

Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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



SOMERS PLANNING BOARD

AGENDA

NOVEMBER 10, 2015

7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for September 9, 2015.

TIME EXTENSION

1. MERRITT PARK ESTATES AMENDED FINAL SUBDIVISION

[TM: 5.20-1-1]

Request for a 90-day time extension for Amended Final Subdivision Plat Approval from December 7, 2015 up to and including March 7, 2016 under Town Law Section 276 (7) (c). This is the first request for a time extension.

PROJECT REVIEW

2. GREENBRIAR SOMERS CORP. [TM: 6.11-1-77, 78]

Application for Wetland, Steep Slopes, Tree Removal Permit and Stormwater Management and Erosion and Sediment Control Permits for property located on the left side of Greenbriar Drive for the construction of 1 residential townhouse unit with connection to existing utility lines and roadway.

PROJECT REVIEW CONTINUED

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

RENEWAL OF SPECIAL USE PERMIT

- 4. NEW CINGULAR WIRELESS PCS, LLC (AT&T)
RENEWAL OF SPECIAL USE PERMIT
[TM: 28.10-1-6.1]**
Application of New Cingular Wireless for renewal of Special Use Permit for existing approved AT & T Tower and Related Wireless Facility located at Route 100, Majestech Corporation property.

DISCUSSION AND COMMENT

5. Planning Board comments on Draft Comprehensive Plan Update.

CALENDAR FOR 2016

- 6. PLANNING BOARD CALENDAR FOR 2016**

Next Planning Board Meeting is Wednesday, December 9, 2015
Agenda information is also available at www.somersny.com

C-
PB
TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

ONE NORTH BROADWAY, SUITE 701
WHITE PLAINS, NEW YORK 10601-2319

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN
NOELLE CRISALLI WOLFSON

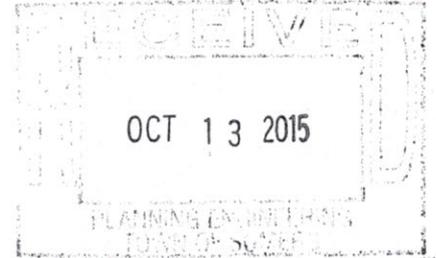
TEL: (914) 421-1800
FAX: (914) 421-1856
WEB: WWW.HTWLEGAL.COM

HENRY M. HOCHERMAN
RETIRED

October 12, 2015

Via Electronic and First Class Mail

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



Re: *Merritt Park Estates Subdivision
Town File No. 767
First Request for Ninety-Day Extension of Amended Final Subdivision Approval*

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated June 10, 2015, your Board granted Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits Approval (the "Final Approval") for the Merritt Park Estates Subdivision to modify two conditions of the original Resolution of Approval. Final Approval is scheduled to expire on December 7, 2015. As you know, Mancini has been installing the infrastructure (road, drainage, and utilities) in the Subdivision and wants to complete that work before filing the Final Plat. We do not anticipate that such work will be completed prior to the December 7th expiration date and are writing to request a ninety-day (90) extension of Final Approval to and including March 7, 2016 (the first business day after the ninetieth day, which is a Sunday), at which time we will report on the status of the work. This is our first request for an extension of Amended Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Since the last extension was granted, Mancini has made substantial progress constructing the Lovell Street and Lake Court stormwater basins located on the property of Lake Lincolndale Property Owner's Association ("LLPOA"). It also signed an agreement and made payment to New York State Electric & Gas ("NYSEG") for the installation of electrical service lines but NYSEG has been delayed performing the work and Mancini cannot proceed any further with the road until NYSEG's work is completed.

I understand that Steve Woelfle inspects the site and construction work regularly and that there

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

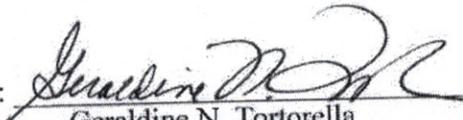
Hon. John Currie, Chairman
and Members of the Planning Board
October 12, 2015
Page 2

have been no issues with the work.

Kindly schedule this matter for consideration at the Planning Board's November 10, 2015 meeting and let us know if an appearance is required or requested. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: 
Geraldine N. Tortorella

GNT:hc

cc: *(via electronic mail)*
Syrette Dym, AICP
Roland Baroni, Esq.
Joseph P. Eriole, Esq.
Mr. Steve Woelfle
Joseph Barbagallo, P.E.
Mr. Richard Mancini
Mr. John Mancini
Joseph Riina, P.E.

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

DATE: October 27, 2015

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Merritt Park Estate Amended Final Subdivision Approval – First
Ninety-Day Extension Request

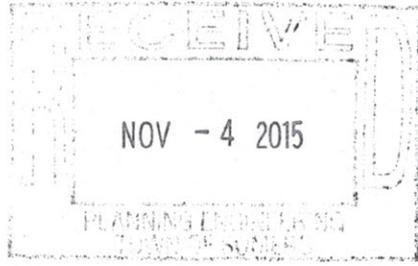
As indicated in the October 12, 2015 letter from Geraldine Tortorella, the Planning Board granted Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits Approval on June 10, 2015 for Merritt Park Estates Subdivision to modify two conditions of the original Resolution of Approval. Since the site work is not anticipated to be complete by expiration of the Amended Subdivision approval on December 7, 2015, an extension of ninety-days (90) of Final Approval up to and including March 7, 2016 (the first business day after the ninetieth day, which is a Sunday) is being requested. This request is made under Section 276(7)(c) of Town Law.

Steve Woelfle has confirmed his regular inspections of the site and that there are no site issues. He continues to monitor ongoing work at the site. I have no objections to extension of the subdivision approval.

cc: Geraldine Tortorella, Esq.
Richard Mancini
John Mancini

Z:\PE\Subdivision files\Merritt Park\Final Subdivision\Modification to Final Subdivision Resolution\Extensions\First Extension of Amended Final Subdivision Approval.doc

C-
PB
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November 3, 2015

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

908

Dear Chairman Currie,

This letter is in regard to the storm water drainage basins that Mancini Building Corporation is constructing on the Lake Lincolndale Property Owners' Association (LLPOA) property as part of the Merritt Park Subdivision. Part of the approved design was to include an extensive native species planting plan for the basins. However, due to the soil conditions, deer browsing, and competing invasive phragmites plant species, it was determined by everyone involved that the indicated herbaceous plants and lower growing woody plants would not survive in this environment. Because of this, the original plant list has been amended. The new list, specified by Doug Lee, an LLPOA member, professional landscape designer, and NYS Certified Nurseryman advising our board, and Steve Woelfle, Town of Somers Engineering Department, is as follows:

Lake Court site:

- | | | |
|---|------------------------------------|----------|
| 6 | Acer rubrum/Red Maple | 6-7' ht. |
| 3 | Betula nigra/ River Birch | 6-7' ht. |
| 3 | Taxodium distichum/ Bald Cypress | 6-7' ht. |
| 3 | Quercus bicolor/Swamp White Oak | 7-8' ht. |
| 3 | Liriodendron tulipifera/Tulip Tree | 7-8' ht. |

Lovell Street site:

- | | | |
|---|------------------------------------|----------|
| 2 | Acer saccharum/Sugar Maple | 6-7' ht. |
| 5 | Betula nigra/River Birch | 6-7' ht. |
| 2 | Acer rubrum/Red Maple | 6-7' ht. |
| 7 | Viburnum Dentatum/Arowood Viburnum | 4' ht. |

Because of the changes, the Lake Association Board has decided to accept a cash credit in the amount of \$9,500 (Nine Thousand Five Hundred dollars) in lieu of the plants. This amount is the cost of the original list of plants and the labor to plant them. Upon the receipt of this payment, the Lake Lincolndale Lake Association assumes the responsibility of purchasing and planting the agreed upon trees, and other plants as appropriate to stabilize the basins. Upon final inspection by Mr. Woelfle and LLPOA representative of the sites, and a written agreement among all parties of the original signed Construction License Agreements that all work has been completed per the original design and this amendment, Mancini Building Corporation will have completed the basins and its obligation to the LLPOA and Town of Somers.

I will attend the November 10, 2015 Planning Board meeting to answer any questions.

Thank you,

Michael O'Keefe
Chairman of the Board
Lake Lincolndale, Property Owners Association
PO Box 1
Lincolndale, NY 10540

BIBBO ASSOCIATES, L.L.P.

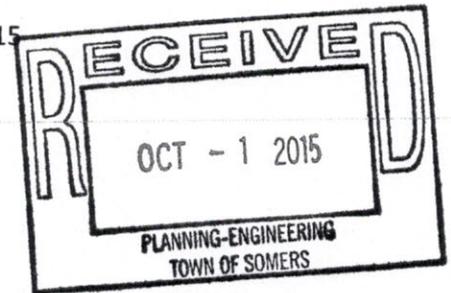
Consulting Engineers

Joseph J. Buschynski, P.E.

Timothy S. Allen, P.E.

Sabri Barisser, P.E.

October 1, 2015



Somers Planning & Engineering Dept.
335 Route 202
Somers, NY 10589-3226

Attn: Mr. Steven Woelfle, Principal Engineering Technician

Re: Green Briar Subdivision
Sec. 6, Lots No. 35 & 36

Dear Mr. Woelfle:

Enclosed in the above matter are 14 prints/copies of the following items:

- 1) Wetland Application and application fee by check for \$417.80
- 2) Stormwater Management and Erosion and Sediment Control Application and application fee by check for \$100.00
- 3) Steep Slope Protection Application and application fee by check for \$225.00
- 4) Tree Removal Application and application fee by check for \$50.00
- 5) Application Acknowledgment form
- 6) Affidavit by Corporation Owner form
- 7) Application Processing Restrictive Law form
- 8) Short EAF
- 9) List of Property Owners within 100 feet of Lot Nos. 35 & 36
- 10) Site Plan Drawings #1-8, dated 8-17-15
- 11) 10 copies - SWPPP report

Lots No. 35 & 36 are part of 34 lots in Section 6 created in 1987 and shown on filed plat no. 22944. Except for Lots # 35 & 36, the majority of Section 6 lots were developed in the mid 1990's. Thereafter an amendment was made to the NYSDEC Freshwater Wetland Maps to add wetland F-31 associated with the Green Briar Brook as regulated wetland. The greater part of Lots #35 & 36 are located within the 100-foot adjacent area. A plan for 2 attached townhomes was prepared and reviewed with the NYSDEC in 2005. The DEC determined that the disturbance associated with the development of both lots was excessive and recommended that the project scope be reduced. Accordingly, the plan for development

Site Design ♦ Environmental

Mill Pond Offices · 293 Route 100, Suite 203 · Somers, NY 10589
Phone: 914-277-5805 · Fax: 914-277-8210 · E-Mail: bibbo@optonline.net

has been revised to eliminate a townhome and merge the two lots for the construction of 1 townhome. A wetland application and individual residential stormwater permit application are being forwarded to the NYS Department of Environmental Conservation and NYC Department of Environmental Protection respectively. The area of disturbance to develop the lot is 0.28 acres. Although the SWPPP for the project does not then require provision of post-construction stormwater management practices, infiltration devices will be installed to mitigate runoff generated from the house roof surface.

We would appreciate your scheduling the project for review at the next available meeting of the Planning Board.

Very truly yours,



Joseph J. Buschynski, P.E.

JJB/mme
Enclosures

cc: M. Shapiro
File

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

APPLICATION FEE:

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

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

2-4-36 Green LLC and
OWNER: Greenbriar - Somers Corp. Tel.#: 845-371-2100
Mailing Address: 75 N. Middletown Rd., Nanuet, NY 10954
APPLICANT: Greenbriar - Somers Corp. Tel. #: 845-371-2100
Mailing Address: 75 N. Middletown Rd., Nanuet, NY 10954
State authority: Owner - Lot 35 If other than owner, authorization must be submitted in writing.

PREMISES: Sheet: 611 Block: 1 Lot: 77+78
Situating on the left side of Driftwood Drive (Street), 250 feet from the intersection of Green Briar Drive (Street)

DESCRIPTION OF WORK AND PURPOSE: Construct 1 residence on Lot Nos. 75+36 of Green Briar sec. 6 located in 100 ft. wetland control area

SIZE OF ACTIVITY AREA: _____

Is work proposed in Wetland: or Wetland Control Area:

Is there an existing house located on the site: No

Is pond, lake or detention basin proposed to be cleaned: vel. dissipation structure to be cleaned

Functions provided by Wetland: Groundwater recharge, Wildlife habitat

Wetland Expert delineating Wetland: Peter Torgersen

ESTIMATED QUANTITY OF EXCAVATION: _____ C.Y. 20 CUT, 55 FILL

ESTIMATED TOTAL VALUE OF WORK: \$ 800,000

PROPOSED STARTING DATE: 4/16 PROPOSED COMPLETION DATE: 4/17

PLANS PREPARED BY: Bibbe Assoc. DATED: _____

** Plans must be submitted with application. **

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: _____

NYSDDEC - Wetlands Permit
NYCDEP - TRSP

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

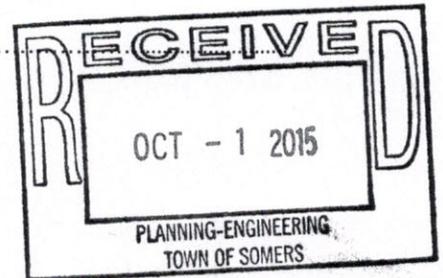
NAME ADDRESS BLOCK LOTS
See attached list

APPLICANT'S SIGNATURE: _____ DATE: 9/24/15

OWNER'S SIGNATURE: _____ DATE: 9/24/15

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

.....Office Use Only.....
Administrative Permit: _____
Planning Board Permit: _____



11/08

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR ENVIRONMENTAL PERMIT
CHAPTER 93 "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL"

Application Processing Affidavit must also be completed. Click here for form.

APPLICATION FEE: \$100 for disturbances of five thousand (5,000) square feet and/or for the placement or removal of 50 cubic yards of soil, plus \$500 for each additional acre of disturbance.

Greenbriar - Somers Corp. and
OWNER: 2-4-36 Green LLC Tel.#: 845-371-2100
Mailing Address: 75 N. Middletown Rd., Nanuet, NY 10954
APPLICANT: Greenbriar - Somers Corp. Tel. #: 845-371-2100
Mailing Address: 75 N. Middletown Rd., Nanuet, NY 10954
State authority: If other than owner, authorization must be submitted in writing Owner - Lot #35

PREMISES: Sheet: 6.11 Block: 1 Lot: 77+78

DESCRIPTION OF WORK AND PURPOSE: Construct 1 residence on Lot Nos. 35+36 of Greenbriar Sec. 6

SIZE OF ACTIVITY AREA: 0.28 acres/feet by _____ feet
(include all construction activity area)

VOLUME OF EXCAVATED MATERIAL: 20 c.y. cut, 55 c.y. fill
(leave blank if not known)

IN CONJUNCTION WITH:
Wetland Permit: Steep Slopes Permit: Tree Preservation Permit:
Site Plan: _____ Subdivision: _____

PROPOSED STARTING DATE: 4/16 PROPOSED COMPLETION DATE: 4/17

PLANS PREPARED BY: Bibbo Assocs., LLP DATED: _____

Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application.

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:
NYSDEC - Wetlands Permit
NYCDEP - IRSP

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

NAME ADDRESS BLOCK/LOT
See Attached List

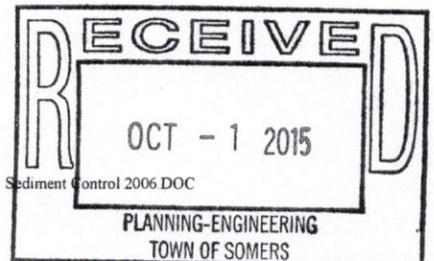
APPLICANT'S SIGNATURE: [Signature] - Per DATE: 9/24/15
OWNER'S SIGNATURE: 2-4-36 Green LLC DATE: 9/24/15

*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, A VICINITY MAP, A DEVELOPMENT PLAN, EROSION AND SEDIMENT CONTROL PLAN, AND THE PROPOSED PHASING OF DEVELOPMENT OF THE SITE.

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

Administrative Permit: _____

Planning Board Permit: _____



TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR ENVIRONMENTAL PERMIT
CHAPTER 148 "STEEP SLOPE PROTECTION"

APPLICATION FEE:

Alteration of Steep Slopes: \$150.00 minimum fee plus \$75.00 per 10,000 S.F. of regulated area or proposed portions thereof to be disturbed.

2-4-36 Green LLC and

OWNER: Greenbriar-Somers Corp. Tel. #: 845-371-2100

Mailing Address: 75 N. Middletown Rd., Nanuet, NY 10954

APPLICANT: Greenbriar-Somers Corp. Tel. #: 845-371-2100

Mailing Address: 75 N. Middletown Rd., Nanuet, NY 10954

State authority: Owner - Lot 35 If other than owner, authorization must be submitted in writing.

Premises: Sheet: 6.11 Block: 1 Lot: 77+78

Situated on the left side of Driftwood Drive (Street) 250 feet from the intersection of Green Briar Drive (Street)

Description of Work and Purpose: Construct 1 residence on Lot Nos. 35+36 of Green Briar Sec. 6

Estimated Quantity of Excavation: _____ C.Y. 20 CUT 55 FILL

Size of Activity Area: 0.28 acres

Total Value of Work: \$800,000

Slope Category: 15%<25% 25%<35% or >35%: _____

Soil Types: Paxton fine sandy loam

Proposed Starting Date: 4/16 Proposed Completion Date: 4/17

Plans Prepared by: Bibbo Assocs. Dated: _____

Plans must be submitted with application.

List of Applicable County, State, or Federal Permits:

NYSDEC - Wetlands Permit

NYCOEP - IRSP

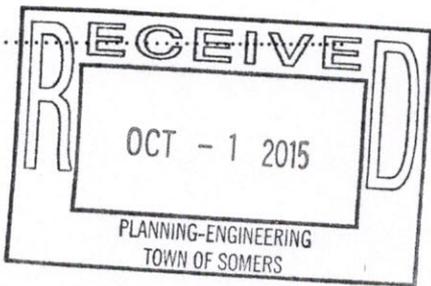
List of Property Owners of Record of Lands and Claimants of Water Rights within 100 feet of Subject Property.

NAME	ADDRESS	BLOCK	LOTS
<u>See Attached List</u>			

Applicant's Signature: [Signature] Date: 9-24-15
 Owner's Signature: [Signature] Date: 9-24-15

*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION AND SIZE OF SLOPE CATEGORIES.

.....Office Use Only.....
Administrative Permit: _____
Planning Board Permit: _____



5/9/2012

TREE REMOVAL PERMIT APPLICATION
SECTION 156, TREE PRESERVATION

SUBMIT TO: Town of Somers, Engineering Department
335 Route 202, Somers, New York 10589

DATE: 9-24-15

1. APPLICATION FEE:

Tree Removal - \$50.00 for the first five (5) trees to be removed, \$15.00 for each additional tree to be removed.

2. IDENTIFICATION OF APPLICANT:

2-4-36 Green LLC and
OWNER: Greenbriar - Somers Corp. Tel.#: 845-371-2100
Mailing Address: 75 N. Middletown Rd., Nanuet, N.Y. 10954

APPLICANT: (if other than Owner)

Greenbriar - Somers Corp. Tel.#: 845-371-2100
Mailing Address: 75 N. Middletown Rd., Nanuet, NY 10954
Professional preparing site plan: Bibbo Associates, LLP
State authority: Owner - Lot #35 If other than owner, authorization must be submitted in writing.

3. IDENTIFICATION OF SUBJECT PROPERTY

Address 35 + 36 Driftwood Dr.
PREMISES: Sheet: 6.11 Block: 1 Lot: 77 + 78

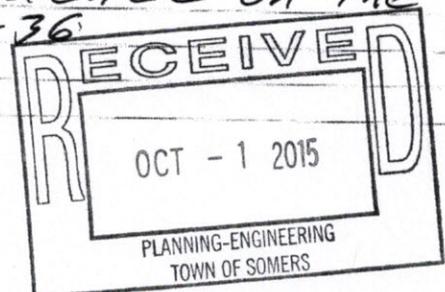
4. NUMBER OF TREES TO BE REMOVED (12-INCHES OR GREATER)

Zoning District: R10 **(R40)** R80 R120 Other (Circle)

2 Quantity of trees to be removed (Must be tagged/identified to evaluate permit requirements)

5. PURPOSE FOR TREE REMOVAL

To allow construction of a residence on the combined area of Lot Nos. 35 + 36



PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: November 5, 2015

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

Application Request:

By e-mail of October 30, 2015 from Mark Chertok, attorney for the applicant, a revised EAF and Revised Narrative were sent that amend the original application eliminating the earlier considered need for an amendment of the DRD District, now limiting the request to Site Plan Approval. The revised Narrative describes stormwater drainage measures that Somers Pointe Country Club instituted last month to correct an existing site condition. A figure identifying the limits of the area evaluated in the EAF is attached to the EAF. This is the area considered in the EAF question E.1.b. "Land Uses and Cover Types" and is the land area proposed to be considered in the project drainage analysis.

Elimination of Need For Amendment to DRD

Prior to Town Board consideration of a text amendment to the DRD to clarify the issue of the use of pools and tennis courts 'primarily' by residents of the DRD, Efrem Citarella, Building Inspector, was asked for his interpretation of the Code. In a memorandum of October 14, 2015, he offered the following interpretation:

“Membership has to be offered to Heritage Hills residents first. If any memberships are open, they can be offered to the general public.” As a result of this interpretation, no change to the text of the DRD is required.

Site Plan and Analysis of Impacts

Parking

As indicated in the submitted Narrative, existing parking at 111 spaces is a pre-existing nonconformity.

As requested in my memorandum of June 5, 2015, the applicant has performed a parking utilization study. Based on that study, the results of which are summarized in the Narrative, with only the golf use, there is a 63% utilization of the existing 111 spaces even on what would appear to be a peak day of July 3, 2015. The Narrative then applies this 64% utilization rate to the new pool and tennis courts concluding that only an additional 22 spaces would be needed. I do not think this is a ratio that is necessarily transferrable to the new proposed uses based on the trip generation numbers presented in the Narrative. If people using the tennis courts come in separate cars and doubles games are assumed, an additional 16 spaces could be required to accommodate doubles players and overlapping game arrivals and departures. This would bring the total parking need from a peak 70 to 86 spaces. If the 36 pool user cars are added, a total of 122 spaces would be utilized. This is below the proposed 149 proposed to be built and provided, leaving 27 additional spaces for other users or users who come and stay longer at the facility. It should be noted that members who utilize the 9-hole golf course do not park at this lot but at a separate lot located by the Heritage Hills Activity Center where access to the 9-hole course is gained.

The mechanism for land banking spaces is provided for in Section 170-41 of the Somers Town Code which permits a waiver of parking spaces if those required are deemed excessive by the Planning Board. In such cases the Board “may allow a reduction in the number of spaces initially improved subject to such conditions as said Board may deem necessary to assure the future improvement of such spaces at any time the Board may determine that they are necessary”. The Planning Board should consider whether it is willing to landbank spaces and, if it is willing, the number to be landbanked and what mechanism it will establish to monitor the adequacy of and need for parking spaces in the future.

The design of the new parking areas needs to comply with the conditions of Section 170-34.C which requires that “all off-street parking and loading areas subject to site plan approval by the Planning Board shall include at least one shade tree of not less than four inches caliper for each six parking spaces”. It does not currently appear to comply with this section of the code.

The analysis of site disturbance and site impacts however needs to consider impacts as if all parking were constructed. The Limits of Area Evaluated in EAF Figure incorporates

all proposed areas of new built and proposed landbanked parking as the area considered in the EAF as well as that considered in the Project Drainage Analysis, so this appears to be the case. This should be verified by the Applicant and Town Consulting Engineer. The tree survey drawing S-003.00 Site Plan/Existing Natural Resources Overlay also identifies trees to be removed in the proposed landbanked parking areas.

It should be noted that the utility of the existing parking spaces will depend on their being improved in terms of surface improvements, access aisles improvements and striping of spaces. Current space conditions could preclude use of some spaces by Club users, thereby reducing actual usable spaces. Improving existing spaces should be considered as a condition of site plan approval by the Planning Board.

Hours and Seasons of Operation of Pool and Tennis Courts

The proposed site plan proposes new uses to the existing club. The seasonal use limits of each use should be stated in addition to the hours of operation stated in the EAF page 7 of 13 in D.2.1. *ii.* as well as the proposed hours of operation of each use. It is assumed the pool will be very seasonal in nature but its season should be stated. The assumed use period of the tennis courts should be identified as well as whether they are proposed for nighttime use. See Lighting below. .

Lighting and Noise

No lighting plan or light spill diagram has been provided as part of the plan set and should be. This would illustrate the impact of lighting identified in Section D.2.n. *i* of the EAF page 8 of 13. No lighting appears to be proposed for the tennis courts. Is this correct? Items D.2.m. and n. *ii.* indicate that natural vegetation and wooded land will be removed reducing noise and light barriers. A landscape plan that mitigates for these potential impacts needs to be provided and its mitigating elements described. This is true particularly considering the location of the tennis courts across from existing Heritage Hills Residential Condominium No. 16.

Landscape Plan

As indicated above, a landscape plan needs to be prepared that complies with current requirements for landscaping of parking areas as indicated in Section 170-34C. of the Somers Town Code, but also that mitigates for removal of natural wooded areas buffering the site from surrounding residential uses.

Traffic

The Applicant's analysis of traffic impacts concludes that traffic impacts do meet SEQR guidelines of significant environmental impact. Although there will be additional traffic through the Heritage Hills community during the swimming season, I agree with this conclusion of no significant impacts based on SEQR thresholds.

Existing Drain Conditions

The Narrative identifies that off-site stormwater drainage issues behind the location of the proposed pool caused by clogging of debris was cleared by Somers Pointe staff. The applicant has identified that they plan to continue to clear those drains and pipes on a regular basis to ensure that there are no future drainage problems. The extent of this commitment should be clarified as part of the Site Plan approval conditions.

Actions Required by Planning Board

At its meeting of November 10, 2015, the Planning Board should declare its intent to be lead agency and circulate such designation along with the EAF to all involved and interested agencies.

Assuming no objections, the Planning Board would be in a position to accept its role as lead agency at the Planning Board meeting of December 9, 2015.

A draft of the EAF Parts 2 and 3 are attached for review by the Planning Board.

Attach.

Cc: Joe Barbagallo/Rob Wasp
Roland Baroni
Mark Chertok
Christine Leas
John Petroccione
Steven Kou

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PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4098

Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

November 10, 2015

Involved and Interested Agencies

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

Site plan approval for construction of a new swimming pool (±50ft. X 30 ft.) adjacent to the existing golf clubhouse; new accessory cabana building (± 70 ft. X 50 ft.) adjacent to the existing golf clubhouse; two new tennis courts; and new associated parking. Memberships would first be offered to residents of Heritage Hills and any open membership would be offered to the general public.

At its meeting of November 10, 2015, the Town of Somers Planning Board voted to declare its intent to be Lead Agency for the Proposed Action under SEQR based on its review of a Full EAF –Part 1 dated October 30, 2015.

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

Syrette Dym, AICP
Director of Planning

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

Cc: Involved and Interested Agencies
See Attached List

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NOTICE OF SEQR ACTIONS – Proposed Site Plan Approval for Swimming Pool, Cabana Building, Two Tennis Courts and Associated Parking for Existing Somers Pointe Country Club

Notice of Intent to Act as Lead Agency

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

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

The Planning Board of the Town of Somers, Westchester County, declares its intent to act as lead agency for a Proposed Site Plan Approval for a swimming pool and accessory cabana building and tennis courts with associated parking for the existing Somers Pointe Country Club.

The Somers Planning Board, at its meeting of November 10, 2015 declared its intent to establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code as part of a coordinated review.

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

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

TITLE OF ACTION: Site Plan Approval Site Plan Approval for Pool, Cabana, Tennis Courts and Parking for Somers Pointe Country Club

DESCRIPTION OF ACTION: Somers Pointe Country Club seeks to construct a new swimming pool (±50ft. X 30 ft.) and new accessory cabana building (± 70 ft. X 50 ft.) adjacent to the existing golf clubhouse; two new tennis courts; and new associated parking with the DRD Designed Residential Development Overlay District. Memberships to the proposed pool and tennis courts would first be offered to residents f Heritage Hills and any open membership would be offered to the general public.

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

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

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

Telephone: 914-277-5366

Date of this Notice: November 10, 2015

SEQR DISTRIBUTION LIST – See Attached

**SEQR DISTRIBUTION LIST – Proposed Site Plan Approval for Swimming Pool, Cabana Building,
Two Tennis Courts and Associated Parking for Existing Somers Pointe Country Club**

Involved Agency

New York State Department of Environmental Conservation
Division of Environmental Permits--Region 3
21 South Putt Corners Road
New Paltz, New York 12561-1696
Attn.: Martin Brand, Regional Director

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

Interested Agencies

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

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

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

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

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

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

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

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

Town of Somers Police Department
Somers Town House
335 Route 202

Somers, NY 10589

Other- Lead Agency Representatives

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

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

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

Other- Project Sponsor Representatives

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

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

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

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**STATE ENVIRONMENTAL QUALITY REVIEW
LEAD AGENCY RESPONSE FORM**

Response Deadline: December 10, 2015

TO: Town of Somers – Planning Board
Attn: Syrette Dym, AICP, Director of Planning
Town House
335 Route 202
Somers, New York 10589

**RE: Establishment of Lead Agency – Somers Pointe Country Club
Application Requesting Site Plan Approval for Construction of a New
Swimming Pool(±50' X30'); New Accessory Cabana Building (±70' X 50');
Two New Tennis Courts; and New Associated Parking; for Property located
at 100 West Hills Drive, Somers , NY (Tax Lot 6.17-20-1.21)**

Please be advised that the _____,
(Name of Agency)

as an involved agency under SEQR concurs with the designation of the Somers Planning Board as Lead Agency for the above-captioned project.

Comments, if any, on approval(s) under our jurisdiction and/or issues to be examined as part of environmental review under SEQR:

Signature: _____ Date: _____

Print Name and Title: _____

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : Somers Pointe Country Club
Date : _____

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>		
	Relevant Part I Question(s)	No, or small impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/> <input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/> <input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/> <input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/> <input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/> <input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/> <input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/> <input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/> <input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater NO YES
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding NO YES
 The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part 1. D.2.f., D.2.h, D.2.g)
 If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) NO YES
 If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources NO YES

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources NO YES

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. NO YES
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) NO YES
If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
 If "Yes", answer questions a - h. If "No", go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project : Somers Pointe Country Club

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Somers Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Somers Pointe Country Club Site Plan Approval

Name of Lead Agency: Town of Somers Planning Board

Name of Responsible Officer in Lead Agency: John Currie

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Syrette Dym, AICP, Director of Planning

Address: 335 Route 202, Town House, Somers NY 10589

Telephone Number: 914-277-5366

E-mail: sdym@somersny.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

cabana building dimensions from the previously approved Site Plan, as well as a reduction from three approved tennis courts to only two proposed tennis courts.

THE PROPOSED SITE PLAN

The Somers Pointe golf course is operated on a membership basis. There are currently 189 memberships, of which 159 are single person memberships and 30 are family memberships. The family memberships include an average family size of 4 people, resulting in a total of approximately 280 members. Approximately 75% of these memberships are currently held by Heritage Hills residents.

If the new pool and tennis courts are approved, Somers Pointe anticipates offering three types of membership. The first type would be a "golf only" membership identical to the current golf membership with the same 190 memberships available. The second type would be a "pool" membership allowing for full use of the swimming pool and tennis courts. Lastly, a "golf and pool" membership would be offered, allowing for the use of the golf course, swimming pool and tennis courts.

Somers Pointe expects to offer a total of 100 pool memberships, fewer than the 106 person capacity for a pool of the proposed size and depth, pursuant to New York State regulations (10 NYCRR 6-1.20) and Westchester County Sanitary Code § 873.1220, in order to maximize a favorable swimming experience. The 100 memberships would be made available to Heritage Hills residents first and, consistent with the Building Inspector's interpretation, any open memberships would be offered to members of the general public. The combined "golf and pool" membership would not be additional to the above noted memberships, but instead would be counted as one golf membership and one pool membership.

A site plan application has been submitted to the Town of Somers Planning Board, and is provided as an Addendum to the EAF.

SPECIFIC ADDITIONS TO THE EAF

Section D.2.c: The proposed stormwater impact has been evaluated and the site plan includes a stormwater management design that has been prepared to ensure compliance of the development with current New York State Department of Environmental Conservation ("NYSDEC") regulations and the SPDES General Permit for Stormwater Discharges from Construction Activity. Stormwater runoff from the area of development would be captured in a proposed collection system and conveyed to proposed infiltration areas to be constructed under the proposed parking lots. Stormwater flow off-site would not increase from current conditions.

Somers Pointe has taken steps to address concerns about off-site stormwater drainage raised by several neighbor to the west of the Property, behind the location of the proposed swimming pool. Two existing drains serving those residents are located in the lower embankments adjacent to the Property. In September 2015, Somers Pointe staff inspected those two existing drains and found that they were clogged by debris. Although not part of the Somers Pointe drainage system, Somers Pointe staff cleaned the drains and pipes, which has eliminated

the drainage problems to the satisfaction of those neighboring residents. Moving forward, Somers Pointe plans to clean those drains and pipes on a regular basis to ensure that drainage problems do not arise again.

Section D.2.j. The proposed parking for the project has been evaluated based upon the above membership information, and the needs of the existing restaurant. Two new parking lots, accessed via an extension of the existing site driveway, are proposed for construction to accommodate the anticipated additional users of the site. In addition, several areas of "land banked" parking are also proposed. These areas have been provided to indicate the ability to accommodate the number of parking spaces required by the Town Code. However, as discussed further below, the applicant anticipates significantly less parking would actually be utilized; therefore the additional spaces are proposed as land banked, not to be constructed at this time. The land required for the construction of the spaces would remain undeveloped and available for the construction of these spaces should the need for additional parking be found in the future.

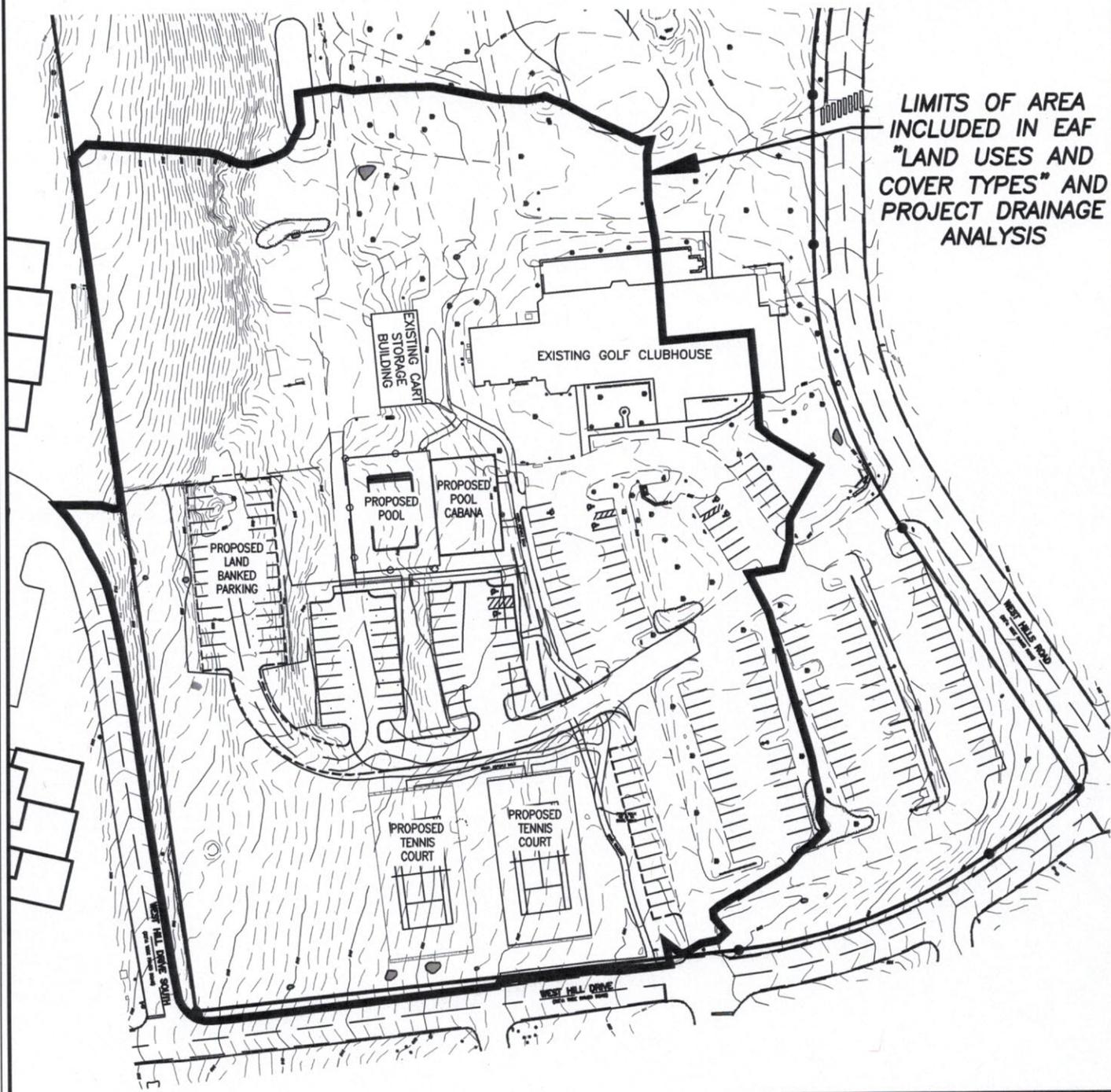
The calculations in the site plans (Sheet 2) reflect a total of 161 required spaces under the Somers Town code to accommodate the existing facilities. The calculations also indicate that the site currently has only 111 existing parking spaces. The current operation of the golf course and restaurant allows the benefit of evaluation of the existing parking to serve these uses. Although the provided spaces fall short of the Code requirements, the parking areas are never fully utilized, thus demonstrating the adequacy of the parking for current operations; this is shown by the parking utilization study described below. The proposed swimming pool parking has been evaluated based upon the maximum occupancy of 106 persons, per the Health Code. The Town Code requires the provision of 1 space per three people for the pool, resulting in the need for 36 new spaces. Based on the parking utilization study that was conducted this summer, the applicant believes that the provision of 38 new spaces, with the provision of 50 land banked spaces would adequately serve the proposed conditions of the site.

Somers Pointe staff conducted a parking utilization study from June 5, 2015 until July 4, 2015, including the peak July 4th weekend. The staff counted the number of vehicles in the parking area every 30 minutes for every day that the Country Club was open (Tuesday through Sunday). For every single day, even at the busiest times of the day, the number of vehicles in the parking area was well below the maximum capacity. The most number of vehicles in the parking area observed at any given time was 70 cars on July 3, 2015. This indicates that, even at the busiest time of the year, there was substantial excess capacity of 41 parking spaces, or a utilization of approximately 63 percent (70 of 111 spaces). Applying this utilization ratio to the number of spaces proposed for the new pool and tennis courts, only 22 (63 percent of 35 spaces) would be needed. The applicant has proposed an additional 38 new spaces, with an additional 50 land banked spaces.

In addition to the parking requirements, potential traffic impacts have also been considered. The guidance provided by the DEC in answering Item D.2.j of the Long Form EAF, "Will the project action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?" indicates that in the preparation of the EAF, the project should be evaluated to determine if it would generate more than 100 peak hour vehicle trips. If the anticipated peak hour trips is less than 100, the project would not result

in a significant increase in traffic. "Swimming Pool" is not a use presented in the SEQRA guidance documents, nor is trip generation for the use well documented. It is not included in the ITE use categories, however, the City of San Diego, Land Development Code, Trip Generation Manual is one of the few documents found providing guidance. This manual specifies a trip generation rate of 3.1 trips per parking space per day. The resultant calculation would generate a total of 112 trips per day for the proposed pool, indicated far less than the 100 peak hour trips threshold would be achieved. As a simpler method of analysis, if 100% of the pool users (36 vehicles) arrive during the morning peak hour and 100% of the 36 vehicles leave during the afternoon peak hour, the project would still generate less than the 100 peak hour trips threshold. The two tennis courts would not be expected to generate more than 8 trips in any hour, even assuming that the courts were used for doubles and each player used a separate vehicle. Thus, even assuming the unlikely scenarios described above, the maximum number of trips during a peak hour would be no more than 80, still less than 100 trips in a peak hour. Based upon the above, Item D.2.j has been marked to indicate "No" potential traffic impacts are anticipated.

LIMITS OF AREA INCLUDED IN EAF "LAND USES AND COVER TYPES" AND PROJECT DRAINAGE ANALYSIS



**SOMERS POINTE
COUNTRY CLUB**

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
PROJECT TITLE

**LIMITS OF AREA
EVALUATED IN EAF**

DRAWING TITLE

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
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Town of Somers

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: November 5, 2015

RE: Project: New Cingular Wireless PCS LLC (AT&T) Special Permit
Renewal of Existing AT&T Wireless Telecommunications Tower
Applicant: New Cingular Wireless PCS LLC (AT&T) Somers Pointe
Country Club, LLC
Location: 243 Route 100 (Majestech Corporation Property)
(Section 28.10 Block 1 Lot 6.1)
Zoning: OLI Office and Light Industry District
Actions: Renewal of Special Permit for Existing Wireless
Telecommunications Tower

Application Request:

By letter of October 7, 2015, Cuddy & Feder, attorney for New Cingular Wireless PCS LLC (AT&T) submitted an application for renewal of the Special Permit for the existing Wireless Telecommunications Tower on the Majestech Corporation Property, set to expire on December 20, 2015.

Accompanying the application was a Removal Bond and a Revised Structural Analysis Report.

Compliance with Regulations of Section 170-129.6G of the Town Code

Section 170-129.6G of the Town Code identifies the required submissions for a renewal permit applications for a telecommunications facility:

1. Statement of the users of the facility
2. Description of all equipment on facility
3. Report from an engineer specializing in structural engineering certifying that the facility is structurally safe based upon personal inspection and appropriate testing
4. Description of all requests for co-locations and disposition of requests
5. Report on any future plans for construction of any new wireless or attached wireless telecommunications facility in the Town
6. Abandonment bond for ensuring five-year period.

The application materials provide the above requirements with the exception that the applicant needs to provide a report relative to number 5 above regarding whether there are any future plans for construction of new wireless telecommunications facilities in the town. Additionally, the Report provided in fulfillment of requirement #3 was prepared without the benefit of a site visit as required and does not appear to be certification of tower condition.

The Town Consulting Engineer should determine whether the structural report meets the requirements established by the Town Code.

The Planning Board can determine to waive a public hearing on the renewal application if it finds that the public hearing is unnecessary.

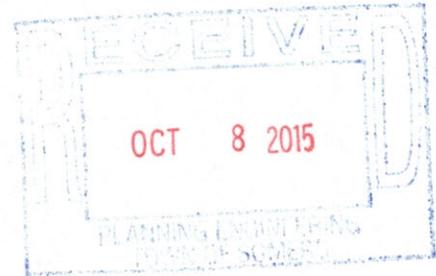
Draft Resolution of Special Permit Approval

A Draft Resolution of Special Permit Approval is being prepared for review and discussion at the Planning Board meeting. Such draft resolution may or may not be ready for final consideration at this meeting.

October 7, 2015

By Federal Express

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



Re: New Cingular Wireless PCS LLC ("AT&T")
Renewal of Special Permit per Section 170-129.6G
Existing AT&T Wireless Telecommunications Tower
Premises: 243 Route 100 (Majestech Corporation Property)
Tax Id: Section 28.10, Block 1, Lot 6.1

Dear Chairman Currie and Members of the Planning Board:

This letter is respectfully submitted on behalf of New Cingular Wireless PCS LLC (AT&T) in connection with its application to further renew the Special Permit for the existing Wireless Telecommunications Tower on the subject Premises bearing an expiration date of December 20, 2015. The Planning Board previously renewed this Special Permit by Resolution No. 2013-07, dated May 1, 2013. A copy of that Resolution is attached as Exhibit A.

In support of this request for renewal of its Special Permit for another five (5) year term to December 2020, AT&T has enclosed the following documents as Exhibits B & C, respectively, to address the requirements of Section 170-129.6G:

- * A Removal Bond issued by SAFECO Insurance Company of America, effective date February 13, 2009.
- * A Revised Structural Analysis Report, prepared by GPD Group, dated January 31, 2013, certifying that the Wireless Telecommunications Tower with the existing wireless facility complies with the requirements of TIA/EIA-222-F standards.

Additionally, AT&T has advised us that through September 2015 there have been no requests for co-location since its last renewal, and AT&T remains the sole wireless carrier operating from this Wireless Telecommunications Tower with no changes in its equipment since the Planning Board granted an Amended Special Permit for modifications including 4G LTE Upgrades by Resolution No. 2013-04, dated March 13, 2013.

We also have enclosed a Cuddy & Feder LLP Check made payable to the "Town of Somers" in the amount of \$300.00 representing payment of the Special Permit Renewal application fee.

Given that a Special Permit renewal application is a Type II action exempt from the State Environmental Quality Review Act per Section 617.5c(26) and that the Town of Somers Zoning Law does not require a public hearing on renewal of a Special Permit in Sections 170-129.6F and 170-129.6G, AT&T respectfully requests that this matter be placed on the Planning Board's next

C&F: 2887837.2

available agenda for review and action. Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,


Neil J. Alexander

NJA/jc

Enclosures

cc: Marilyn Murphy, Town Planning Board Secretary
Syrette Dym, Town Planning Consultant
Roland Baroni, Esq., Town Attorney
Joe D'Alto, AT&T

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Syrette Dym, AICP
Town Planner
sdym@somersny.com

Planning Board Meeting Date of May 1, 2013

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2013-07

Granting of Conditional Renewed Amended Special Permit Approval to

NEW CINGULAR WIRELESS PCS LLC (AT&T)
for
**RENEWAL OF EXISTING APPROVED AT&T TOWER AND RELATED
WIRELESS FACILITY**

At 243 Route 100 (MAJESTECH CORPORATION PROPERTY)
Town Tax Number: Section 28.10, Block 1, Lot 6.1

WHEREAS, a formal application by New Cingular Wireless PCS, LLC ("AT&T") (Applicant), dated April 10, 2013, for Renewed Amended Special Permit Approval pursuant to Sections 170-129 and 170-114 of the *Code of the Town of Somers*, was received on April 10, 2013 consisting of the following materials:

1. Application for Special Use Permit Approval, dated April 10, 2013; and
2. Cover letter dated April 10, 2013 from Cuddy & Feder as AT&T's representative identifying the application as a renewal of its existing, originally issued special permit for the tower and facility.

WHEREAS, the subject application is for the renewal of an existing Special Permit granted by the Zoning Board of Appeals per Resolution #BZ04C/05 on December 20, 2005 to install a wireless telecommunications facility to consist of six(6) antennas concealed by and internally mounted within a 100 foot 6 inch tall "stealth" flagpole and a fenced compound containing the concrete pad on which equipment cabinets would be placed, located at 243 Route 100, the Majestech Corporation Property, on property which is shown on the Town Tax Maps as Section 28.01, Block 1, Lot 6.1; and

WHEREAS, the subject lands are owned by Majestech Corporation; and

WHEREAS, the subject lands consist of a total area of approximately 14.51 acres and are located on the west side of Route 100, south of Highview Terrace, within the Muscoot Watershed Basin in the Office and Light Industry (OLI) zoning district in the Town of Somers which is considered a "Low Impact Location" in accordance with §170-129.6A (1) of *The Code of the Town of Somers*; and

WHEREAS, on or about November 1, 2004, New Cingular Wireless PCS, LLC made an application to the Somers Zoning Board of Appeals for the original special permit and an area variance to install such wireless telecommunications facility, and

WHEREAS, an application for site plan approval and special exception use permit for location within the Groundwater Protection Overlay District was received by the Planning Board on December 29, 2005; and

WHEREAS, the Town of Somers Planning Board by Resolution #2007-01 granted Conditional Amended Site Plan Approval and Special Exception Use Permit on November 15, 2006 to New Cingular Wireless for location of a wireless communication facility within the Groundwater Protection Overlay District ; and

WHEREAS, such telecommunications facility was constructed and is operating in accordance with such approvals; and

WHEREAS, the current uses on the subject property consist of a two-story office building and a one-story warehouse and associated parking areas and access driveways along with a wireless telecommunications facility; and

WHEREAS, an application by New Cingular Wireless PCS, LLC (AT&T) dated January 31, 2013 for Amended Special 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 February 1, 2013 ; and

WHEREAS, the subject application was for the implementation by AT&T of modifications including 4G LTE Upgrades to its existing wireless facility; and

WHEREAS, the Applicant made a preliminary presentation to the Planning Board for the Amended Special Permit and Amended Site Plan Application on February 13, 2013; and

WHEREAS, the subject application proposed the installation of new antennas and cable equipment at the same elevation of existing AT&T equipment on the existing Tower and also includes the installation of a new geographical positioning system (GPS) unit, cable and new service cabinet at ground level and all work is shown to occur within the existing fenced equipment compound located at the Tower base; and

WHEREAS, the Planning Board determined that the proposed application constituted as an eligible facilities request in accordance with the Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 and it did not substantially change the physical dimensions of the subject Tower.

WHEREAS, the Somers Planning Board at their regular meeting of February 13, 2013 determined that this action was a Type II Action and is, therefore, exempt pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(7) 2 which states that construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls is a Type II action under SEQRA and that the proposed project involved less than 4,000 square feet, and, therefore, no further action under SEQRA would be required as directed by a motion and second unanimously carried by the Board; and

WHEREAS, the Somers Planning Board at their February 13, 2013 meeting determined to waive the site plan public hearing in accordance with §170-114C.(8)(e) and the special permit public hearing in accordance with §170-129.6F; and

WHEREAS, the Planning Board accepted the findings of the Radio Frequency Exposure Analysis, dated October 11, 2012, concluding that the site complies with all applicable emissions standards promulgated by Federal and State Law and that as per the methodology, established in FCC Bulletin OET 65, the

percentage of cumulative MPE is less than 0.35 %, and is below the FCC limits; and

WHEREAS, as part of the review of the application for modification of the existing approved AT&T wireless facility, it came to the Planning Board's attention that more than five years had elapsed since issuance of the original special permit to AT&T as owner/ground lessor for the "stealth" flagpole and as co-locator for its original six antennas concealed and internally mounted within such pole, such permits having been issued, on December 20, 2005 for a five (5) year period through December 20, 2010 by Resolution # BZ04C/05 by the Zoning Board of Appeals; and

WHEREAS, the Planning Board by Resolution #2013-04 granted Conditional Amended Special Permit Approval and Amended Site Plan Approval for the requested upgrades; and

WHEREAS, the Planning Board directed the Applicant to apply for renewal of those original permits as a condition of approval of the special permit that was the subject of Resolution No. 2013-04; and

WHEREAS, the Planning Board has reviewed and is familiar with the project and its surroundings; and

WHEREAS, the Somers Planning Board at their special meeting of May 1, 2013, determined that this action was a Type II Action and is, therefore, exempt pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(26) and Section 92-6.B.(15) of the Code of the Town of Somers which state that license and permit renewals where there will be no material change in permit conditions or the scope of permitted activities is a Type II action under SEQRA, and, therefore, no further action under SEQRA would be required as directed by a motion and second unanimously carried by the Board; and

WHEREAS, Section 170-129.6.G of the Code of the Town of Somers provides that a special permit may be renewed for an additional five-year term provided the applicant demonstrates that the wireless or attached wireless telecommunications facility is and has been in compliance with the requirements of this article, the special permit and conditions; and

WHEREAS, since AT&T is the sole carrier on this flagless flagpole style monopole, the materials submitted in support of the Application for Conditional Amended Special Permit Approval and Amended Site Plan Approval for modification of the existing approved AT&T Wireless Facility, including the

structural report, RF report, photographs and site plan drawings, conditionally granted by the Planning Board by Resolution No. 2013-04 on March 13, 2013 and incorporated by reference as part of this renewal application, reflect the AT&T carrier condition as well as the entirety of the wireless facility seeking renewal; and

WHEREAS, by e-mail of April 18, 2013, the Applicant's representative indicated to the Town Planner and attested to the Planning Board at the May 1, 2013 Planning Board special meeting, that AT&T, as the owner of the wireless facility, has not received any requests for co-location and does not have any future plans for the construction of new wireless or attached wireless telecommunications facilities in the Town, and will continue to keep its removal bond in place for the vie year renewal period of December 20, 2010 through December 20, 2015; and

WHEREAS, the Somers Planning Board at their May 1, 2013 meeting determined to waive the special permit public hearing in accordance with §170-129.6G; and

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

BE IT FURTHER RESOLVED, that the application for Conditional Amended Special Permit Approval, to New Cingular Wireless PCS LLC (AT&T) as shown and described by the materials enumerated herein, is **HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and in accordance with §170-114.C. (12) "Planning Board Action" of the *Code of the Town of Somers, New York*, **SUBJECT TO** the following conditions set forth below:

Conditions Associated with Special Use Permit:

1. **Maintenance Plan:** The applicant commits to continue to maintain all visible aspects of the installation resulting from these amended applications.
2. **Performance/Removal Bond:** The Applicant shall purchase, renew and keep in effect, a performance/removal bond as required by Section 170-129.5(K) 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

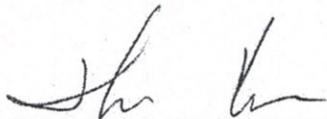
from time to time, at the Town's discretion, be adjusted to account for increased costs of maintenance and/or removal as the case may be.

3. **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 as may be applicable to wireless telecommunications facilities.
4. **Operations (future):** Operations shall be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes.
5. **Permit Term:** Pursuant to Section 170.129.6(D), (F) and (G) of the *Code of the Town of Somers*, the Special Use Permit renewal shall have a term of five (5) years from the date of May 20, 2010 for both the "stealth" flagpole and the six (6) original antennas pole originally granted by Zoning Board Resolution BZ04C/05 dated December 20, 2005. This Special Use Permit may be renewed on application for additional five-year terms, provided the applicant shall demonstrate that the wireless telecommunications facility is and has been in compliance with the requirements of the *Code of the Town of Somers* per §170-129.6G. As such, the renewal shall run for a five (5) year renewal period from December 20, 2010 through December 20, 2015.
6. **Review Fees:** All review fees associated with this application shall be paid by the applicant. The Applicant is to be responsible for the costs of all consulting engineer services and reviews required hereunder.
7. **Town Code Compliance:** The Applicant shall comply with all applicable provisions of the *Code of the Town of Somers* as set forth in Section 170-129.4 & 129.5 and such other laws as may be applicable to wireless telecommunications facilities.
8. **Federal Code Compliance:** The wireless telecommunication facility shall comply with any and all applicable laws, rules and regulations, including the provisions of the Code of Federal Regulations pertaining to objects affecting navigable airspace as delineated in Federal Aviation Regulation (FAR) Part 77 and the criteria for obstructions to air navigation as established by FAR part 77, Subpart C, Obstruction Standards and the wireless telecommunication facility shall comply at all times to the applicable FCC non-ionizing electrical radiation standards.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse Amended Special Permit Approval by signing of this Resolution. The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Renewed Amended Special Permit.

This resolution shall have an effective date of May 1, 2013.

**BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS**



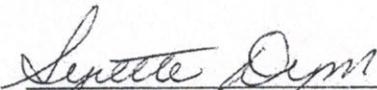
John Currie, Chairman

6/17/13

Date

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2013-07 adopted by the Town of Somers Planning Board granting an Amended Special Permit Approval, subject to the modifications stated herein, to New Cingular Wireless PCS LLC (AT&T) at Majestech Corporation Site located at 243 Route 100 at a regular meeting held on May 1, 2013.



**Syrette Dym, AICP
Town Planner**

May 9, 2013

Date

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: November 4, 2015
RE: Comments on Chapters of the Somers Comprehensive Plan Update 2015

Since my memorandum of October 6, 2015 requesting comments on the Draft Comprehensive Plan, I have received comments from individual Town Board members, Town staff, and Chairmen of the Open Space Committee and Energy and Environment Committees.

Since that time, a final draft has been prepared for consideration by the Town Board for setting a date for a public hearing and establishing the Town Board as lead agency. That draft, and associated Environmental Assessment Form (EAF) and Lead Agency Form are being placed on the Town web site for consideration of setting a public hearing for December 10, 2015 at the Town Board meeting of November 12, 2015. Copies of the Draft Plan and EAF will be sent separately as attachments to this memorandum in addition to the individual chapters you received for review as of October 6, 2015.

Therefore, any comments made by the Planning Board at its meeting of November 10, 2015 can be forwarded to the Town Board as part of the public hearing process and can be incorporated into a final document. In addition, members of the Board can appear at the public hearing to make any of their comments known.

Attach.

Z:\PE\master plan\Master Plan Update 2013\Public Process\PB Meeting 11-10-12-Comp Plan Comments.docx

**PLANNING BOARD –TOWN OF SOMERS
MEETING DATES FOR 2016**

ADOPTED _____

Meeting Date	Evening	Staff/Consultant Submission Cut Off Date	Applicant's Sub. Cut Off Date
January 13, 2016	2 nd Wednesday	January 6, 2016	December 30, 2015
February 10, 2016	2 nd Wednesday	February 2, 2016	January 27, 2016
March 9, 2016	2 nd Wednesday	March 2, 2016	February 24, 2016
April 13, 2016	2 nd Wednesday	April 6, 2016	March 30, 2016
May 11, 2016	2 nd Wednesday	May 4, 2016	April 27, 2016
June 8, 2016	2 nd Wednesday	June 1, 2016	May 24, 2016
July 13, 2016	2 nd Wednesday	July 6, 2016	June 28, 2016
August 10, 2016	2 nd Wednesday	August 3, 2016	July 27, 2016
Sept. 14, 2016	2 nd Wednesday	August 30, 2016	September 7, 2016
October 4, 2016	1 st ^d Tuesday	September 27, 2016	September 20, 2016
November 9, 2016	2 nd Wednesday	November 1, 2016	October 25, 2016
December 14, 2016	2 nd Wednesday	December 7, 2016	November 30, 2016

Note Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.

PLANNING BOARD MEETING SUBMISSION DATE IS 10 BUSINESS DAYS PRIOR TO MEETING DATE

STAFF AND CONSULTANT'S SUBMISSION DATE IS 5 BUSINESS DAYS PRIOR TO MEETING DATE.

**PLANNING BOARD –TOWN OF SOMERS
ADDITIONAL (IF NEEDED)
MEETING DATES FOR 2016**

ADOPTED _____

Meeting Date	Evening	Applicant's Submission Cut Off Date
January 27, 2016	4th Wednesday	January 13, 2016
February 24, 2016	4th Wednesday	February 10, 2016
March 23, 2016	4th Wednesday	March 9, 2016
April 27, 2016	4th Wednesday	April 13, 2016
May 25, 2016	4th Wednesday	May 11, 2016
June 22, 2016	4th Wednesday	June 8, 2016
July 27, 2016	4th Wednesday	July 13, 2016
August 24, 2016	4th Wednesday	August 10, 2016
September 28, 2016	4 th Wednesday	September 14, 2016
October 26, 2016	4th Wednesday	October 11, 2016
November 30, 2016	5 th Wednesday	November 14, 2016
December 28, 2016	4th Wednesday	December 14, 2016

**PLANNING BOARD MEETING SUBMISSION DATE
10 BUSINESS DAYS PRIOR TO MEETING DATE**

**STAFF AND CONSULTANT'S SUBMISSION DATE
5 BUSINESS DAYS PRIOR TO MEETING DATE**

Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.