Area

The Base Lot Area for proposed residential lot 2 is calculated to be 18.47 acres.

Calculation of Maximum # of Dwelling Units

[Note that the Bibbo tabulation shows two calculations:
the density calculation represented in the FEIS is listed in the left column (for Base Lot Area = 22.03 ac.);
the density calculation for the current plan is listed in the right column. (for Base Lot Area = 18.47 ac.)]

Section 170-13C(1)(a)[1] permits 2 Density Units (DU) per net acre and based on the definition of a density unit in Section 170-12D. (1)(a) [2] and [3], 1 DU = 2 2BR units and 1 DU = 1.5 3BR units. (bedroom = BR)

For Base Lot Area = 22.03 ac., the total density permitted by the Code is calculated to be 44.06 DU (rounded down to 44 DU). The applicant seeks 30 3BR units, which equals 20 DU. $44-20=24$ DU, 24 DU yields 24×2 or 48 2BR units; thus there are 78 total units permitted. In the FEIS plan the applicant proposed 66 units total. In comparison to the 44 DU permitted density, the applicant's proposed unit mix (30 3BR and 36 2BR) yields 38 DU (20+18).

For Base Lot Area = 18.47 ac., the total density permitted by the Code is calculated to be 36.94 DU (rounded down to 36 DU). To achieve the applicant's desired yield of 66 total units, 23 3BR units, which equals 15.33 DU, and 43 2BR, which equals 21.5 DU, would be permitted. $15.33+21.5 = 36.83$ DU. This would not, however, provide the applicant's desired unit mix.

Based on these calculations, the variance that the applicant is seeking can be expressed as both number of units and number of bedrooms. The proposed plan would have 7 fewer 2-bedroom units and 7 greater 3-bedroom units. The variance being sought, therefore, is for 7 additional bedrooms, or 1.06 density units (38-36.94), over what is permitted.

The corrected calculations must be added to the layout plan with a note that variance are sought and that the applicant is seeking a recommendation for such variances from the Planning Board.

It should be understood that an uncoordinated SEQR review will need to be undertaken by the Zoning Board and a determination of no significant impact made. Such determination may be able to be based on the SEQR findings made by the Town Board as lead agency during the EIS process that analyzed the 66 units consisting of 30 3-bedroom units and 36-two bedroom units.

Coverage

Additionally, the Bibbo calculations show that a variance of the required building coverage will be necessary for the current residential plan – from 15% permitted coverage to 16.8% actual proposed coverage.

The applicant should also indicate whether the coverage for the commercial lot conforms.

Overall, the SEQR analysis demonstrated that the potential impacts of the project based on the proposed unit/bedroom mix (30 3BR and 36 2BR units) would not result in significant adverse impacts that could not be adequately mitigated by the project.

Cc: Town Board
Town Clerk
Roland Baroni
Joe Barbagallo
Fred Wells
Tim Allen
Ray Hammill
Rick O'Rourke
Bonnie VonOhlsen
Gus Boniello

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BUILDING DEPARTMENT
Town of Somers
WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589



Efrem Citarella
Building Inspector

October 21, 2016

Planning Board
335 Route 202
Somers, New York 10589

RE: 307 Route 100
17.15-1-15.1

Dear Planning Board:

Please be advised that the attached floor plans for Somers Crossing have been submitted by Boniello Developers. The units consist of two bedrooms and two bathrooms or three bedrooms and two and half bathrooms.

Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

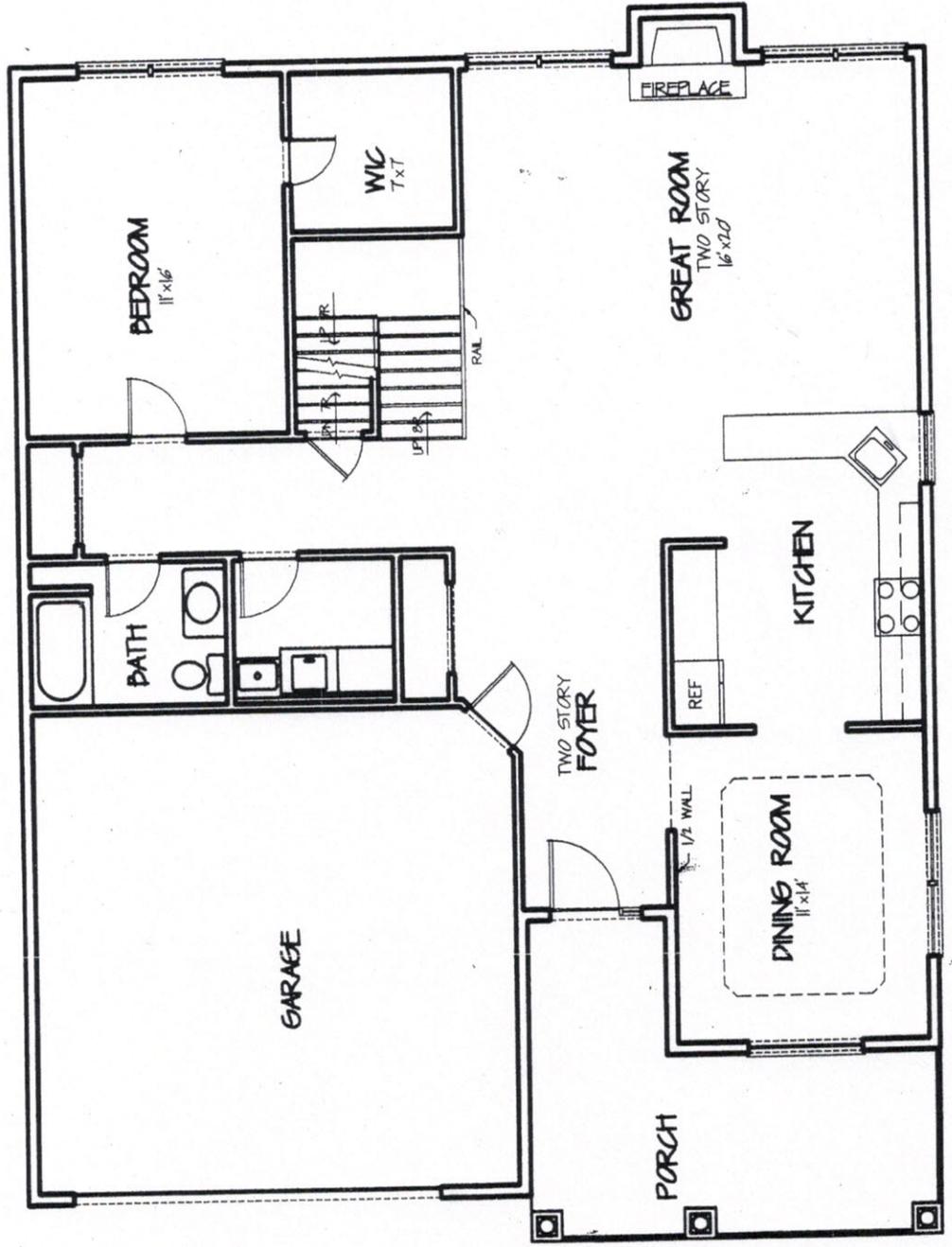

Efrem Citarella
Building Inspector
Town of Somers

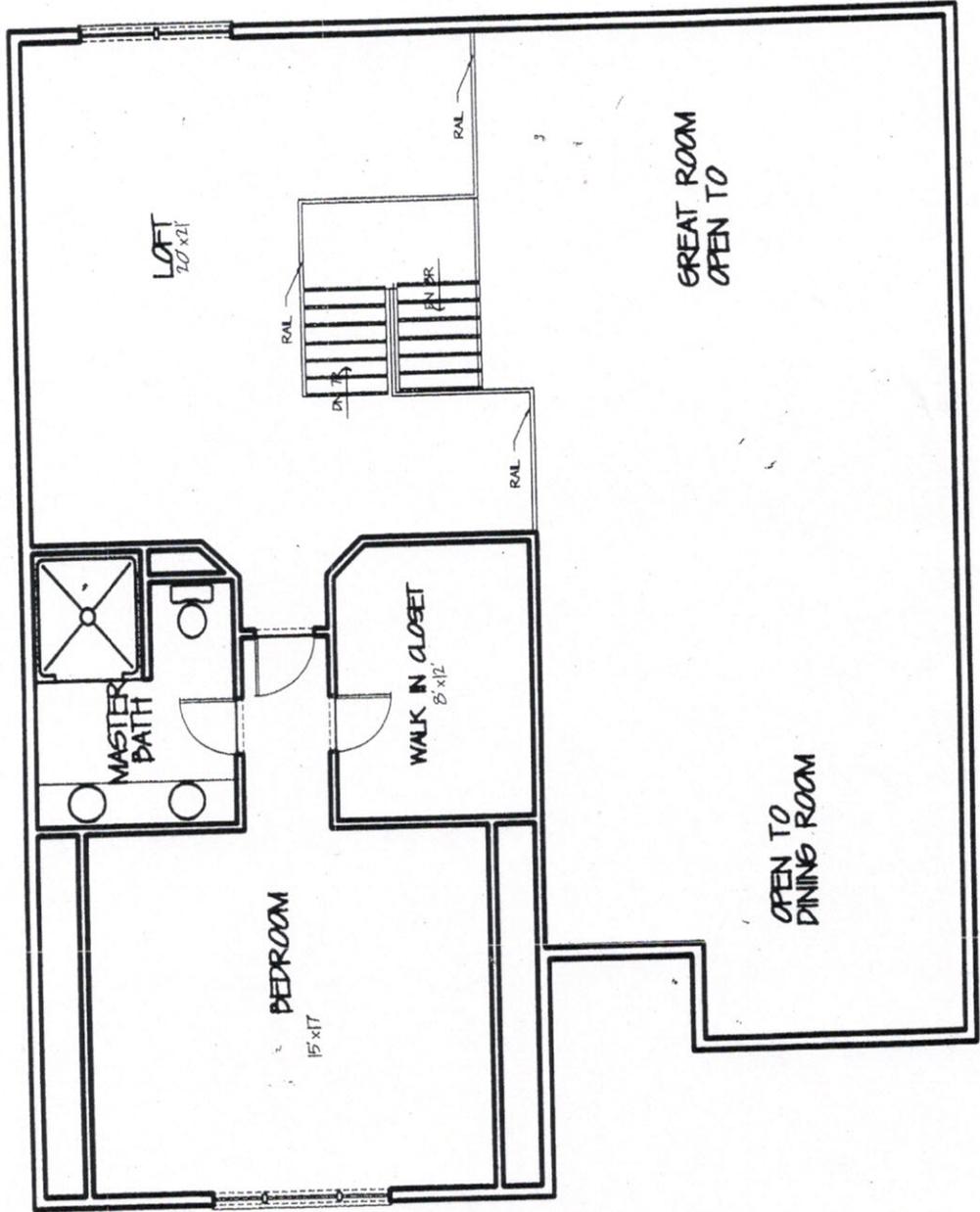
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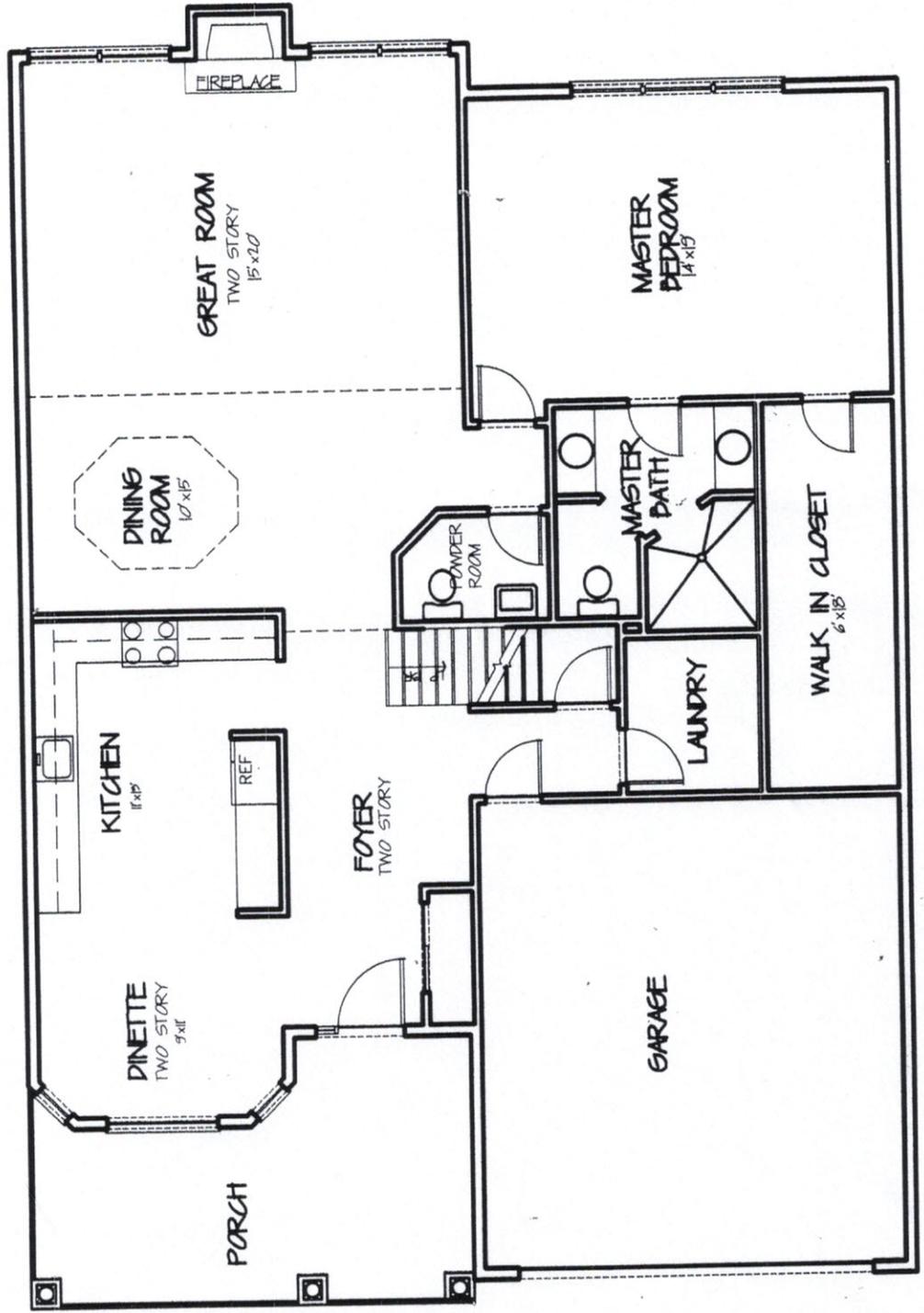
2 BEDROOM
2 BATHS
2575 SQFT.



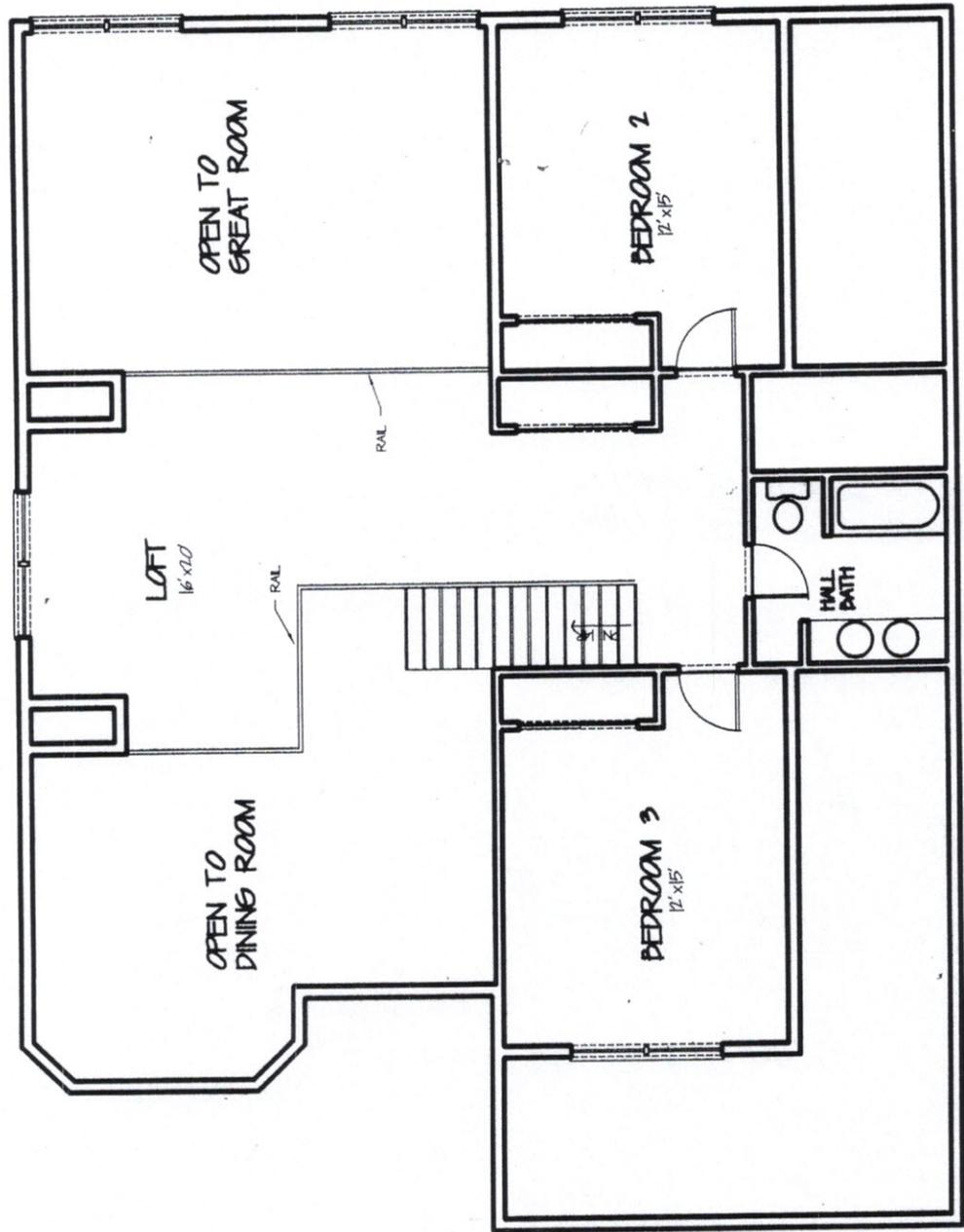


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OCT 20 2016



3 BEDROOM
2.5 BATHS
2500 SQFT



Copy -
PB
TP
CTE
Applicant?

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516

(845) 265-4400



000102

October 19, 2016

Mr. John Curry, Chairman
Town of Somers Planning Board
Somers Town Hall
335 Route 202
Somers, New York 10589

RE: Somers Crossing – Site Plan Review re. Landscape Design and Aesthetics

Dear Mr. Curry:

The accompanying pages provide our review comments on the Somers Crossing Site Plans submitted by the applicant on 9/29/16 to the Planning Board. These comments focus on our review of landscape design and aesthetic aspects of the project. The checkboxes identify items we believe have been adequately addressed.

This letter reiterates the relevant requirements of the Town Code §144-7, Site plan elements, and the SEQR Findings issued by the Town Board.

The following materials were reviewed:

- Engineering's Plan set by Bibbo Associates, revision dated 09-29-16 (30 sheets)
- Architect's Plan set by Studio RAI, dated 09-22-16 (4 sheets including Landscape plan for commercial site)

We will be pleased to discuss these topics with the Planning Board at the October 26 meeting.

Yours truly,

Frederick P. Wells, RLA
Senior Planner
TIM MILLER ASSOCIATES, INC.

A. General Comments

1. Two sets of plans were submitted for the grocery store site, one by Bibbo Associates and one by Studio RAI, which conflict in some respects. We have reviewed the Landscape plan sheet LS strictly with regard to landscape items – planting, signs.
2. There are discrepancies on plans for the grocery store site in sidewalks, speed tables, walls, etc, that have to be coordinated. The Landscape plan submitted by Studio RAI should clearly note: “Refer to engineer’s plans for all information other than landscape planting, signs and building.”
3. Engineer’s cover sheet should reference the separate Landscape Plan (Commercial) sheet LS by Studio RAI.
4. All of the phasing plans have a note stating remove stripped topsoil to off-site location. We recommend that all stripped topsoil be stockpiled on-site for reuse in establishing the landscaping rather than trucked off (for potential use somewhere else).

B. The following information is required to address the landscape requirements of §144-7, Site plan elements:

- Provide a Landscape Plan for the residential area, including a plant list. Needs to include street trees, buffer planting, foundation plantings, stormwater basin planting, seeding. [§144-7.D.(6)]
 - a. An adequate diversity and selection of suitable species is proposed in the landscape plan. See additional comments in para. J.
- Provide a Landscape Plan for the commercial area, including a plant list.
 - a. An adequate diversity and selection of suitable species is proposed in the landscape plan. See additional comments in para. M.
- Provide a Detail sheet showing proposed type, location, design, shielding and hours of operation of exterior lighting. [§144-7.D.(7)]
 - a. See comments in para. H.
- Provide a Detail sheet showing proposed location, material type, size, wording, design, color and illumination of all signs. [§144-7.D.(7)]
 - b. One sign is proposed to be mounted on or built into the residential entrance wall; the size, material and color are not specified; the sign is not proposed to be illuminated.
 - c. One free-standing sign is proposed to be pole mounted at the commercial entrance island; approximate size is 38”x54”; material is cedar timbers with concrete base; design is shown on sheet LS; the sign will be illuminated from the ground.

- d. The applicant shall obtain a recommendation on the proposed signs from the Architectural Review Board after the application is referred by the Planning Board.
- Provide a Detail sheet showing provisions for tree protection. [§144-7.D.(12)]
 - a. A conventional detail for individual tree protection is required – the detail on sheet LL-1 indicates it is for tree groups, but there are 11 individual trees shown to be preserved on the landscape plan. These trees are mature, 12” to 24” dbh, each requiring root protection to at least the drip line of the canopy which may be a radius 12x the trunk diameter. Proposed grading (cut) close to trees may necessitate installation of tree wells to successfully preserve these trees.
- Provide design of pedestrian facilities (eg., sidewalks or shoulders) and bicycle facilities within the site, connections to the public right-of-way, and connections between the site and Towne Centre. [§144-8.B.(6)]
 - a. The current residential plan does not propose sidewalks or bicycle facilities, with the exception of a sidewalk in front of the recreation building. The Planning Board shall determine whether the 24’-wide road connection between the residential site and Towne Centre, without separate pedestrian facilities, is acceptable.
 - b. The current commercial plan proposes sidewalk connections between the main parking lot and the store. The exact location of sidewalks needs to be coordinated between the two commercial site plans. No bicycle facilities are proposed. The Planning Board shall determine whether the ±25’-wide road connection between the commercial site and Towne Centre, without any pedestrian facilities, is acceptable.
- Identify treatment of accessory facilities, such as air-conditioning systems, which may create a nuisance for neighboring properties or the public in general. [§144-8.C.(3)]
 - a. Location of AC units for the grocery store needs to be specified along with any necessary screening.
- × Identify locations of solar access facilities, if proposed. [§144-8.C.(4)]
[None are proposed]

C. The following information is required to address project features identified in the adopted SEQR FINDINGS issued by the Town Board relating to landscape design and aesthetics:

- On-site Recreation Facility - Provide Plan Details (larger than 50’ scale) for the 0.5 acre recreation lot, recreation building floor plan, playground, landscaping. Provide architectural elevations and identify building façade materials, colors.
 - a. Delineation of the recreation area and walking trail are addressed in the Town Planner’s comments. The current plan does not propose a playground but a 300 sf patio was added at the rear of the building. The Planning Board will have to

make a finding that the recreation facilities proposed will adequately address the anticipated needs of the community.

b. See additional comments in para. K.

- Plans for off-site Sidewalks are provided, (As depicted in FEIS Figure I-6)
 - Route 100 - From Towne Centre entry drive, north and west around Bailey Park (A)
 - Route 202 - Site frontage (B)
 - Route 202 - From Site west to Fireman's Field (C)
 - Route 202 - From Fireman's Field west to School property (D)
- × Identify area of Land dedication for the project length along Route 100 to NY State for future sidewalk (if required). *[Not required at this time]*
- Provide construction detail of the proposed trail through the open space area.
- Revisions to the Towne Centre property necessary to accommodate connections to Somers Crossing are indicated.
- Provide Tree Survey showing the anticipated limit of disturbance line.
- Provide architectural elevations of the residential buildings. Identify building façade materials, colors.
 - a. The applicant shall obtain a recommendation on the proposed residential building architecture from the Architectural Review Board after the application is referred by the Planning Board.

D. The following landscape improvements (mitigation measures) along the frontage of Route 100 were identified in the adopted SEQR FINDINGS issued by the Town Board relating to landscape design and aesthetics. The Planning Board will have to make a finding that the landscape design for the Route 100 frontage will mitigate the loss of existing vegetation to the extent practical, maintain the character of the hamlet, and preserve the semi-rural character of the corridor. See para. G below for our comments on the following items:

- Where possible, keep existing healthy and non-hazardous trees that will maintain a canopy over the road (Route 100);
- Rebuild a stone wall at the property line along the entire frontage (except where access or clear sight distance would be obstructed) to a height and width that has a substantial appearance from the road;
- Alternatively or in addition to the stone wall, add an ornamental fence along the frontage in character with historic wrought iron or wood picket fencing of Early America to a size that has a substantial appearance from the road;
- Add new shade trees along the entire frontage, of suitable species for exposure to road conditions and substantial size and spacing to recreate a tree canopy in the short term (± 10 years);

- Add evergreen trees, and understory flowering trees and shrubs that will function to filter views into the Project in the short term (five years or less) and provide an ornamental appearance from the road;
- Add entrance driveway features that enhance the visual character of the road corridor, such as stone pillars and project signage;
- Provide sufficient level area at the right of way to accommodate a possible future curb, grassed strip and sidewalk. *[Proposed plan does not include any grading to effectuate future use of the property frontage for a sidewalk.]*

E. The following landscape improvements (mitigation measures) along the frontage of Route 202 were identified in the adopted SEQR FINDINGS issued by the Town Board relating to landscape design and aesthetics. The Planning Board will have to make a finding that the landscape improvements proposed will adequately address the historic context and streetscape character of the hamlet. See para. M below for our comments on the following items:

- Rebuild a stone wall at the property line along the entire frontage (except where access or clear sight distance would be obstructed) to a height and width that has a substantial appearance from the road; the wall on Route 202 should block view of car headlights in the parking lot;
- Alternatively or in addition to the stone wall, add an ornamental fence along the frontage in character with historic wrought iron or wood picket fencing of Early America to a size that has a substantial appearance from the road; *[No picket fence is proposed]*
- Add new shade trees along the entire frontage, of suitable species for exposure to road conditions and substantial size and spacing to recreate a tree canopy in the short term (± 10 years);
- Add evergreen trees, and understory flowering trees and shrubs that will function to filter views into the Project in the short term (five years or less) and provide an ornamental appearance from the road;
- Add entrance driveway features that enhance the visual character of the road corridor, such as stone pillars and project signage;
- Provide sufficient level area at the right of way to accommodate a possible future curb, grassed strip and sidewalk.
- Provide Lighting Plan designed to keep the development safely and attractively lit without impacting neighboring properties or creating unnecessary impacts. Site lighting would incorporate the latest technology designed to minimize glare and night sky impacts.

F. Residential Development – Route 100 Entrance Landscaping

- Entrance walls are sufficiently detailed.
- Proposed plant materials at the entrance have been specified.

- Provide a detail for the wood timber guiderail. [sheet RP-1]
- No lighting is proposed for the entrance feature.
- The vehicle sight lines need to be shown on the plan.

G. Residential Development – Route 100 Frontage Landscaping

- Since the natural grade of the site frontage drops away just beyond the edge of pavement, the proposed wall needs to be higher than two feet above grade at some locations to be readily visible from the street. The height for the stone wall along Route 100 shall be specified as 2-1/2' minimum above the adjacent road grade.
- A 2' high wood picket fence is proposed atop the stone wall along Route 100.
- Eleven (11) existing shade trees are shown to be preserved along the road frontage, limited due to the extent of grading. A single row of 13 additional shade trees and 27 evergreen trees is proposed to be planted. The planting along Route 100 needs to be expanded in number and diversity to include understory flowering trees to soften visibility of the buildings.

H. Residential Development – Lighting

- Applicant proposes 12' high lamp posts with LED lamps in a classic lantern style. Lights proposed on the buildings at front and back entrances are 25 watt LED lamps. The light level patterns shown on the drawings appear to be adequate for this site with negligible light slippage. Information provided to us by the applicant indicate these lights are Dark Sky compliant.
 - a. Specify the color of the posts other than red primer.
 - b. Specify full cut-off fixtures.
 - c. Indicate hours of lighting or specify a photoelectric control.
 - b. A minimum dimension of light post footing to curb should be indicated on the detail, sheet LL-3.

I. Residential Development – Tree survey T-1

- The tree survey appears to be incomplete at the rear of the residential area, however we do not believe there is value in further survey since the site development area is being clear cut except for some perimeter trees. No specific trees are shown to be protected and preserved.
- The erosion control plan shows a tree line symbol which does not match the limit of disturbance according to the tree survey or grading plan. Show the limit of disturbance line on all three plans.

- Any trees intended to be saved as part of the site landscaping plan (currently 11) must be identified for tree protection on the tree survey and the grading plan.
- The Existing Conditions plan shows trees in the road at Route 100.

J. Residential Development – Landscaping

- A building foundation planting plan will be required to demonstrate a typical planting scheme proposed for the residential buildings.
- Type of seeding proposed for the bottom of basin 3 (GFM) is not a turfgrass – remove the note “turfgrass lawn” on sheet LL-1.
- The hatch symbol intended to delineate lawn grass shown on sheet LL-1 is not consistent at basin 3, the pocket wetland or the access drive near the pump station.
- A 6” impervious clay liner is specified for the pocket wetland. How will this support the growth of the two plant mixes indicated to be planted in the basin?
- Proposed light pole locations should be shown on the landscape plan and tree locations adjusted to eliminate tree/pole conflicts. Trees need to be located such that the canopy will not grow around the light fixture.
- Erosion control plan needs to graphically delineate the extent of erosion control fabric to be applied to proposed 2h:1v steep embankments.

K. Residential Development – Recreation area

- An adequate diversity and selection of suitable plant species is proposed in the revised plan.
- A detail for construction of the woodland walking trail is needed.
- The applicant has verbally indicated that School District buses may enter the site and use the hammerhead at the recreation building to turn around (including backing up) for student pick up in this area. This is contrary to correspondence from the District dated 10/1/15 (FEIS Appendix I). Provision for a safe bus stop for the project needs to be confirmed in writing by the District prior to site plan approval.
- The applicant shall obtain a recommendation on the proposed recreation building architecture from the Architectural Review Board after the application is referred by the Planning Board.

L. Environmental protection during construction

- The OSC has raised a concern about protection of local amphibians that may wander into the development area. Properly installed and maintained silt fencing (dug in) will be a physical barrier separating the construction areas from habitat areas to be left undisturbed. We do not recommend any permanent measures to prevent wetland wildlife from moving into the development area.

- For wildlife protection during construction the erosion control plans and phasing plans include a note stating: Silt fencing shall be inspected at the beginning of every work day for integrity of its installation (ie, properly buried and fully containing the work area), adjusted if necessary, and inside areas (construction side of fence) inspected for turtles and other wetland wildlife. If any individual is found inside the construction area during the morning inspection or any time during the work day, it shall be carefully picked up by hand and placed on the wetland side of the fence.
- Wetland buffer enhancement was proposed in the EIS (as mitigation for buffer encroachments) by removal of invasive plants and restoration (planting) with appropriate native species. This work must be shown on the plans and described in notes, and proposed plantings specified. This work should be performed by hand and thereby allow the work area to be scouted for the presence of species of concern prior to work disturbance.
 - a. Wetland permits from the Town and State are required for the encroachments and restoration. A 3 to 5 year monitoring period would be appropriate to demonstrate the restoration/mitigation is successful.
- To avoid impacts to either the Indiana Bat or the Northern Long Eared Bat, the tree plan includes a note that tree clearing will be restricted to between October 1 and March 31.

M. Commercial Development Area

- Details for entrance area elements have been provided – eg, stonewall and project sign. A 2½' high stone wall is proposed in front of the parking lot. We recommend the wall being about 40" high to adequately shield view of the parking (especially car headlights) since it is so close to the road.
 - a. The location of wall, sidewalk along Route 202, and crosswalks needs to be coordinated between the two commercial site plans.
- We recommend the high traffic islands between the parking lot and store be treated with a material other than lawn grass (such as a stone mulch).
- Elevations of the four sides of the store are needed to understand appropriate landscape treatments surrounding the building.
- The existing sign for Somers Towne Centre at the Centre's Route 202 entrance will be blocked by the grocery store from view by eastbound vehicles on Route 202. How will this be rectified?
- An adequate diversity and selection of suitable species is proposed on the landscape plan.
- Landscaping on the east side of the building along the existing shopping center entrance driveway is proposed to be a row of 6' high arborvitae evergreen trees.
- A row of trees is proposed to be planted on the east side of the parking lot south of the store. Tree planting on top of the new water line is unacceptable. This planting should be replaced with a row of an appropriate species of tall shrubs.

- A construction detail of the extensive proposed retaining wall on the south side of the development area is provided on Detail sheet D-1.
 - a. The wall detail needs to specify the safety fence that will be required on top of the wall.
 - b. A to-scale sectional detail to show the relationship of wall, guiderail, light pole (with footing), curbing and pavement (and planting if it is proposed) behind the grocery store would be helpful.
- Applicant proposes 16' high lamp posts with LED lamps in a classic lantern style fixture (sheet LS). The luminaires have deflectors to reduce light spillage to areas not needing light. Lights on the building are not shown on the lighting plan. The light level patterns shown on the plan appear to be adequate for this site. Information provided to us by the applicant indicate these lights are Dark Sky compliant.
 - a. Specify the color of the posts other than red primer.
 - b. Specify fixtures will be full cut-off fixtures.
 - c. Proposed light pole locations should be shown on the landscape plan and tree locations adjusted to eliminate tree/pole conflicts. Trees need to be located such that the canopy will not grow around the light fixture.
 - d. Lamp posts next to curbs in parking and circulation areas are prone to being struck by cars and should be set on raised concrete footings, $\pm 3'$ high.
- Construction work will occur in the State and Town wetland buffers for which wetland permits will be required (stormwater outfalls and temporary retaining wall construction disturbance).

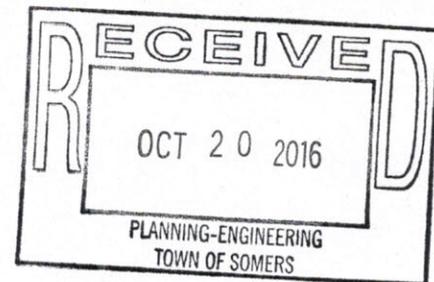
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October 19, 2016

Town Planning Board and
Syrette Dym, AICP, Director of Planning
Town of Somers Town Hall
335 Route 202
Somers, NY 10589

Re: Traffic Review of Site Plan
Boniello Land & Realty, Ltd. - Somers Crossing
Somers, New York

Dear Ms. Dym and Planning Board:

Provident Design Engineering, PLLC (PDE), formerly TRC Engineers, Inc. (TRC), has conducted a review of the Site Plan information for the proposed Somers Crossing project from a Traffic/Transportation standpoint, focusing on vehicular and pedestrian circulation and safety as well as such issues as parking and loading. PDE/TRC had previously reviewed the Traffic/Transportation sections of the Environmental Impact Statements that were prepared for the project. Our review is broken into the two sections of the Site, the Grocery Store Area and the Residential Area.

Grocery Store Area

1. There are differences between the Plans prepared by the DeCicco's Architect and the Applicant's Site Plans including sidewalks, raised crosswalks, etc. This needs to be clarified.
2. As previously stated, PDE and others have some concerns about the pedestrian access between the parking lots (particularly the western parking lot) and the store, as the driveway is being crossed, particularly regarding vehicular speed in this area and the visibility of the pedestrians, especially if the exiting driveway is backed up from the traffic signal. The pedestrian crossings on the two sets of Plans differ. The provisions of the two raised crosswalks as illustrated on the Landscape Plan does provide some safety benefits and is the recommended version of the two alternatives (The crosswalk in front of the western parking lot should not be raised). This driveway will serve not only the grocery store but also traffic that will be going to or coming from the Towne Centre. If traffic exiting the site is

backed up from the traffic signal, then patrons could be cutting between vehicles and may not be able to be seen. The vegetation on the center island of the driveway and the other sections should be at a height that does not restrict the visibility of pedestrians. There should be lighting provided at each of the crossing areas (generally is).

3. A sidewalk connection to the Towne Centre would be beneficial and could be provided by using crosswalks (including a raised crosswalk) from the sidewalk at the end of the store and between the islands and the short sidewalks within the islands. A sidewalk could then travel south through the middle of the island separating the two properties and end across from the stores at the Towne Centre. (see attached figure)
4. Cart corrals should be illustrated as these could reduce the number of parking spaces. The typical patron leaving the store will not cross the driveway to get to their car and then walk back and cross the driveway two more times to return their cart and then go back to their car. It is important that carts are collected frequently so that parking spaces are not blocked.
5. The first parking space in the southeast corner of the western parking may be too close to the intersection.
6. The parking spaces in the southern parking lot of the grocery area should be considered for employees, particularly as the lot dead ends and if a patron pulls in and there are no parking spaces available, it would be difficult to turn around.
7. Traffic control such as stop signs should be installed at the cross-connection between Somers Crossing and the Towne Centre. A Signage (such as No Parking and Pedestrian Crossing signs) and Striping Plan should be provided or included on one of the current plans.
8. Are trucks able to pull into and out of the grocery store loading area, especially if there is another truck currently parked? These turning maneuvers should be illustrated. Also, the dumpster area should be indicated. Is there an agreement with the Towne Centre owner to allow the truck access from the Towne Centre?
9. What would the pavement on the east side of the store be utilized for?
10. On the sidewalk on the western side of the store leading up to Route 202, is there enough room for a pedestrian to get by the last column?
11. A sidewalk along the Route 202 frontage is illustrated. However, part of this sidewalk is on-site along the western parking lot on the Bibbo Site Plan. The NYSDOT has requested that this sidewalk be along Route 202 in the NYSDOT right-of-way, as illustrated on the DeCicco Plan. Also, the crosswalk along Route 202 across the Site Driveway should be shown.
12. The sight triangles should be illustrated to ensure that the proper clearance is provided (i.e. no signs, walls, trees, etc. in the way). The sign may need to be pulled back. Whether right turns on red will be permitted should be discussed with the NYSDOT.
13. On the DeCicco Plan A1, there is a rectangular box shown on the sidewalk on the southern side. What is this indicating and will it impact pedestrians?

14. The locations of the ADA ramps should be indicated on the Plans. How will patrons from the two Handicapped Spaces located across the driveway reach the store?
15. The island at the driveway may need to be pulled back. The turning maneuvers should be verified if a truck turns left at the site driveway.
16. The additional mezzanine square footage was not considered in the Traffic and Parking analysis during the EIS process. The additional 4,800 square feet would result in an approximately 20% increase in the retail square footage. This would equate to approximately 12 additional trips in the Peak AM Hour (total in and out), 43 additional trips in the Peak PM Hour, and 38 additional trips during the Peak Saturday Hour based upon the methodology utilized in the EIS process. These increases in trips are not expected to have a significant impact on the previous findings. The mezzanine square footage, at one space per 200 square feet, would result in the need for 24 additional parking spaces being required. The Plan indicates that there are approximately 27 parking spaces were being provided above code currently, thus with the 24 additional parking spaces, the Site would remain within the code.
17. Highway Work Permits will be required from NYSDOT.

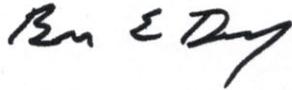
Residential Area

1. The elimination of the loop road resulted in cul-de-sac's being created. The length of the cul-de-sac should be compared to the Town Code for emergency services. In addition, large moving trucks will need to back-up in certain locations.
2. Because of the straightaways and the possible use of the Residential Driveway to reach the Towne Centre as well as no sidewalks being provided, traffic calming such as a speed hump should be considered, particularly on Road D.
3. The location of where on-street parking will be permitted, if any, should be indicated.
4. On either the Site Plan or another plan, the sight triangles should be illustrated for vehicles exiting the site driveway onto Route 100 so that the clearance necessary to ensure proper sight distance is provided and will not be blocked by signs, trees, walls, etc.
5. The location for a school bus stop and the bus circulation should be shown. There should be a sidewalk or paved standing area off of the street for students waiting for the bus. Lighting should be provided in the area of the bus stop.
6. No sidewalk will be provided along Route 100, as determined through the EIS procedures.
7. There are no sidewalks provided within the residential portion of the site. Sidewalks in the residential portion of the site including in the vicinity of the school bus stop and in the area of the connection to the Towne Centre are desirable, but then when pedestrians reach the Towne Centre, they would be walking through the parking lot anyway. Thus they are not required.
8. A Signage (such as No Parking and Pedestrian Crossing signs) and Striping Plan should be provided or included on one of the current plans.

Town of Somers
October 19, 2016
Page 4 of 4

The above comments are the professional opinion of PDE and do not necessarily reflect the opinion of the Town. If you have any questions on the above, please call.

Very truly yours,
Provident Design Engineering, PLLC

A handwritten signature in black ink, appearing to read "Brian E. Dempsey". The signature is written in a cursive, slightly slanted style.

Brian E. Dempsey, P.E., PTOE
Senior Project Manager

Q:\PROJECTS200\206017-9 Somers Crossing\Letter\Dym - Site Plan Review.docx

PLANNING AND ENGINEERING DEPARTMENTS

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WESTCHESTER COUNTY, N.Y.

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Steven Woolfe
Principal Engineering Technician
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Syrette Dym, AICP
Town Planner
sdym@somersny.com

Planning Board Meeting Date of October 26, 2016

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PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2016-12
Granting of Conditional Amended Special Use Permit Approval to

New York SMSA Limited Partnership (d/b/a Verizon Wireless)
for
CO-LOCATION OF A VERIZON WIRELESS TELECOMMUNICATIONS
FACILITY CONCEALED WITHIN AN EXISTING UNIPOLE AT
SOMERS COMMONS SHOPPING CENTER
80 Route 6, Somers NY
Town Tax Number: Section 4.20, Block 1, Lot 11.6

WHEREAS, a formal application and letter by Snyder & Snyder, LLP for New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Applicant" of "Verizon Wireless"), dated August 1, 2016 for Amended Special Use Permit approval pursuant to Sections 170-129 and 170-114 and Amended Site Plan Approval pursuant to Chapter 144 of the *Code of the Town of Somers*, was received on August 3, 2016 consisting of the following plans and supporting materials:

1. Application for Special Use Permit Approval dated July 26, 2016
2. Application for Wetland and Watercourse Protection Permit Approval, dated June 27, 2016
3. Letter of Authorization dated November 10, 2015
4. Applicant Acknowledgement dated June 27, 2016
5. Verification of taxes paid dated July 27, 2016
6. Memorandum in Support of Application by Snyder & Snyder, LLP dated August 1, 2016 consisting of the following:

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- a. Exhibit 1 - An Antenna Site FCC Radio Frequency (RF) Compliance Assessment and Report dated June 15, 2016, prepared by Pinnacle Telecom Group, concluding that the site maximum calculated RF level from the combination of the proposed and existing antenna operations at the site is 3.4701 percent of the FCC MPE limit; and
 - b. Exhibit 2 - Noise Evaluation Report by HMB Acoustics LLC, dated June 21, 2016 concluding that the emergency generator to be installed will be in compliance with conditions of Section 170-129.5 of the Town Code and will be inaudible at the nearest residential property line and are well below existing background noise levels; and
 - c. Exhibit 3 - Structural Report by All-Points Technology Corporation, P.C. dated July 26, 2016 indicating that APT Engineering reviewed the Structural Analysis Report prepared by Paul J. Ford and Company Structural Engineers, dated December 31, 2014, such report not being part of this submission, concluding that the facility will be designed to meet ANSI TIA-222F "Structural Standard for Antenna Supporting Structures and Antennas" and all county, State and federal structural requirements for loads, including wind and ice loads.
 - d. Exhibit 4 - Short Form EAF dated August 1, 2016 prepared in accordance with the New York State Environmental Quality Review Act
 - e. Exhibit 5 - Copies of existing Federal Communications Commission Wireless Telecommunications Bureau Radio Station Authorization Licenses
 - f. Site Plans prepared by APT Engineering, dated June 21, 2016 consisting of:
 - i. Title Sheet & Index
 - ii. Sheet SP-1- Site Plan
 - iii. Sheet A-1- Compound Plan & Tower Elevation
 - iv. C-1 - Equipment Space Details
 - v. C-2 Antenna Plan & Details
 - vi. S-1 - Structural Details
 - vii. S-2 Structural Details
 - viii. E-1 Electrical Plans & Details
 - ix. E-2 Grounding Plan & Details
 - x. N-1 Notes & Specifications

1 **WHEREAS**, in addition to the proposed co-location of additional antenna within
2 the existing monopole, the applicant proposes to install related equipment
3 including a generator at the base of the monopole but, due to its location within
4 paneling designed to match the existing brick faced masonry walls, the applicant
5 requests waiver of site plan approval pursuant to Section 170-129.9(B) and/or
6 (C) of the Code of the Town of Somers; and

7
8 **WHEREAS**, the subject application is located within 100' of a detention pond to
9 the east of the parking lot at the property regulated by the Town as a wetland and
10 for which Chapter 167-3 Definitions of the Somers Town Code requires 100'
11 setback from such wetland; and

12
13 **WHEREAS**, the subject application is located on a 1.631 acre site within the
14 Somers Commons Shopping which is shown on the Town Tax Maps as Section
15 4.20, Block 1, Lot 11.6, located at 80 route 6 in the Somers Commons Shopping
16 Center.; and

17
18 **WHEREAS**, the subject property is located in the CS Community Shopping
19 District as shown on the Town of Somers Zoning map, which is considered to be
20 a "higher impact location" in accordance with §170-129.6A(2)(a) of the *Code of*
21 *the Town of Somers*; and

22
23 **WHEREAS**, on August 3, 2016 an application for a special exception use permit,
24 for permission to install a wireless telecommunication facility consisting of co-
25 locating and concealing antennas within an existing unipole tower together with
26 related equipment including a 10KW generator at the base to be screened from
27 view by paneling designed to match the existing brick faced masonry walls, was
28 received by the Town of Somers Planning Board; and

29
30 **WHEREAS**, in response to comments from the Planning Board, Director of
31 Planning in memorandums of September 6, 2016 and October 2, 2016 and
32 Consulting Town Engineer, in memorandums of September 9, 2016 and October
33 21, 2016 the applicant's attorney Snyder & Snyder, LLP submitted a letter of
34 September 28, 2016 with the following amended reports and drawings:

- 35
- 36 • Response Memorandum from All-Points Technology Corporation to
- 37 Woodard & Curran Comments of September 9, 2016 and revised
- 38 drawing set from same dated September 22, 2016 of the following:
 - 39 ○ AT-1 Title Sheet & Index
 - 40 ○ SP-1 Site Plan
 - 41 ○ A-1 Compound Plan & tower Elevation
 - 42 ○ C-1 Equipment Space Details
 - 43 ○ C-2 Antenna Plan Details & Notes
 - 44 ○ S-1 Structural Details
 - 45 ○ S-2 Structural Details
 - 46 ○ M-1 Mechanical Plan & Details
 - 47 ○ E-1 Electrical Plans and Details

- E-2 Grounding Plan and Details
- N1 Notes & Specifications
- Copy of Paul J. Ford & Company Structural Analysis Report dated September 28, 2016
- Indication that an on-site inspection and certification is in progress and will be provided; and

WHEREAS, in a letter dated September 29, 2016, Reese Engineering Services (RES) indicated that it completed a special inspection of the Crown Castle Somers Commons Monopole on September 29, 2016 (as referred to above), that such inspection was ground-based and personally performed and that as a result of such inspection it was the opinion of RES that the monopole has no significant maintenance issues that would affect the structural capacity of the monopole; and

WHEREAS, in response to questions by the Town Consulting Engineer, the September 27, 2016 memorandum from All-Points Technology Corporation indicated:

- that although there will be less than 5,000 sf of construction activities there will be installation of erosion and sediment controls;
- that a total of 220 square feet of permanent disturbance will take place within the 100 foot Town regulated wetland buffer;
- that a stabilized construction entrance will be developed;
- that the introduction of an increase of 31 sf of new impervious surface will result in a de minimus increase in runoff that will be stored in the gravel area under the proposed platform;
- that a temporary storage stockpile with erosion and sediment controls will be provided;
- that the refueling operation of the propane tanks for the generator shall consist of refilling from a hose pulled from a refueling vehicle parked at the existing parking lot
- that lighting will be inside the platform enclosure resulting in no glare on surrounding properties; and
- that the proposed additions will comply with the original equipment areas considered at time of original site plan

WHEREAS, that original application letter of August 1, 2016 requested waiving of site plan approval pursuant to Section 170-129.9(B) and/or (C) and Section 170-114F of the Code of the Town of Somers; and

WHEREAS, at its meeting of September 14, 2016, the Planning Board considered the request for site plan approval waiver and determined to waive site plan review and approval given the minor nature of site related changes and their lack of significant impacts but determined to hold a special use permit and wetland public hearing and scheduled such public hearings for October 4, 2016; and

1
2
3 **WHEREAS**, subject to public notice, the public hearing was opened on October
4 4, 2016 and all those wishing to be heard were heard; and

5
6 **WHEREAS**, the Planning Board closed the public hearing on October 4, 2016;
7 and

8
9 **WHEREAS**, consideration of wetlands protection was made by the Planning
10 Board and in accordance with the Town's Wetland and Watercourse Protection
11 Regulations, Chapter 167 of the Code of the Town of Somers, it was determined
12 that the proposed construction activities are located within 100-foot regulated
13 buffer of wetland area but that potential project impacts would be negligible
14 based upon the proposal for 21 square feet of new impervious coverage within
15 the previously developed telecommunications facility limits that does not provide
16 ecologic wetland buffer function under existing conditions and therefore no
17 further mitigation will be required; and

18
19 **WHEREAS**, Section 167-6A(9) requires location of wetlands no earlier than 12
20 months prior to the date of filing of the application, and Section 167-2B allows
21 the Planning Board to waive delineation of wetlands and the Board, at its meeting
22 of October 26, 2016, voted unanimously to waive such delineation; and

23
24 **WHEREAS**, the Planning Board has determined that the proposed application
25 constitutes as an eligible facilities request in accordance with the Section 6409
26 Middle Class Tax Relief and Job Creation Act of 2012 and it does not
27 substantially change the character of the physical dimensions of the subject
28 Tower; and

29
30 **WHEREAS**, the Somers Planning Board at their special meeting of October 4,
31 2016 determined that this action was a Type II Action and is, therefore, exempt
32 pursuant to the New York State Environmental Quality Review Act (SEQRA)
33 Section 617.5(c)(7) 2 which states that construction or expansion of a primary or
34 accessory/appurtenant, non-residential structure or facility involving less than
35 4,000 square feet of gross floor area and not involving a change in zoning or a
36 use variance and consistent with local land use controls is a Type II action under
37 SEQRA and that the proposed project involved less than 4,000 square feet, and,
38 therefore, no further action under SEQRA would be required as directed by a
39 motion and second unanimously carried by the Board; and

40
41 **WHEREAS**, the amended special use permit and associated plans, as revised
42 throughout the review process, were circulated to the Town of Somers Open
43 Space Committee and the Fire Prevention Bureau; and

44
45 **WHEREAS**, the Somers Planning Board discussed the subject application at its
46 meetings of September 14, 2016, October 4, 2016 and October 26, 2016; and

47

1 **WHEREAS**, the Planning Board and its Director of Planning and Consulting
2 Town Engineer discussed the project and its compliance with Section 170-129.7
3 Special permit standards for wireless or attached wireless telecommunications
4 facilities and with the standards of compliance with Chapter 167-8 Standards for
5 application for permit decisions; and
6

7 **WHEREAS**, the Planning Board accepts the findings of the June 15, 2016 report
8 from Pinnacle Telecom Group concluding that the site complies with all
9 applicable emissions standards promulgated by Federal and State Law and that
10 as per the methodology, established in FCC Bulletin OET 65, the percentage of
11 cumulative MPE is 3.4701 % of the FCC limit; and
12

13 **WHEREAS**, the Planning Board has reviewed and is familiar with the project and
14 its surroundings; and
15

16 **NOW, THEREFORE, BE IT RESOLVED** that the foregoing **WHEREAS** clauses
17 are incorporated herein by reference and are fully adopted as part of this
18 approval; and
19

20 **BE IT FURTHER RESOLVED**, that the application for Conditional Amended
21 Special Use Permit Approval to **New York SMSA Limited Partnership (Verizon**
22 **Wireless)** as shown and described by the materials enumerated herein, is
23 **HEREBY CONDITIONALLY GRANTED** in accordance with the New York State
24 Town Law §276 and §278 and in accordance with §170-129.6 and §170-129.7 of
25 the Code of the Town of Somers, New York **SUBJECT TO** the following
26 conditions set forth below:
27

28 Conditions Associated with Special Use Permit:
29

- 30 1. Prior to issuance of a building permit, the Applicant shall address all
31 outstanding comments contained in the October 21, 2016 memorandum of
32 the Consulting Town Engineer, including:
 - 33 a. Update the project erosion and sediment control plan to provide
34 additional silt fence based upon the proposed limits of onsite soil
35 transport.
 - 36 b. Update the plans to detail tree protection measures for existing
37 trees to remain within the immediate proximity of the proposed
38 construction activities.
 - 39 c. Quantify total proposed temporary site disturbance located within
40 the regulated 100 foot buffer of wetland areas.
 - 41 d. Provide a description of measures intended to protect the existing
42 10" water main as shown on the plan located in proximity to the
43 proposed excavation.

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- e. Update the construction sequence to indicate that all disturbed area(s) will receive final stabilization no longer than seven days following the completion of land disturbing activities.
- f. Prepare a construction cost estimate based upon the cost for replacement of the existing concrete curb crossing with the proposed temporary construction for review and acceptance by the Consulting Town Engineer. The accepted amount of such estimate shall be used as the basis for establishment of a restoration bond to be called upon in the event the curbing becomes damaged

2. **Visual Aspects:** Aesthetic aspects of all proposed equipment including but not limited to ground-based equipment, fencing and proposed landscaping is shown on the Verizon Wireless Plan documents.

3. **Construction:** The following information, along with any additional items required by the Town Building, Planning and Engineering, or other Department, and the Consulting Town Engineer shall be submitted as part of the construction plans:

- a. Actual centerline height of each antenna array
- b. Map of all trenches, utility runs, and utility connections associated with the facility.
- c. Documentation that antennas, transformer, generator and all other equipment is properly grounded and in compliance with all applicable electrical codes.

4. **Performance/Removal Bond:** The Applicant shall purchase, renew and keep in effect, a performance/removal bond as required by Section 170-129.6(E) of the Zoning Code of the Town of Somers in an amount and form satisfactory to the Town (and its attorneys and consultants as the case may be) to ensure that the facility with the proposed modifications is properly maintained and/or removed if abandoned. The amount and sufficiency may from time to time, at the Town's discretion, be adjusted to account for increased costs of maintenance and/or removal as the case may be.

5. **Compliance With Town Code:** The Applicant shall comply with all applicable provisions of the Zoning Code of the Town of Somers as set forth in Section 170-129.4 and such other laws including those conditions associated with previously approved site plans for this location as may be applicable to wireless telecommunications facilities.

6. **Operations (future):** Operations shall be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes.

- 1 7. **Permit Term:** Pursuant to Section 170.129.6(D), (F) and (G) of the
2 Zoning Code, the Special Use Permit shall have a term of five (5) years
3 from the date of this resolution (October 26, 2016). The Special Use
4 Permit may be renewed on application for additional five-year terms,
5 provided the applicant shall demonstrate that the wireless
6 telecommunications facility is and has been in compliance with the
7 requirements of the *Code of the Town of Somers* per §170-129.6G.
8
9 8. **Inspection Fee:** An engineering inspection fee for the Special Use Permit
10 shall be paid by check made payable to the Town of Somers in
11 accordance with the Fee Schedule adopted by the Town Board; the
12 amount of such fee shall be set after submission by the Applicant of
13 estimated costs for required improvements as identified by the Consulting
14 Town Engineer, and upon recommendation of the Consulting Town
15 Engineer.
16
17 9. **Review Fees:** All review fees associated with this application shall be
18 paid by the applicant. The Applicant is to be responsible for the costs of all
19 consulting engineer services and reviews required hereunder.
20

21 On-going Conditions Required After Issuance of Special Permit

- 22
23 10. **Town Code Compliance:** The Applicant shall comply with all applicable
24 provisions of the *Code of the Town of Somers* as set forth in Section 170-
25 129.4 & 129.5 and such other laws as may be applicable to wireless
26 telecommunications facilities.
27
28 11. **Future Ground Disturbance:** If any ground disturbance beyond that
29 shown on the plans submitted as part of this application is required for
30 construction of any improvements, the applicant is required to obtain a
31 Stormwater Management and Sediment and Erosion Control Permit
32 pursuant to Chapter 93 of the Code of the Town of Somers.
33
34 12. **Federal Code Compliance:** The Applicant's wireless telecommunication
35 facility shall comply with any and all applicable laws, rules and regulations,
36 including the provisions of the Code of Federal Regulations pertaining to
37 objects affecting navigable airspace as delineated in Federal Aviation
38 Regulation (FAR) Part 77 and the criteria for obstructions to air navigation
39 as established by FAR part 77, Subpart C, Obstruction Standards and the
40 wireless telecommunication facility shall comply at all times to the
41 applicable FCC non-ionizing electrical radiation standards.
42
43 13. **Improvements:** All improvements shown on the plans shall be installed in
44 accordance with the approved plan and construction standards and
45 specifications of the Town.
46

1 14. **Satisfaction:** All work associated with this Special Permit application
2 shall be to the satisfaction of the Consulting Town Engineer and Building
3 Inspector.
4

5 15. **Construction Hours:** Construction activity shall be limited from 7AM to
6 6PM. No construction activity shall occur on Sundays or legal New York
7 State holidays as specified by §144-7D.(13) of the *Code of the Town of*
8 *Somers*.
9

10 16. **Certification of Operations:** Prior to issuance of a certificate of
11 occupancy, a certification of operations shall be provided that specifically
12 certifies that the installed equipment is operating in accordance with the
13 FCC limits for Maximum Permissible Exposure (MPE).
14

15 17. **As Built Survey:** The Applicant shall prepare a survey of as-built
16 conditions at the completion of all construction activity for submittal to
17 Planning & Engineering Department in accordance with the requirements
18 set forth in Section 144-7D-14 of the Code of the Town of Somers.
19

20 18. **Certificate of Occupancy/Completion:** A certificate of
21 occupancy/Completion issued by the Building Inspector must be issued for
22 Verizon Wireless' facility prior to use or operation of such modified
23 facilities.
24

25 19. **Best Management Practices:** The Applicant implements and maintains
26 Best Management Practices and erosion control measures during
27 construction.
28

29 **BE IT FURTHER RESOLVED,** that this Special Use Permit and Wetland and
30 Watercourse Protection Permit shall be signed by the Planning Board Chairman
31 subsequent to approval by the Planning Board, and Conditions of this Special
32 Permit shall be met by the Applicant, as verified by the Town of Somers, prior to
33 issuance of a Building Permit.
34

35 Special Permit approval and its continued validity are subject to all requirements
36 of Section 170-129 Wireless Telecommunications Facilities, and Chapter 170-
37 105 and 170-106 Special Exception Use Permits, of the Town Code.
38

39 This resolution shall have an effective date of October 26, 2016.
40

41 **BY ORDER OF THE PLANNING BOARD**
42 **OF THE TOWN OF SOMERS**
43
44

45 _____
46 **John Currie, Chairman**
47

Date

1 **CERTIFICATION**

2
3 I hereby certify that this is a true and correct copy of Resolution No. 2016-12
4 adopted by the Town of Somers Planning Board granting an Amended Special
5 Permit Approval to New York SMSA Limited Partners and tower extension at
6 West Hills Drive (Heritage Hills) at a regular meeting held on October 26, 2016.

7
8 _____
9 **Syrette Dym, AICP** **Date**
10 **Director of Planning**

PLANNING AND ENGINEERING DEPARTMENTS

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Syrette Dym, AICP
Director of Planning
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MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: October 19, 2016

Public

RE: Project: Somers Public Safety Center
Applicant: Somers Fire District
Location: 295 Route 100 (Section 17.18 Block 1 Lot 1)
Zoning: R80 District
Actions: Preliminary Subdivision for Two Lot Subdivision

The following documents were submitted to the Planning Board on October 11, 2016:

- Cover Letter of October 11, 2016
- Letter of Authorization from Board of Fire Commissioners Town of Somers Fire District relative to The Helmes Group, LLP acting as their agent dated October 10, 2016
- Application for Preliminary Subdivision Approval
- Identification of Adjoining Property Owners
- Short Environmental Assessment Form
- Phase I EASA Opinion Letter from HydroEnvironmental Solutions, Inc. dated August 12, 2016
- Stewart Title Insurance Company Information
- Plans prepared by The Helmes Group, LLP, all dated 10-11-16, including:
 - 1 - Satellite Image Showing Proposed Subdivision
 - 2 - Tax Map Showing Adjoining Neighbors
 - 3 - Proposed Subdivided Parcel with Preliminary Site Plan
 - 4 - Reference Drawing of 12/4/00 NYSDEC Freshwater Wetland Boundary
 - 5 - Reference Drawing of 2001 Existing Site Plan
 - 6 - Map of Property Showing Proposed 12 Acre Parcel for Somers Fire District
 - 7 - Reference Drawing of Proposed Adjacent Residential Development

Completeness of Application

After review of the applicant's submission, the following items were determined as still needed:

- Letter from IBM indicating its willingness to sell the twelve-acre parcel to the Somers Fire District and Affidavit of Ownership
- Letter from Somers Tax Office of taxes paid
- Application and Review Escrow Fees – No application or review escrow fees have been paid. The applicant is discussing waiver of these fees with the Town Board. The Director of Planning will contact the Supervisor to determine the status of this request and how services rendered by the Consulting Engineer will be handled.
- Revised Short Form EAF - The description of the proposed action needs to be revised to reflect that this is an application for a two lot subdivision. As indicated in the cover letter, an application for site plan approval of the Fire Safety Center will follow subdivision approval. Indication of the need to complete the subdivision application prior to the site plan and separate processing under SEQR will be handled to avoid the issue of segmentation in that the overall review of the Planning Board for the separate but related actions will be no less protective of the environment than if they were processed together. It should be noted that aspects of the site plan to follow are likely to need more detailed SEQR review, particularly regarding traffic and access, visual impacts and noise impact relative to introduction of a helipad in a residential zone and adjacent to what will likely be a newly approved residential use.
- Additional application package for submission to State Police

The applicant was informed of these deficiencies and, by letter of October 18, 2016, submitted the revised EAF, a tax office letter and an additional application package. The affidavit of ownership and authorization from IBM will be forthcoming prior to the meeting of October 26, 2016.

An e-mail was sent by the Director of Planning to the Supervisor on October 18, 2016 asking for his guidance regarding the Town Board position on submission or waiving of required application fees and the need for escrow review payments.

A future site plan application would contain other necessary applications related to construction of the Fire Safety Center itself. The Applicant has indicated that an updated wetland survey is being performed and should be available in November. Actual wetlands, steep slope, tree removal and stormwater management and sedimentation control permits that may be required could be processed as part of the site plan application. The subdivision application indicates that there is 400 square feet of area with slopes of 15 to 25% and 675 sf of land with slopes of greater than 25 percent that are affected by the site plan proposal. Additionally, there is approximately 13,854 square feet of area within the Town wetland buffer that is indicated as being affected by the proposal.

Future Zoning Compliance

While permits may come with site plan applications, post subdivision approval, there will need to be some determination of the best procedure to pursue to allow the proposed public safety center to be constructed on the site. Whatever the mechanism, there will need to be an understanding of the net lot area available once environmentally constrained lands are deducted from the overall 12-acre site.

The site is currently zoned R80 which does not permit the proposed use. Therefore, as stated in the submission cover letter, some zoning accommodation will be required. Drawing 3 - Proposed Subdivided Parcel with Preliminary Site Plan shows the portions of the site with environmental constraints. The overall square footage of these site constraints should be made known, not just the area to be disturbed, so, in accordance with Section 170-59.3 of the Town Code, the net lot area can be determined. This will allow consideration of the best approach for zoning modifications that will be needed to accommodate the plan.

Subdivision Drawings

The applicant has submitted several drawings to illustrate the proposed two lot subdivision. It is not clear which of these drawings is intended to act as the preliminary subdivision plan. Please indicate such, or provide an additional drawing designated for this purpose.

Next Steps

The following are the steps that need to be taken to process the subdivision application:

1. Indicate intent to be lead agency at October 26, 2016 meeting and circulate to involved and interested agencies
2. Once 30 days has passed, Planning Board as lead agency should set a public hearing on preliminary subdivision plat. Thirty days will be November 25. If a public hearing needs to be held at the December 14, 2016 meeting due to applicant's time constraints, there may need to be a special meeting on November 30, 2016 to set a public hearing date for the December 14, 2016 Planning Board meeting and to publish such in the newspaper.
3. Once the public hearing is held and closed, the Planning Board could issue a SEQR determination of a negative declaration, preliminary site plan approval and joint conditional final subdivision approval, after waiving the final subdivision public hearing and subject to preparation of final subdivision plat that meets all requirements of Section 150-13 and 150-30 of the Town Code.

Cc: Joe Barbagallo
Rob Wasp
Roland Baroni
Peter Helmes
Rick Morrissey



THE HELMES GROUP, LLP
ARCHITECTURE • ENGINEERING
PROJECT MANAGEMENT

October 18, 2016

Hand Delivered

Wendy Getting – Senior Office Assistant
Planning Board – Town of Somers
335 Route 202
Somers, NY 10589

Project: Somers Public Safety Center, Town of Somers
(Somers Fire District)

Subject: Supplemental Information Requested by Town Planner
regarding Application for Preliminary Approval of Subdivision

Dear Ms. Getting:

Pursuant to the telephone call I received yesterday afternoon from Syrette Dym, Town Planner, the following supplemental information is being submitted at the request of the Ms. Dym:

1. Letter from the Town of Somers Office of Tax Receivers, dated October 17, 2016 confirming that all taxes have been paid for the subject parcel.
2. One (1) additional copy of our October 11, 2016 cover letter to the Planning Board including the Application for Preliminary Subdivision Approval along with all attachments all Drawings. It is my understanding that the Town Planner intends to provide this additional set to the New York State Police for their information.
3. Short Environmental Assessment Form, which has been revised so it pertains strictly to the proposed subdivision of the 12-acre parcel. Any subsequent development of the site for the new Public Safety Center will be addressed in a future submission with a separate Application for the Site Plan Approval.

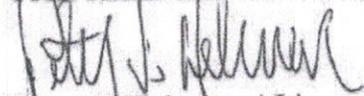
Accordingly, we have revised the description of proposed action to read as follows "Proposed 2-lot Subdivision to subdivide a 12-acre parcel of land for Somers Fire District from an approximate 166-acre parcel of land owned by IBM, which will enable the Somers Fire District to submit a subsequent Site Plan Application in order to develop a new Public Safety Center".

The only remaining items that were requested is the signed Affidavit of Ownership from IBM along with an Authorization Letter from IBM allowing the Somers Fire District to subdivide the proposed 12-acre parcel. I expect to have these two (2) remaining items before the end of this week and will provide them to you as soon as they have been received.

Should you or the Town Planner have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

THE HELMES GROUP, LLP



Peter J. Helmes, AIA
Architect

PJH:LAS

FL

cc: John Markiewicz, Chairman – Board of Fire Commissioners
Kenneth E. Hoffarth, District Manager

Enclosures

Short Environmental Assessment Form Part 1 - Project Information

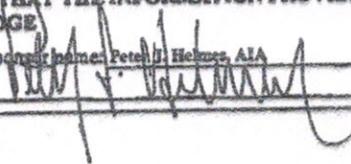
Instructions for Completing

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.

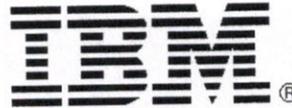
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information																		
Name of Action or Project: Somers Public Safety Center																		
Project Location (describe, and attach a location map): 295 Route 100, Somers, Westchester County, NY. See attached Location Map																		
Brief Description of Proposed Action: Proposed 2-lot Subdivision to subdivide a 12-acre parcel of land for Somers Fire District from an approximate 166-acre parcel of land owned by IBM, which will enable the Somers Fire District to submit a subsequent Site Plan Application in order to develop a new Public Safety Center.																		
Name of Applicant or Sponsor: The Helmes Group, LLP - Peter J. Helmes, AIA		Telephone: 914-232-4633 E-Mail:																
Address: 184 Katonah Avenue		pjh@thehelmesgroup.com																
City/PO: Katonah	State: NY	Zip Code: 10536																
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
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: NYSDEC wetlands permit and WCCOH water supply permit. Also, all other required Town approvals as may be applicable (including zoning, planning, wetlands, etc.)			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action? _____ 12 acres b. Total acreage to be physically disturbed? _____ 6 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 12 acres																		
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input checked="" type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input checked="" type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input checked="" type="checkbox"/> Other (specify): Middle School</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Other (specify): Middle School		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)														
<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Other (specify): Middle School															
<input type="checkbox"/> Parkland																		

5. Is the proposed action, a. A permitted use under the zoning regulations? Zoning approvals will be required b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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? <input checked="" type="checkbox"/> NO YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Peter J. Holmes, AIA</u></p>	<p>Date: <u>10/17/16</u></p>	
<p>Signature: <u></u></p>		

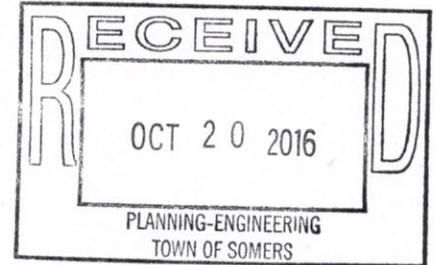
PRINT FORM



International Business Machines Corporation
1 New Orchard Road
Armonk, NY 10504

October 20, 2016

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



Project: Somers Public Safety Center, 295 Route 100, Somers, NY 10589
Tax Sheet 17.18; Block 1; Lot 1

Subject: Letter of Authorization
(Proposed 12-acre parcel being conveyed from KIPP-IBM to Somers Fire District)

Dear Chairman Currie & Members of the Board:

On behalf of International Business Machines Corporation, please accept this letter as our Authorization to permit the Somers Fire District to make Application for the purpose of subdividing a Proposed Subdivision of a 12-acre parcel to be conveyed to the Somers Fire District from an existing 166-acre parcel currently owned by KIPP – International Business Machines Corporation.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Thomas Ponesse III
Director, Real Estate Asset Management
International Business Machines Corporation

U: TR
CTE
APPL.

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

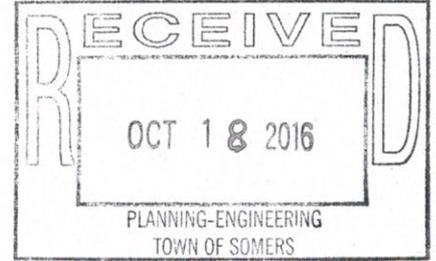
TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

PATRICIA KALBA
TOWN CLERK



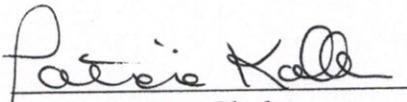
RESOLUTION

RESOLVED, that the Town Board does hereby acknowledge receipt of Somers Public Safety Center Preliminary Subdivision for their review and comment and returns the following comment:

The Town Board fully supports the project.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Regular Meeting held on October 13, 2016.

Dated: October 14, 2016


Town Clerk

Ec: Supervisor
Director of Finance
Cc Planning Board

C-
PB
+P
CTE
applicant

BUREAU OF FIRE PREVENTION

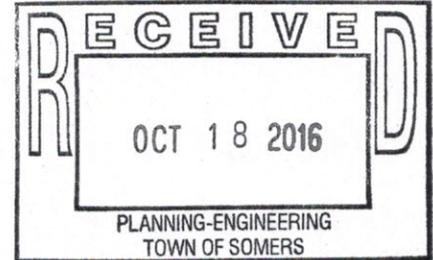
Town of Somers

WESTCHESTER COUNTY, N.Y.

Telephone
(914) 277-8228
Fax
(914) 277-3790

SOMERS TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

EFREM CITARELLA
CHIEF



002099

MEMO TO: Planning and Engineering Department

FROM: Bureau of Fire Prevention

RE: Somers Public Safety Center Preliminary Subdivision

DATE: October 18, 2016

The preliminary subdivision for the Somers Public Safety Center located at 295 Route 100 was reviewed and discussed at our monthly meeting on October 12, 2016. There were no comments at this time. The Bureau looks forward to seeing plans as the project moves further along.