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PLANNING DEPARTMENT

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

**Town of Somers**

WESTCHESTER COUNTY, N.Y.



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

**SOMERS PLANNING BOARD  
AGENDA  
NOVEMBER 14, 2012  
7:30 P.M.**

**MINUTES** Consideration for approval of Draft Minutes for September 12, 2012

**TIME-EXTENSION**

**1. SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.  
FINAL CONSERVATION SUBDIVISION APPROVAL  
[TM: 16.12-1-41 & 42]**

Application of Susan Haft and Ridgeview Designer Builders, Inc. for Final Conservation Subdivision Approval, Stormwater Management and Erosion and Sediment Control, Steep Slopes and a Tree Removal Permit. Request for a 90-day time-extension of Final Approval from November 19, 2012 to and including February 17, 2013 in accordance with §150-13-M of the Code of the Town of Somers. This is the eighth request for an extension of Final Subdivision Approval.

**INFORMAL APPEARANCE**

**2. JOHN CASSABOON**

Application of John Cassaboon for informal appearance before the Planning Board for property located at 26 Chalmers Blvd. and Lakeview Terrace for a possible lot line connection between Lot 36.08-1-49 and Lot 36.08-1-64 to include a 6,482 SF mapped but unbuilt portion of Lakeview Terrace.

## PROJECT REVIEW

**3. BOCKHAUS WETLAND PERMIT****[16.06-2-46]**

Application of George Bockhaus for a Wetland Permit for property located at 23 Cypress Lane for an addition with loft to an existing residence.

Application submitted on September 28, 2012.

**4. SOMERS REALTY PLANNED HAMLET  
PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE;  
WETLAND PERMIT, TREE PRESERVATION PERMIT AND STORMWATER  
MANAGEMENT AND EROSION CONTROL PERMITS [4.20-1-15, 18]**

**THE MEWS AT BALDWIN PLACE PHASE 2 SITE PLAN APPROVAL,  
WETLANDS, STEEP SLOPES, TREE PRESERVATION AND  
STORMWATER MANAGEMENT AND EROSION AND SEDIMENT  
CONTROL PERMITS [TM: 4.20-1-15]**

Application for Preliminary Subdivision and Lot Line Change, Wetland Permit, Stormwater Management and Erosion and Sediment Control, Tree Preservation Permits for Somers Realty Planned Hamlet.

The Preliminary Subdivision application is for creation of a 7.7 acre lot from prior Lot 2. The Lot Line change is for a minor modification to the lot line of a previously created sewer pump station parcel

The Mews at Baldwin Place 2, Site Plan Approval, Wetlands, Tree Preservation, Steep Slopes, Stormwater Management and Erosion and Sediment Control Permit for the Mews at Baldwin Place, Phase 2. The property is located on the South side of Route 6 in the Somers Planned Hamlet Zoning District. The Site Plan application is for the construction of 75 units of senior affordable housing which will be serviced by public water and sewer.

Last discussed at the October 10, 2012 Planning Board meeting.

**5. PLANNING BOARD CALENDAR FOR 2013**

Next Planning Board Meeting is December 12, 2012,  
Agenda information is also available at [www.somersny.com](http://www.somersny.com)

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John Keane



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SOMERS PLANNING BOARD MINUTES  
SEPTEMBER 12, 2012

ROLL:

**PLANNING BOARD**

**MEMBERS PRESENT:**

Chairman Currie, Mrs. DeLucia, Mr. Keane,  
Ms. Gerbino, Mr. Goldenberg, and Ms.  
Gannon

**ABSENT:**

Mr. Foley

**ALSO PRESENT:**

Town Planner Syrette Dym  
Consultant Planner Joanne Meder  
Consultant Engineer Joseph Barbagallo  
Town Attorney Joseph Eriole  
Planning Board Secretary Marilyn Murphy

The meeting commenced at 7:30 p.m. Planning Board Secretary Marilyn Murphy called the roll and noted that a required quorum of four members was present in order to conduct the business of the Board.

**MINUTES**

**APPROVAL OF JULY 11, 2012 MINUTES**

1 Chairman Currie noted that Planning Board Secretary Marilyn Murphy  
2 prepared and submitted for the Board's consideration the approval of the  
3 draft minutes of the Planning Board meeting held on July 11, 2012.

4 Chairman Currie explained that Consultant Planner Joanne Meder of  
5 Frederick P. Clark Associates, recommended a few additional revisions to  
6 the draft minutes to clarify discussions that occurred at the July 11, 2012  
7 Planning Board meeting regarding The Green at Somers application.

8  
9 On motion by Ms. Gerbino, seconded by Ms. Gannon, and unanimously  
10 carried, the minutes of July 11, 2012, as amended, were approved.

## 11 12 **TIME-EXTENSION**

### 13 14 **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL** 15 **[TM: 5.20-1-1]**

16  
17 Chairman Currie said that this time-extension request relates to the  
18 application of Merritt Park Estates Final Subdivision Approval. He noted  
19 that the request is for a 90-day time-extension of Final Subdivision Approval  
20 from October 9, 2012 to and including January 7, 2013. Chair Currie  
21 mentioned that this is the ninth request for a time-extension.

22  
23 The Chair asked if there were any comments or questions from members of  
24 the Board.

25  
26 Mrs. DeLucia asked Rick Mancini, applicant, for an update on the project.

27  
28 Rick Mancini said after 20 years he finally has all his approvals and can  
29 start cutting trees next week.

30  
31 Ms. Gerbino asked how many lots are in the subdivision and Mr. Mancini  
32 stated that there are 20 lots.

33  
34 On motion by Ms. Gannon seconded by Mrs. DeLucia, and unanimously  
35 carried, the Board moved to grant a 90-day ninth time-extension to Merritt  
36 Park Estates to the period of Conditional Final Subdivision Approval from  
37 October 9, 2012 to and including January 7, 2013.

## 38 39 **MITCHELL CONSERVATION SUBDIVISION** 40 **[TM: 16.09-1-9]**

1  
2 Chairman Currie said that the request is for the re-granting of Conditional  
3 Preliminary Conservation Subdivision Approval, Tree Preservation, Steep  
4 Slopes and Stormwater Management and Erosion and Sediment Control  
5 Permits.

6  
7 Chair Currie noted that Town Planner Dym prepared a Conditional Draft  
8 Resolution and asked the Board if they had any questions or comments on  
9 the Resolution and no one replied.

10  
11 Timothy S. Allen, the applicant's engineer, stated that he had no comments  
12 on the Draft Resolution.

13  
14 On motion by Ms. Gannon, seconded by Ms. Gerbino, and unanimously  
15 carried, the Board moved to approve a re-granting of Conditional  
16 Preliminary Conservation Subdivision Approval, Tree Preservation, Steep  
17 Slopes and Stormwater Management and Erosion and Sediment Control  
18 Permits to Gary and Ann Mitchell for the Mitchell Conservation Subdivision  
19 with the inclusion of all previous proceedings and approvals, as per  
20 Resolution 2012-06 for the Chairman's signature.

## 21 **PROJECT REVIEW**

### 22 **THE GREEN AT SOMERS AMENDED SITE PLAN** 23 **WETLAND, STEEP SLOPES AND STORMWATER MANAGEMENT** 24 **AND EROSION AND SEDIMENT CONTROL PERMITS** 25 **[TM: 4.20-1-3.1]**

26  
27  
28  
29 Chairman Currie noted that the Planning Board will review the application  
30 of National Golfworx/Rick Van Benschoten (owner) for a mixed use  
31 development consisting of four buildings with a combination of retail and  
32 residential use. He mentioned that the site is proposed to be serviced by  
33 public sewer and water.

34  
35 The Chair asked the applicant's representative to give a brief summary on  
36 the changes in the application.

37  
38 Linda Whitehead, the applicant's attorney, said at the last meeting the  
39 Planning Board asked that the plan be revised in anticipation of the joint  
40 Planning Board and Town Board meeting. She indicated that a revised

1 conceptual and landscape plan have been submitted. She noted that the  
2 applicant responded to some of the F. P. Clark comments and submitted  
3 preliminary language for a proposed text amendment.

4 Attorney Whitehead explained that most of Woodard and Curran's memo  
5 related to the Carlin Simpson Geotechnical Report and she will ask that the  
6 report be more detailed.

7  
8 Attorney Whitehead said that she intends to provide language for the  
9 proposed text amendment and background on the Neighborhood Shopping  
10 (NS) Zone and changes made in 1996 to the NS Zone that were intended  
11 to encourage residential development in the NS Zone which changed it to a  
12 mixed use zone.

13  
14 Nathaniel Holt, the applicant's engineer, noted that the biggest change in  
15 the plan occurred in the center of the property (the Green). He said that he  
16 took comments from the Planning Board and staff and reconfigured the  
17 parking by coming up with a different traffic pattern. He indicated that the  
18 one-way traffic pattern with diagonal parking allowed the pavement areas  
19 to shrink and reduce the impervious surfaces. Engineer Holt explained that  
20 to clear up the intersection he pulled the driveway that serves the back of  
21 the building and pulled it off the slope so it aligns better with the  
22 intersection. He noted that the reconfiguration of the central area of the  
23 site increased the size of the central green space and will provide a bio-  
24 retention area and a proposed putting green.

25  
26 Engineer Holt said that the Landscape Plan is conceptual with the buffer  
27 area landscaped in a more natural form.

28  
29 Consultant Planner Meder indicated that the change to one-way circulation  
30 seems to work well in most places except where diagonal parking backs  
31 into the one-way lane which needs to be wider than is shown and needs to  
32 be modified.

33  
34 Attorney Whitehead advised that Town Code requires 15-18 feet which  
35 defines aisle widths for different types of parking.

36  
37 Consultant Planner Meder said that her comment was based on traffic  
38 engineering requirements and not the Zoning Code. She noted that F. P.  
39 Clark will revisit the issue but regardless the aisle has to be wide enough to  
40 function.

1  
2 Engineer Holt said that the wider parking width is self-defeating if you want  
3 to eliminate impervious surface.

4 Consultant Planner Meder opined that F. P. Clark feels that the redesign of  
5 the central green is heading in the right direction. She said as the plan  
6 evolves F. P. Clark would like to see more pedestrian linkage between the  
7 central area and the residential buildings surrounding the green.

8  
9 Consultant Planner Meder recommended that pedestrian linkage should be  
10 created along the entry driveway along the west side of the retail building in  
11 order to provide a better connection between that side of the site and  
12 Building 3.

13  
14 Consultant Planner Meder said that the turning radii for an SU-30 (single –  
15 unit 30-foot truck) has been provided on the Site Plan and appears  
16 acceptable. She noted that provisions for a WB-50 (semi-tractor trailer  
17 truck at 50 feet long) is not needed throughout the site; however, the  
18 applicant has indicated that it recognizes that the occasional moving truck  
19 may need to access the site and has not studied the situation at great  
20 length.

21  
22 Engineer Holt explained that the 50-foot tractor trailer access will be  
23 through the outer loop area.

24  
25 Attorney Whitehead noted that all traffic controls will be shown on the plan.

26  
27 The Chair mentioned that the Board is in receipt of memoranda from Town  
28 Consultant Engineer Joseph Barbagallo.

29  
30 Consultant Engineer Barbagallo explained that the plan is not developed to  
31 the point where he can comment on the engineering for stormwater and  
32 therefore his comments were mostly on the Carlin, Simpson Geotechnical  
33 Report. He noted that Attorney Whitehead said that she will request that  
34 the report be more detailed.

35  
36 Chair Currie asked if there were any comments from the Board.

37  
38 Ms. Gannon referenced number 8 in F. P. Clark's memo, *we believe that*  
39 *the Applicant should be required to provide a market study confirming its*  
40 *assertion that there is little or no market for retail uses either on the site or*

1 *in the NS District generally before any serious consideration is given to*  
2 *modifying the NS District provisions...*

3  
4 Attorney Whitehead stated that the market study will be provided in time for  
5 the joint Town Board and Planning Board meeting. She said that most of  
6 the site is not visible on Route 6 and retailers want visibility. Attorney  
7 Whitehead mentioned that residential uses were included in the NS Zone  
8 which is a mixed-use zone. She noted that she is requesting that first floor  
9 retail not be in every building. Attorney Whitehead explained that she is  
10 requesting that the change be only applied on NS properties that have a  
11 minimum of 8 acres with less than 500-feet of frontage and have at least  
12 50% affordable housing. She said that when the incentives are not used,  
13 such as a third story building and where a building is 100-feet back from the  
14 road, you do not have to have first floor retail but one building does have to  
15 have first floor retail. She stated that before the joint meeting she will  
16 submit a history of the Zoning, some of the Comprehensive Plan, Market  
17 Study and a Zoning Text Amendment.

18  
19 Ms. Gannon asked if the Principal Uses Section 170-20. of the Somers  
20 Town Code is still an issue because it asks for apartments over stores and  
21 now the proposal is apartments over retail.

22  
23 Attorney Whitehead mentioned that there was discussion with the Town  
24 Board on making it more generic by having non-residential uses. She said  
25 that the wording under principal uses should be corrected.

26  
27 Consultant Planner Meder said that residential use was not mentioned in  
28 reference to 50% affordable housing.

29  
30 Chair Currie indicated that it is the consensus of the Board that the  
31 Conceptual Plan is ready to be reviewed by a joint meeting with the Town  
32 Board.

33  
34 Town Attorney Eriole said that homework has to be done on the Zoning  
35 Text Amendment to make sure that it makes sense and to limit the  
36 amendment to NS sites that contain more than eight (8) acres, with road  
37 frontage of less than 500 feet, for a project which is proposed to include  
38 residential units with at least 50% being affordable. He stressed that if the  
39 Zoning Text Amendment makes intellectual and planning sense the Board  
40 will be protected from the spot zoning concept.

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## **PROJECT REVIEW**

### **SOMERS REALTY PLANNED HAMLET PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE**

### **THE MEWS AT BALDWIN PLACE PHASE 2, SITE PLAN APPROVAL, WETLANDS, STEEP SLOPES, TREE PRESERVATION AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS**

Chairman Currie noted that this is the project review of the Somers Realty Planned Hamlet for Preliminary Subdivision Approval and a Lot Line Change and for The Mews at Baldwin Place Phase 2.

Linda Whitehead, the applicant's attorney, explained that in 2009 the Board completed the SEQRA process, adopted a Findings Statement and granted Master Plan Approval for the Somers Realty Planned Hamlet Master Plan. She noted that Site Plan Approval was completed for the Mews Phase 1. Attorney Whitehead said that she is here to request a series of approvals. She commented that she is representing Somers Realty on the subdivision and related approvals. Attorney Whitehead said that she is requesting subdivision approval to create a new 7.7 acre lot for the location of The Mews Phase 2 and an extension of Clayton Boulevard. She mentioned that the lot line adjustment is for the Sewer Pump Station parcel and is very minor. Attorney Whitehead explained that there will be 62.3 acres remaining for the rest of the Somers Planned Hamlet development. She noted that the improvements that will be part of subdivision approval will be the road extension along the front of The Mews Phase 2 that will end in a hammerhead, the installation of utilities and the construction of the pump station. Attorney Whitehead mentioned that a Wetland Permit is needed for the pump station and the sewer lines going into the pump station. She said that only four (4) trees will be removed and the steep slopes are not Town regulated. Attorney Whitehead commented that an approval is also needed for the modification of the Master Plan. She explained that the proposal is to modify land use on one lot with 75 units of senior affordable housing. She noted that the applicant is working on the Stormwater Pollution Prevention Plan (SWPPP). Attorney

1 Whitehead explained that there is no change to the general layout but only  
2 to the land use. She stressed that this use is less intense than the uses  
3 that were originally proposed and there will be less impervious surfaces.  
4 Attorney Whitehead said that under SEQRA the Board has to decide if this  
5 is consistent with the original process.

6 Chair Currie asked Consultant Engineer Barbagallo to summarize his  
7 memo dated September 10, 2012.

8  
9 Consultant Engineer Barbagallo said that the applicant has stated that the  
10 only change to the Master Plan is land use and that the SWPPP is being  
11 worked on. He noted that he is concerned on how Note 3 will be  
12 addressed on the Subdivision Plat which says that "prior to any further  
13 subdivision of Lot 2 the owner should provide the Town of Somers  
14 anticipated stormwater analysis based upon modifications to the applicable  
15 regulations which may require resizing stormwater basins and/or reductions  
16 in impervious surfaces and shall amend the Somers Realty Planned  
17 Hamlet Master Plan, if necessary". Consultant Engineer Barbagallo said  
18 that the applicant should provide a site wide analysis in accordance with  
19 the current regulations and the Master Plan as it exists on the other side of  
20 Clayton Boulevard that all stormwater can be accommodated.

21  
22 Attorney Whitehead said that she will talk to the Department of  
23 Environmental Protection (DEP) in reference to Note 3. She explained that  
24 she went to the DEP after Final Subdivision Approval was granted and their  
25 concern was the change in Regulations which require more area from a  
26 stormwater standpoint. She noted that impervious surfaces have been  
27 reduced, the stormwater practices have been resized and everything that  
28 was supposed to drain to that area can be accomplished. Attorney  
29 Whitehead opined that providing a site wide analysis would just be  
30 guessing and is an exercise in futility. She stressed that the Master Plan  
31 and SEQRA requires that every time a new application comes in the  
32 analysis has to be redone.

33  
34 Mr. Keane interjected that the design criteria that was used for stormwater  
35 for SEQRA purposes for this project was based on the pre 2010 Chapter.  
36 He explained that the Chapter 10 changes are now more stringent and  
37 anything the applicant does now to comply with current regulations will be  
38 more than what was done in the past. He said that the issue when looking  
39 at the entire site is whether the pieces fit together and if the water leaving  
40 the site at the design points meets the Chapter 19 criteria. He said by

1 concentrating the impervious surface goal one was violated because it is  
2 difficult to use a lot of the practices for low impact development. Mr. Keane  
3 said that the applicant has to prove in regard to stormwater that they shall  
4 meet Chapter 10 criteria. He noted that on the remainder of the site the  
5 applicant takes the risk that they may lose some square footage.

6  
7 Town Attorney Eriole advised that the Note issue has to be addressed.  
8 He said that the Master Plan meant something and is not just guessing  
9 there is a baseline.

10  
11 Attorney Whitehead suggested that the applicant's engineer, Consulting  
12 Town Engineer Barbagallo and the DEP meet to discuss the Note issue.

13  
14 Mr. Keane stated that the Note issue has to be looked at in an over arching  
15 way to ensure that the Mater Plan is accomplished.

16  
17 Consultant Engineer Barbagallo asked if the road will be extended to Route  
18 6. He noted that the last time discussion took place he thought it was  
19 decided that the road would extent to Route 6.

20  
21 Attorney Whitehead said that the road will not extent to Route 6. She  
22 stated that the access to The Mews will be adequate with the parking lots  
23 connected for a secondary means of access.

24  
25 Town Planner Dym noted that she asked F. P. Clark to review the  
26 transportation elements. She explained that the road will now be ending in  
27 a hammerhead and she wants F. P. Clark to determine if the access is  
28 adequate.

29  
30 Attorney Whitehead questioned why F. P. Clark should handle the  
31 transportation elements.

32  
33 Chair Currie asked the Board if F. P. Clark should handle the transportation  
34 elements and it was the consensus of the Board that it is not necessary to  
35 request F P Clark to review the hammerhead issue.

36  
37 Peter Gregory, Somers Realty engineer, noted that the improved portion of  
38 the road is approximately 600 feet where the hammerhead occurs and the  
39 proposal is to provide a 10-12 foot wide gravel driveway to access the

1 pump lift station parcel. He said that at this time the road will not connect  
2 to Route 6.

3  
4 Consultant Engineer Barbagallo indicated that a Department of  
5 Transportation (DOT) work permit will be necessary for the sewers and a  
6 portion of the drainage.

7  
8 Attorney Whitehead clarified that the District was extended to include the  
9 Planned Hamlet property and the applicant does not have to go back to the  
10 Board of Legislators.

11  
12 Town Planner Dym explained that her memo reviews all the previous  
13 approvals. She noted that she is not comfortable with the parking with the  
14 total number of spaces allocated toward different types of uses. She said  
15 that there are references to land banked spaces and she wants to see how  
16 this works with the overview. Town Planner Dym stated that she will have  
17 discussions offline to make sure that she is comfortable recommending to  
18 the Board that everything meets the requirements.

19  
20 Attorney Whitehead indicated that the parking table on the plans will be  
21 updated. She stated that the applicant will not be land banking any spaces.

22  
23 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously  
24 approved, the Planning Board of the Town of Somers declared its intent to  
25 be Lead Agency for a coordinated review under SEQRA with regard to (1)  
26 an application, from Somers Realty Corporation for a Preliminary  
27 Subdivision #2 for the Somers Realty Planned Hamlet Master Plan to  
28 further subdivide prior created Lot 2, Town Tax Map Sheet 4.20, Block 1,  
29 Lot 15, into a 7.7 acre parcel out of 70.7108 acres, make a minor lot line  
30 change to the previously created Sewer Pump Station Parcel, Town Tax  
31 Map Sheet 4.20, Block 1, Lot 18, and extend Clayton Boulevard, and (2) a  
32 second application from the Housing Action Council and The Kearney  
33 Realty and Development Group, Inc. for Site Plan approval for The Mews  
34 at Baldwin Place Phase 2 to construct a 75 unit senior affordable housing  
35 development on the proposed newly created 7.7 acre subdivided lot. The  
36 subject lands are located in a "Planned Hamlet District".

37  
38 Richard Williams, engineer representing The Mews Phase 2, showed the  
39 Board an overall plan for Phase 1 and 2 of The Mews. He said that the

1 Board has a unique advantage in reviewing this application because it is  
2 very similar to Phase 1 of The Mews. He explained that there will be two  
3 L-shaped buildings that are almost identical in height, size and architectural  
4 design to The Mews Phase 1. Engineer Williams said that the site layout is  
5 similar with two parking areas in front of each building. He indicated that  
6 for stormwater management bio-retention filters will be used to reduce run-  
7 off reduction requirements according to the NYS Department of  
8 Environmental Conservation (DEC) Design Manual. The bio-retention  
9 filters will be located throughout the courtyard and around the perimeter of  
10 the parking areas. Engineer Williams commented that the balance of the  
11 water quality volume will be treated in a surface sand filter located in the  
12 rear of the property which will discharge to the existing pocket wetland. He  
13 noted that when Clayton Boulevard is extended there will be three (3)  
14 stormwater basins. Engineer Williams indicated that lighting and  
15 landscaping will be the same that was used in Phase 1.

16  
17 Ms. Gerbino asked the age requirement for residents at The Mews Phase  
18 2.

19  
20 Rose Noonan, executive director of the Housing Action Council, said that  
21 the age requirement for Phase 2 of The Mews is 52 and older.

22  
23 Mr. Keane asked that the applicant make sure than the age requirement  
24 meets Somers Town Code.

25  
26 Ms. Gerbino requested that a posting be made with the Town Clerk on the  
27 requirements for housing at the Mews 2.

28  
29 Ms. Gerbino asked how garbage will be handled. She said that presently  
30 garbage is put into a dumpster and she asked that the design facilitate the  
31 truck but have a hidden area for the dumpsters.

32  
33 Engineer Williams noted that there will be two refuse enclosure areas, one  
34 in the southwest corner of the site for Building 2 and one located on the  
35 northeast corner of the site for Building 1. He said that he will review the  
36 dumpster issue.

37  
38 Mr. Keane said that from a SEQRA perspective the Board needs sufficient  
39 information to make a Determination of Significance which would include all

1 the appropriate calculations that satisfy Somers and the Department of  
2 Environmental Protection (DEP) stormwater calculations.

3  
4 Attorney Whitehead asked the Board to schedule a Public Hearing.  
5 Town Planner Dym mentioned that the applicant needs a quick turnaround  
6 with approvals by the December meeting.

7  
8 Mr. Goldenberg opined that the Public Hearing should be scheduled so the  
9 Board can hear from the public who may have information that the Board  
10 has not thought about.

11  
12 Town Attorney Eriele said that the Board has to make a determination if  
13 there is sufficient information to hold a Public Hearing.

14  
15 Mrs. DeLucia said that the Board can hold additional meetings if necessary.

16  
17 On motion by Chair Currie, seconded by Mr. Goldenberg, and unanimously  
18 carried, the Board moved to schedule a Public Hearing for October 10,  
19 2012, at 7:30 P.M. at the Somers Town House on the application of  
20 Somers Realty Planned Hamlet, Preliminary Subdivision Approval, Lot Line  
21 Change, Wetland, Tree Preservation, and Stormwater Management and  
22 Erosion and Sediment Control Permits and The Mews at Baldwin Place  
23 Phase 2 Site Plan Approvals, Steep Slopes, Tree Preservation and  
24 Stormwater Management and Erosion Control Permits.

25  
26 Consultant Engineer Barbagallo scheduled a site walk for Saturday,  
27 September 22, 2012 at 8:00 A.M. He said that he is concerned that there  
28 is not enough room between the easement line for the stormwater and the  
29 property line.

30  
31 Mr. Kearney, applicant, suggested that the Board meet at Building 2 for the  
32 site walk.

### 33 34 **DISCUSSION**

### 35 36 **PROCEDURES FOR TIME-EXTENSIONS OF CONDITIONAL FINAL** 37 **AND CONDITIONAL PRELIMINARY SUBDIVISION APPROVALS**

38  
39 Chair Currie explained that the Board will be reviewing and commenting on  
40 Town Planner Dym's memo dated August 22, 2012 referencing procedures

1 for time-extensions of Conditional Final and Preliminary Subdivision  
2 Approvals.

3  
4 Town Planner Dym mentioned that at the last meeting there were issues  
5 related to time-extensions. She said that she reviewed the procedures and  
6 would like the applicants to request the time-extension within the time  
7 frame of the agenda. She noted that the Chairman has discretion what  
8 items appear on the agenda.

9  
10 Town Attorney Eriole agreed that the applicant's should be told the rules  
11 and a letter provided to the applicant when they receive their resolution.

12  
13 Mr. Keane mentioned that there are submission dates for applicants that  
14 are not always followed and this practice has to stop.

15  
16 Town Planner Dym reminded the Board that the Planning Office is not  
17 staffed on a five-day basis. She mentioned that there was discussion  
18 on submission dates for meetings and with the office on a part-time basis  
19 more time for applicant's submissions is needed in order for everyone to do  
20 their job.

21  
22 On motion by Chair Currie, seconded by Ms. Gerbino, and unanimously  
23 carried, the Board moved to change the applicant's submission date to 10  
24 business days before a meeting starting at the November Planning Board  
25 meeting.

26  
27 Mrs. DeLucia suggested that Town Planner Dym at the budget hearings  
28 request the Town Board to give her more time in order to get her work  
29 done.

30  
31 On motion by Mr. Goldenberg, seconded by Mrs. DeLucia, and  
32 unanimously carried, the Board moved to have the Planning Office send  
33 letters to the applicants explaining the time frame on submission to the  
34 agenda for time-extensions.

35  
36 Chair Currie noted that the joint meeting to discuss The Green at Somers  
37 with the Town Board and Planning Board will be held at the  
38 Van Tassell House at 7:30 P.M. on Monday, September 24, 2012.

39  
40 Chair Currie said that a site walk has been scheduled for Somers Realty

1 Planned Hamlet for Preliminary Subdivision and Lot Line Change and for  
2 The Mews Phase 2 Site Plan Approval for Saturday, September 22, 2012  
3 at 8:00 A.M.

4 There being no further business, on motion by Ms. Gannon. seconded by  
5 Ms. Gerbino, and unanimously carried, the meeting adjourned at 10:15  
6 P.M. and the Chair noted that the next Planning Board meeting will be held  
7 on Wednesday, October 10, 2012 at 7:30 P. M. at the Somers Town  
8 House.

9  
10  
11  
12 Respectfully submitted,  
13  
14

15  
16 Marilyn Murphy  
17 Planning Board Secretary  
18  
19

DRAFT

PLANNING AND ENGINEERING DEPARTMENTS

Telephone  
(914) 277-5866  
Fax  
(914) 277-4098

Town of Somers  
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



Syrette Dym, AICP  
Town Planner  
sdym@somersny.com

**DATE:** October 24, 2012  
**TO:** Planning Board  
**FROM:** Syrette Dym, AICP  
Town Planner  
**RE:** **Susan Haft/Ridgeview Designer Builders, Inc. Subdivision Eighth  
Time-Extension**

---

On October 19, 2012 a request for an eighth 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On November 19, 2012, the previously granted time extension for the final subdivision approval will expire. As such, this office has no objection to the Planning Board issuing the requested time extension from November 19, 2012 through February 18, 2013 (the first business day after the ninetieth day which is February 17, 2013).

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

cc: Geraldine Tortorella, Esq.  
Susan Haft

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.HTWLLEGAL.COM

HENRY M. HOCHERMAN  
OF COUNSEL

October 18, 2012

*Via Electronic Mail*

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



*Re: Final Subdivision Plat Approval Issued to  
Susan F. Haft and Ridgeview Designer Builders, Inc.  
Lovell Street, Town of Somers  
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42  
Eighth Request for Extension of Time to February 18, 2013*

Dear Chairman Currie and Members of the Planning Board:

At its meeting on August 8, 2012, the Planning Board granted its seventh extension of Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to and including November 19, 2012. We are writing to request an additional 90-day extension of Final Approval to and including February 18, 2013 (the first business day after the ninetieth day, which is February 17, 2013). This is our eighth request for an extension of Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Since the last extension, our client has paid the inspection fee and recreation fee and posted the erosion control security. With the Town's knowledge and consent, our client also commenced the construction of the access and drainage infrastructure for the subdivision. Work is proceeding nicely and our client hopes to substantially complete the infrastructure improvements in the next sixty days, which is beyond the expiration date for Final Approval. By proceeding with the infrastructure improvements, the amount of the bond required to be posted when the plat is filed will be reduced significantly.

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Hon. John Currie, Chairman  
and Members of the Planning Board  
October 18, 2012  
Page 2

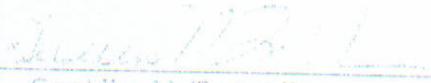
Based upon this approach, our client seeks a further extension of Final Approval to and including February 18, 2013.

Kindly schedule this request for consideration and action at your next available meeting, and let us know if an appearance is required.

Thank you for your courtesy in this matter.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

GNT:mc

cc: *(via electronic mail)*  
Roland Baroni, Esq.  
Joseph P. Eriole, Esq.  
Timothy Allen, P.E.  
Mr. Matt Gironda  
Ms. Susan F. Haft  
Mr. Eric Moss

PLANNING AND ENGINEERING DEPARTMENTS

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Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



Syrette Dym, AICP  
Town Planner  
sdym@somersny.com

MEMORANDUM

**TO:** Town of Somers Planning Board

**FROM:** Syrette Dym, Town Planner

**DATE:** October 31, 2012

**RE:** Project: John Cassaboon Informal Appearance Regarding Possible Lot Line Connection between Lot 36.08-1-49 and Lot 36.08-64 to include a 6,482 Square Foot Mapped but Unbuilt Portion of Lakeview Terrace  
Applicant: John Cassaboon  
Location: 26 Chalmers Blvd. and Lakeview Terrace  
Zoning: R-10 Residence District  
Actions: Consideration of Possible Lot Line Change

Mr. Cassaboon is seeking to merge three parcels he owns at the intersection of Chalmers Blvd. and Lakeview Terrace. Two lots, Lot 36.08-1-49 and Lot 36-08-64 are separated by a 6,482 square foot road parcel of a mapped but unbuilt portion of Lakeview Terrace, i.e., paper street, that he owns. His ownership of the unbuilt street resulted from a former court case.

The following are the results of my research on this issue and my recommendation to the Planning Board for handling this request.

1. In order to undertake the lot line connection/change (a Planning Board action), this paper street portion of Lakeview Terrace would have to be "demapped" from the official Town map (a Town Board action). Prior to determining whether or not to demap a street, it has to be shown that legal access to other properties would not be adversely affected.
2. Looking at the Zoning map and tax map, the two other affected properties are the Maloney (Lot 44) and Danko (L 43) properties straddling the other portion of the

unbuilt Lakeview Terrace. According to papers in the court case file of the Cassaboon property, these two lots have access to Route 202 over NYC DEP property through revocable driveway permits granted from NYC DEP over its property to Route 202 that require renewal and approval from DEP of any lot changes.

3. The Town Assessor indicates there is nothing on the deed of either property that shows any easement over the NYC DEP property. So it would appear these lots have no permanent legal access on any mapped street other than Lakeview Terrace. Lakeview Terrace itself does not appear from these maps to be mapped all the way to Route 202, and instead, stops at the NYCDEP property adjacent to Route 202.

Last July, Steve Woelfle and I examined the property in the field and agree it is not likely that the road would ever feasibly be built. Still, it is on the books as a street providing access to the Danko and Maloney properties. I have spoken to DEP and they indicate these driveway permits are renewable annually and that they are not aware of any driveway permit being denied or discontinued. Still, since they are "revocable", full legal access for Danko and Maloney is only provided by the mapped but unbuilt portion of Lakeview Terrace that now belongs to Cassaboon and bisects his property. Roland Baroni concurs in this opinion.

4. Roland Baroni suggests that Cassaboon would have to be willing to release rights to access to the two affected lots in order to have it demapped and merged as part of his other two lots. The Planning Board would need to advise the Applicant that he has to provide the Board with proof that some type of acceptable legal access such as that above would be granted to the two affected parcels and, at such time, the Board could accept a full application for a lot line change and consider the merits of such application.
5. It should be noted that in January 2012, the Maloney property sent a letter requesting transfer of half of Lakeview Terrace to its parcel.

Attach.

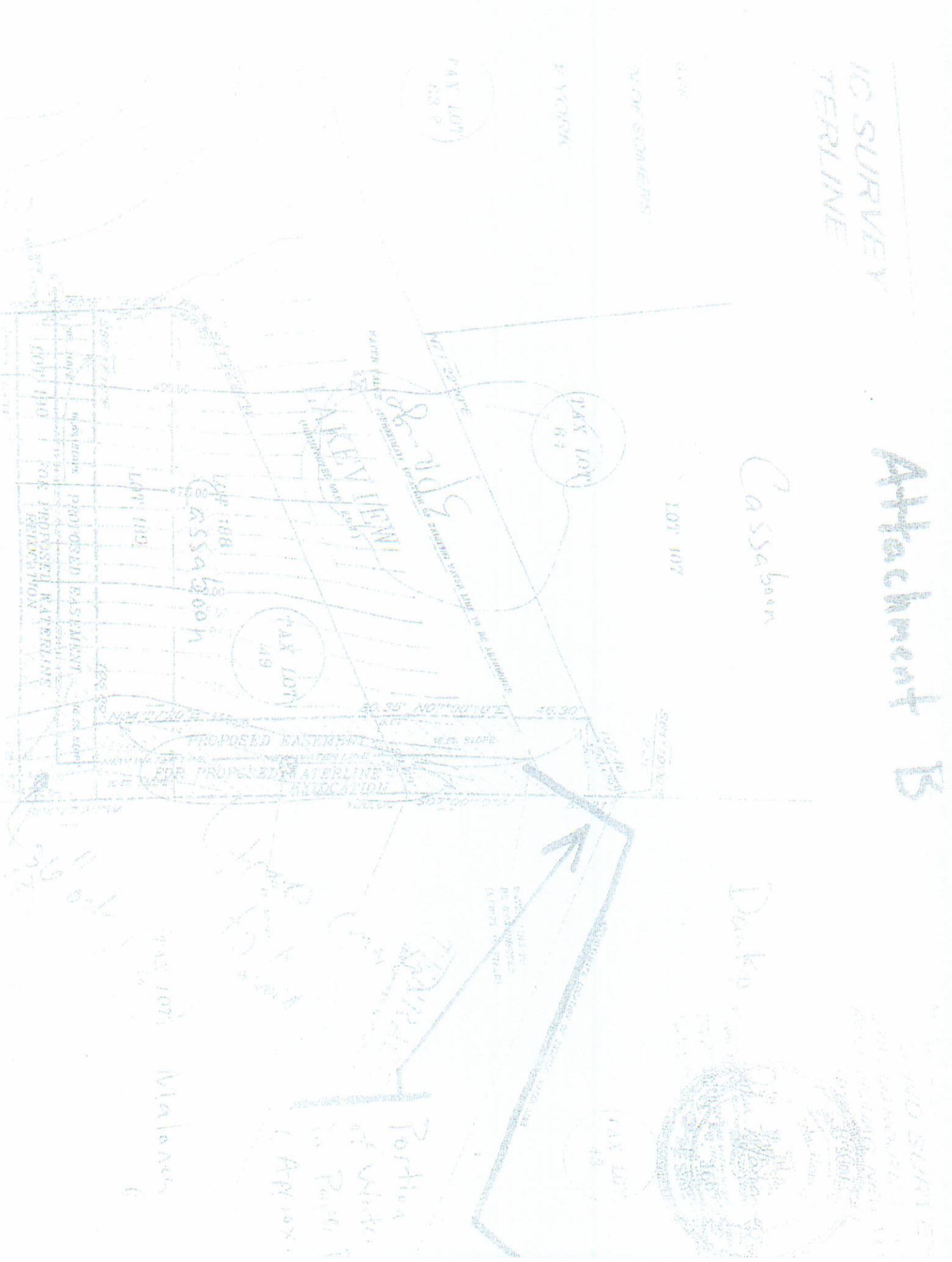


IC SURVEY  
TERLINE

Attachment B

Cassaban

Danko



TAX LOT  
R-2

R-1

NO. OF SQUARES

440

TAX LOT  
R-1

LOT 107

TAX LOT  
R-9

LOT 108  
CASSABA

LOT 109

MARKED LINES

PROPOSED EASTERN  
TERLINE  
PROPOSED WESTERN  
TERLINE



TAX LOT  
R-13

360  
100  
700

TAX LOT  
R-10  
MILANOVA

Handwritten notes and scribbles

Handwritten notes and scribbles

Portion  
of water  
in Parcel  
C APPROX.



IC SURVEY  
TERLINE



7/06

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

FEE: \$150 WITHOUT CONCEPTUAL PLAN \$300 WITH SKETCH PLAN REVIEW  
Erosion and Sediment Control Application fee: \$100 for disturbances of at least one acre or for the placement or removal of 20 cubic yards of soil, plus \$500 for each additional acre of disturbance.

FEE PAID: \$ 150.00 DATE PAID: \_\_\_\_\_

I. IDENTIFICATION OF APPLICANT:

A. OWNER: John Cassaboon SUBDIVIDER: \_\_\_\_\_  
ADDRESS: 108 Uncle Venies Rd ADDRESS: \_\_\_\_\_  
HARWICH MA 02645  
TELE #: 508 432 0806 TELE #: \_\_\_\_\_  
B. SURVEYOR: \_\_\_\_\_ TELE #: \_\_\_\_\_  
ENGINEER: Joe Iaropoli TELE #: 914 962 5439

II. IDENTIFICATION OF PROPERTY:

A. Project Name: N/A  
B. Street abutting property: Lakeview Terrace AND Charlmers Blvd.  
C. Tax Map Design: Sheet: 36.08-1-49 Block: 64 Lot: \_\_\_\_\_  
Zoning District: \_\_\_\_\_  
E. Project (does) (does not) connect directly into (State) (County) highway.  
F. Proposed drainage (does) (does not) connect directly into channel lines established by the County Commission of Public Works.  
G. Project site (is) (is not) within 500 feet of Town boundary.  
H. Proof that taxes have been paid. \_\_\_\_\_

III. BRIEF DESCRIPTION OF PROJECT PROPOSAL:

I wish to have a lot line connection between lots 36.08-1-49 and lot 64 so I can develop property.

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, Road Specifications, State Environmental Quality Review Act, Wetland and Steep Slope Ordinances, as applicable.

The comprehensiveness of the material submitted will determine the extent of comments that the Planning Board can make on a sketch plan. No materials received after the submission date of this application will be considered by the Board.

Ten (10) copies of all plans and written reports are requested.

By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.

The undersigned hereby requests an informal appearance before the Planning Board to discuss the proposed project.

John A. Cassaboon Jr Date: 10/22/12  
Applicant

S/A/A Date: \_\_\_\_\_  
Owner

TP  
CTE

To: Town of Somers Planning Board,

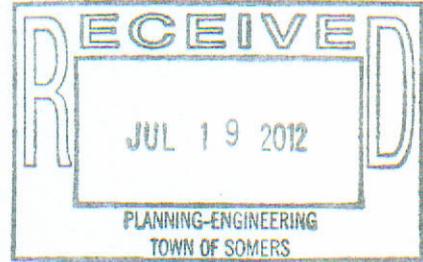
7/17/2012

I am requesting a lot line change in Amawalk Heights to connect lots 107 and 188 located at the corner of Lakeview Terrace and Chalmers Blvd. in Amawalk, Town of Somers, NY.

Sincerely,

*John R. Cassaboon*  
John Cassaboon

330



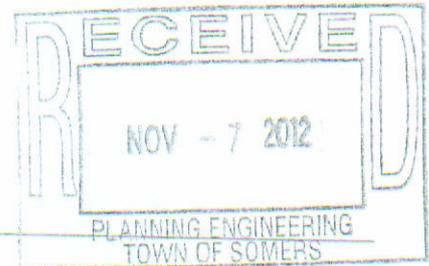
COMMITMENT & INTEGRITY  
DRIVE RESULTS

709 Westchester Avenue | Suite L2  
White Plains, New York 10604  
www.woodardcurran.com

T 800.807.4090  
T 914.448.2266  
F 914.448.0147

## MEMORANDUM

386



TO: Steve Woelfle, Principal Engineering Technician  
FROM: Joseph C. Barbagallo, P.E., BOEE  
DATE: November 2, 2012  
RE: Wetlands Activity Permit and Tree Removal Permit  
Bockhaus Residence  
23 Cypress Lane  
TM: 16.46-2-46, R-10  
06

### GENERAL

The provided permit application proposes the construction of an approximate 25 foot by 40 foot wood frame addition to the existing residence on the property. A local regulated stream and wetlands area is located along the western property line and the entire lot is located within the Town regulated wetland buffer. The application includes the construction stormwater infiltration practice and vegetative plantings to provide mitigation downgradient of proposed disturbance within the wetland buffer.

### DOCUMENTS REVIEWED

- Town of Somers Planning Board: Application for Wetlands and Water Course Protection, by George Bockhaus, dated September 30, 2012.
- List of Adjacent Property Owners, by PC Studio Architecture, PLCC, dated May 31, 2012.
- NYSDEC State Environmental Quality Review: Short Environmental Assessment Form, by George Bockhaus, dated September 30, 2012.
- "Stormwater Management & Pollution Prevention Plan", by PC Studio Architecture, PLCC, dated September 26, 2012.
- Survey of Property, by John J. Muldoon, dated June 5, 2011.
- "Constraints & Soil Data Maps", Drawing Sheet: "CS-1", by PC Studio Architecture, PLCC, dated September 25, 2012.
- "Bockhaus Residence", Drawing Sheets: "SW-1", "PB-1" & "PB-2", by PC Studio Architecture, PLCC, dated September 26, 2012..

### PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Wetland and Water Course Protection Permit
- Town of Somers Planning Board: Tree Removal Permit

### DISCUSSION

The following is a summary of our comments at this time. The status of previously issued comments as well as new comments are shown in **Bold Type**. It should be noted that additional comments may be added following upon receipt of additional information.



1. Based upon the provided drawings, it appears that the proposed area of construction land disturbance will be less than 5,000 square feet. Given the proposed disturbance, a stormwater management and erosion control permit is not required to be obtained, providing that acceptable erosion and sediment control practices are followed during construction.
2. The Applicant is proposing to construct a stormwater infiltration system to capture stormwater runoff generated by the creation of new impervious surfaces. The following comments shall be applicable for the proposed infiltration system:
  - a. The Applicant shall clarify how stormwater runoff will enter the proposed stormwater system. The Applicant shall update drawings to depict roof leaders and/or drain inlets, as proposed, for the proposed system.
  - b. The Applicant is proposing to install three Cultec 900HD chambers for the proposed system. The NYSDEC Stormwater Management design manual requires a minimum of three feet vertical separation between the bottom of proposed infiltration practice to seasonally high groundwater. The Applicant shall perform a test pit within the proposed infiltration system area to investigate subsurface groundwater conditions. Given that the proposed Application is not subject to requirements for post construction stormwater controls, and that the Applicant is not including stormwater infiltration credit towards the calculated storage of the system, this requirement for 3 feet additional vertical separation may be waived. In the case of a waiver, at a minimum, seasonally high groundwater must be below the invert of the proposed system.
  - c. The Applicant shall revise the system design to incorporate an overflow pipe outlet from the proposed storage chambers to bypass possible flows in excess of the available system storage. The overflow outlet shall discharge bypassed flows to a stabilized outlet or level spreader.
  - d. The Applicant shall add a note to the drawings which requires that Town Engineer inspection of the installed Cultec system shall be completed prior to backfill of the system.
3. Chapter 167 of Town Code requires that the location of wetlands, as determined by a qualified individual no earlier than 12 months prior to the application, must be shown on drawings. The Applicant shall revise drawings to indicate the date of the most recent wetlands survey. **The Applicant has requested a waiver for performance of a wetlands delineation based upon the site conditions. The request may be considered at the discretion of the Planning Board**
4. Based upon the provided drawings, the existing septic field for the property is located along the eastern property line and beneath the existing driveway. Vehicular traffic during site clearing and construction may damage the system if vehicles travel atop the existing fields. The Applicant shall revise the plans to show protective fence and/or markers surrounding the existing septic field to restrict vehicular crossing during site work. The Applicant shall add a note to the plan which requires that the Applicant's Engineer shall inspect the septic system upon completion of work to verify that the system was not damaged during construction activities.



5. The Applicant shall be prepare a schedule which identifies all trees to be removed on the plan. The schedule shall include the species and caliper of each individual tree proposed for removal.
6. The Applicant shall revise plans to identify tree protection measures for all trees proposed to be preserved adjacent to the proposed work area. It should be noted that all trees for which the dripline is located within the proposed area of disturbance shall be identified for tree protection measures.
7. The provided plans depict that a loft will be constructed above the proposed first story garage addition for the structure. The Applicant shall clarify if this loft addition will be constructed as a bedroom. If an additional bedroom is proposed, the Applicant shall be required to provide documentation of approval from the Westchester County Department of Health.

Please feel free to contact our office at anytime with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph C. Barbagallo".

Joseph C. Barbagallo, P.E., BCEE  
Consulting Town Engineer

OPEN SPACE COMMITTEE

Telephone  
(914) 277-3637  
Fax  
(914) 276-0082

**Town of Somers**  
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

MICHAEL BARNHART  
CHAIRMAN



82



**MEMO TO:** Engineering Department

**FROM:** Open Space Committee

**RE:** Bockhaus Wetland Application

**DATE:** October 26, 2012

At our monthly meeting on October 18, 2012, the Committee members reviewed and discussed the plans submitted to us regarding the request for a wetland determination to be waived for George and Michelle Bockhaus residing at 23 Cypress Lane in Shenorock.

The Open Space Committee is recommending that consideration be given to alternative means of storm water mitigation, such as a rain garden. In the absence of specifics regarding the proposed replacement plantings, it also recommends the use of native vegetation and trees appropriate to a riparian environment.

cc: Town Board  
Planning Board



27 September 2012

Planning and Engineering Departments  
Town of Somers  
335 Route 202  
Somers, NY 10589

Att: Planning Board Members

Re: Bockhaus Residence  
23 Cypress Lane  
Shenorock, NY 10587  
TM: 16.06-2-46



Members of the Planning Board;

On behalf of our clients, George and Michelle Bockhaus, we are submitting this letter to you asking for the wetland determination to be waived. The request is based upon the following reasons:

The property is located at 23 Cypress Lane, in the Shenorock section of Somers, and is approximately 270 feet north of the intersection of Hillendale Road. The property is 19,381 s.f. in area; with dimensions of 140 ft wide, by 133.4 ft deep on the North boundary, and 143.47 ft on the South boundary. Currently on the property is a single family wood framed residence, with an asphalt driveway, rear deck, and an in ground pool. On the Western side of the site there is a storm water drainage stream that runs North to South. This Stream collects the surface rainwater runoff from the property, and drains it away.

Mr. Frank Iaropoli, the surveyor hired by the owners, has surveyed the property and determined the location of the wetlands on the property. After consulting with Mr. Iaropoli, and overlaying the proposed addition and storm water detention system onto his survey; neither, the proposed garage addition or the storm water detention system will be located within the wetland area. The proposed addition and storm water detention system are located in the wetland buffer only.

The vegetation that is found on the property consists primarily of ground cover. This ground cover includes a mixture of grasses, rye, fescues, and bluegrass; and common lawn weeds, crabgrass, chickweed, dandelion, plantain, and ground ivy. Along the Southern property line, exists a row of Canadian Hemlocks, several Maple trees, Oak trees, and over grown weeds. There are 3 Hornbeam trees, and a Rhododendron located just to the South of the residence. On the Western side of the residence, there is a Hornbeam tree, Azalea,



Barberry, and Taxus bushes. Along the stream, on the Western side, there are over grown bushes and weeds, as well as 2 Maple trees.

The location of the addition will require the removal of some of the existing vegetation. The vegetation that will need to be removed, include; a Rhododendron, an Oak tree, a Maple Tree, and the Horn beam trees. The row of Canadian Hemlocks, the Oak and Maple trees along the South property line are to remain undisturbed. We propose planting several new trees in the rear of the property, outside of the wetland area, to replace the trees that are removed. This is the only location on the property that will allow us to meet all the zoning requirements set forth for an R-10 zone.

The proposed site work leaves the existing grade as is. The foundation walls are to be used to retain the soil to support the slab on grade within the structure. Minimal site disturbance is the goal, so an erosion control plan has been designed to protect the site and the wetlands. New ground cover shall be seeded and planted to hold the soil in place, and absorb ground water that is present.

A Stormwater Management & Pollution Prevention Plan, based upon Westchester County Best Water Management Practices has been prepared to mitigate any new storm water runoff created by the proposed addition. The storm water will be retained on site. No new rainwater runoff is introduced into the storm water drainage stream.

We request that the wetland determination be waived, due to:

- The proposed addition is not located within the wetland area.
- New vegetation to be planted to replace the vegetation that was removed,
- No site grading changes,
- The erosion control plan for during and after construction,
- All storm water runoff from the proposed addition will be handled on site, in the stormwater detention system.

Sincerely;  
PC Studio Architect, PLLC

A handwritten signature in cursive script that reads "Paul R. Checco".

Paul R. Checco, AIA  
Principal

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

Erosion and Sediment Control Application fee: \$100 for disturbances of at least one acre or for the placement or removal of 20 cubic yards of soil, plus \$500 for each additional acre of disturbance.

OWNER: GEORGE BOCKHAUS Tel.#: 1-646-423-1425

Mailing Address: PO Box 361 SHENOROCK NY 10587

APPLICANT: GEORGE BOCKHAUS Tel.#: 1-646-423-1425

Mailing Address: PO Box 361 SHENOROCK NY 10587

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

PREMISES: Sheet: 16.00 Block: 2 Lot: 46

Situated on the WEST side of CYPRESS LANE (Street), 270 feet from the intersection of HILLDALE ROAD (Street)

DESCRIPTION OF WORK AND PURPOSE: ATTACHED ADDITION WITH LEFT TO EXISTING RESIDENCE.

The information listed below shall only relate to the impact within wetland and/or wetland buffer:

SIZE OF ACTIVITY AREA: 35' x 70'

Is work proposed in Wetland: NO or Wetland Control Area: YES

Is there an existing house located on the site: YES

Is pond, lake or detention basin proposed to be cleaned: NA

Functions provided by Wetland: DRAINAGE

Wetland Expert delineating Wetland: MR. FRANK IAROPOLI

ESTIMATED QUANTITY OF EARTH WORK:

Excavated material placed as fill: 50 C.Y. FROM STORM WATER SYSTEM TO SUPPORT SLAB

Imported Fill Type: GRAVEL (WASHED) C.Y. FOR STORM WATER RETENTION SYSTEM 20 YRDS +

PROPOSED STARTING DATE: \_\_\_\_\_ PROPOSED COMPLETION DATE: \_\_\_\_\_

PLANS PREPARED BY: PK STUDIO ARCH. DATED: 5/2012

*\*\*Plans must be submitted with application.\*\**

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: BUILDING, ELECTRICAL, PLUMBING, ENVIRONMENTAL.

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 SHEET</u>			

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: 9.30.12

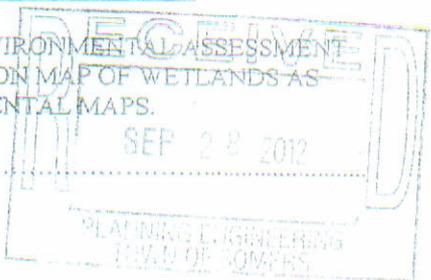
OWNER'S SIGNATURE: \_\_\_\_\_ DATE: 9.30.12

\*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: \_\_\_\_\_



## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <b>GEORGE BOCKHAUS</b>	2. PROJECT NAME <b>BOCKHAUS RESIDENCE ADDITION</b>
3. PROJECT LOCATION: Municipality <b>TOWN OF SOMERS</b> County <b>WESTCHESTER</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>23 CYPRESS LANE, SHENOROCK, NY 10587. APPROX 270 FEET NORTH OF THE INTERSECTION OF HILANDALE ROAD</b>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>ATTACHED ADDITION w/ LOFT TO EXISTING RESIDENCE</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>.05</b> acres Ultimately <b>.05</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <b>RESIDENTIAL HOUSES IN THE AREA</b>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/s, approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/s, approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>George S Bockhaus</b>	Date: <b>8/30/12</b>
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

McCULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

10805

(914) 940-3400

FAX (914) 940-2510

WWW.MCCULLOUGHGOLDBERGER.COM

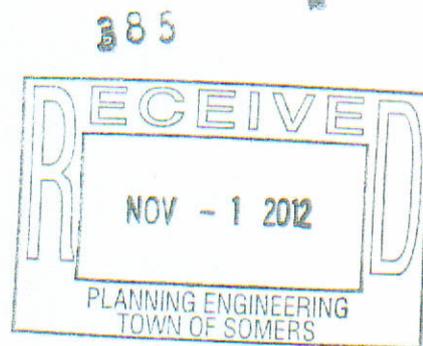
FRANK S. McCULLOUGH, JR.  
CHARLES A. GOLDBERGER  
JAMES STAUDT  
LINDA B. WHITEHEAD  
SETH M. MANDELBAUM

JOANNA C. FELDMAN  
DEBORAH A. GOLDBERGER  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
ALICE D. KORNFELD  
RUTH F.-L. POST

FRANK S. McCULLOUGH (1905-1998)  
EVANS V. BREWSTER (1920-2005)

November 1, 2012

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



Re: Somers Realty Subdivision – PH Zone Phase II  
Route 6 & Mahopac Avenue  
Somers, New York 10589

Dear Chairman Currie and Members of the Planning Board:

We are writing in anticipation of your November 14 meeting on this matter and to respond to the comments we have received on the application. Unfortunately, Keane Coppelman Gregory Engineers has been without power and therefore has been unable to finalize and print the plans for submission. As soon as possible they will provide you with the following revised plans (with updated revision dates):

- Preliminary Subdivision Plat, Last Revised October 31, 2012
- Existing Conditions & Removals, Last Revised October 31, 2012
- Proposed Road Layout & Grading Plan, Last Revised October 31, 2012
- Proposed Drainage & Utility Plan, Last Revised October 31, 2012
- Proposed Stormwater Pollution Prevention Plan, Last Revised October 31, 2012
- Proposed Road A Profile, Last Revised October 31, 2012
- Subdivision Tables & Notes, Last Revised October 31, 2012
- Construction Details – Sheet 1, Last Revised October 31, 2012
- Construction Details – Sheet 2, Last Revised October 31, 2012
- Construction Details – Sheet 3, Last Revised October 31, 2012
- Stormwater Pollution Prevention Plan Narrative, Dated October 31, 2012

The following are the responses to the comments prepared by our firm and Keane Coppelman Gregory Engineers, which also reference the revisions made to the plans.

Town Engineer Memo. Dated October 10, 2012

*Comments from September 27, 2012 Meeting with NYC DEP*

1. The applicant is proposing two commercial buildings with footprints of 10,000 square feet each (20,000 square feet total footprint). Each commercial building will be two stories in height, resulting in a total of 40,000 square feet of commercial space provided.
2. A stormwater analysis of the entire drainage basin/Northern Watershed (depicted as Drainage Basin B draining to Design Point 2 and Drainage Basin C draining to Design Point 1) has been provided as part of this submittal. Field tests have been performed and witnessed by the NYC DEP on October 24<sup>th</sup> and 25<sup>th</sup> to demonstrate compliance with the New York State Stormwater Management Design Manual.
3. A letter is in the process of being prepared and will be submitted to the NYCDEP regarding this comment.
4. Refer to responses to comments from the NYC DEP memo dated October 9, 2012.

*Comments from Town Planner Memorandum, Dated September 11, 2012*

- FAI 15. So noted. Refer to responses to specific comments relating to the SWPPP document in the General Comments section of this letter.
- FAI 16. A General SPDES Permit for this application will be prepared upon Preliminary Subdivision Approval.
- FAI 19. So noted. Refer to responses to specific comments relating to the Erosion and Sediment Control Plan for the proposed subdivision in the General Comments section of this letter.
- FAI 27. As we indicated at the meeting, The Mews stormwater system is standalone and not part of an integrated system with the rest of the site, so The Mews does not need to be a party to any agreement for shared responsibility. However, the stormwater management improvements which will serve other portions of the overall site are located on The Mews Property. The Mews Property will be transferred subject to an easement to Somers Realty Corp., its successors and assigns, which will provide that Somers Realty Corp., its successors or assigns, shall have ongoing access to and maintenance responsibility for this system. At the time that other portions of the site are sold and developed, this responsibility will be passed on.

- FAI 28. A nutrient loading analysis has been prepared and can be found in the Stormwater Pollution Prevention Plan Narrative.
- FAI 29. The notes relating to the use of sands on private roads, maintenance of parking areas and driveways, and the storage of winter deicing materials have been added to the SWPPP document and plans.
- FAI 30. See response to comment FAI 29 above.
- FAI 34. An "Application for Review and Approval of Wastewater Treatment Plants and Sewerage Systems" is being prepared for submission to the NYC DEP for the proposed sewer main extension.
- FAI 49. A revised phasing plan has been prepared for the subdivision and has been provided in the SWPPP document in Section 8.0. The limit of disturbance line has been revised to include the temporary soil stockpile location on Lot #3.
- FAI 50. Deep hole tests in the vicinity of the 18 foot cut southwest of the village green and along the Clayton Boulevard Road Extension have been performed. The results of these test have been provided in Appendix F of the Stormwater Pollution Prevention Plan Document.
- FAI 51. The required sewer easements for the owner(s) of the Somers Commons Shopping Center are in the process of being filed with the Westchester County Clerks Office. The easement was created as shown on the filed subdivision map for the Phase 1 subdivision. The Sewer Pump station design details will be included as part of a separate submission.

*Woodard and Curran General Comments*

- 1a. The hydrologic calculations provided include the additional stormwater runoff from the proposed Lot No. 2. The HydroCAD analysis utilizes external "Links" that import the hydrographs for each design storm that were prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C., the project engineer for the proposed Lot No. 2.
- 1b. The sizing calculations for the proposed bio-retention areas have been revised to remove the void space storage in the filter media. A surface sand filter is no longer proposed as part of this application based upon the testing done at the site.
- 1c. A construction detail for the proposed level spreader has been provided. Design calculations have been provided in the SWPPP document illustrating the level spreader safely dissipates flows resulting from the 100 year storm event.

- 1d. The vegetated swales have been redesigned with side slopes of 3:1. All proposed swales along the extension of Clayton Boulevard have the same dimensions. The dimensions of the vegetated swale along the pump station gravel access road are shown on sheet 8 of 10 of the plan set.
- 1e. The SWPPP has been revised as per the meeting notes and requirements from the NYC DEP meeting. Refer to the responses titled *NYC DEP Comment Letter dated October 9, 2012* on the following pages and the responses above titled *Comments from September 27, 2012 Meeting with NYC DEP* for more information.
- 2a. The intermittent stream crossing adjacent to the pump station is no longer proposed as part of this application.
- 2b. The limits of disturbance have been revised to include the temporary soil stockpile locations.
- 2c. The Erosion and Sediment Control Plan has been revised to more clearly define the proposed limits of silt fence and to ensure its placement is adequate to intercept runoff from all up-gradient work areas.
- 2d. Sizing calculations for the proposed sediment basins have been included in Appendix H of the SWPPP document. The locations of the sediment basins have been revised in order to ensure construction runoff will enter the basins.
3. No response required.
4. A letter was submitted to the Planning Board on October 9, 2012 from Tim Miller Associates, Inc. that notes the locations of the Wetland Boundaries are consistent with the current wetland boundaries. Refer to this letter for more information. The note on the plans will be updated.
5. A slope constraints plan has been prepared and is included as part of this submission.
6. No response required.
7. No response required.
8. No response required.
9. No response required.

10. A retaining wall is no longer proposed as part of this application.
11. The overlapping infrastructure has been shown to match on both applications. A profile of the sanitary sewer and drainage crossing have been provided on Sheet 6 of 10 of the subdivision plan set.
12. The Applicant will coordinate with NYSDOT to obtain all permits or approvals necessary for disturbance within the NYSDOT ROW.
13. No response required.

**Town Planner Memo, Dated October 10, 2012**

Item #14. A breakdown of the amount of cut/fill required for this application has been provided on Sheet 7 of 10 of the subdivision plan set.

Item #21, 23, 24, 25, 26. Refer to the responses to the NYCDEP memo dated October 9, 2012 below.

Watercourses: A survey of the NYCDEP watercourse as flagged by NYCDEP has been prepared and the updated information is included as part of this submission.

Pump Station: The sanitary sewer pump station will be an underground tank. The only structures above the surface will be a control panel and backup power generator. Details of the proposed pump station will be included in a separate submission.

Clayton Boulevard and Route 6 Landscape Plan: A proposed tree detail has been included in the plan set. In addition, a plant schedule has been included on Sheet 3 of 10 of the subdivision plan set. A landscape plan for the sewer pump station lot is being prepared and will be included in a separate submission.

Parking: The Mews 1 and 2 provide the parking required for those two uses on the respective properties. Therefore, the shared parking and landbanked parking issues do not apply. The original table and analysis is no longer directly applicable as the uses have been revised. The shared and landbanked parking was being utilized with respect to the commercial and retail areas and the assisted living facility, much of which is no longer proposed. The remaining commercial and retail space which will be along the green as originally proposed will be serviced by the parking shown on the master plan provided to the rear of the buildings as well as the parking indicated on the master plan around the Village Green. This includes a total of approximately 193 spaces. When the mix of office, retail and restaurant uses in this remaining 40,000 square feet is determined, an additional analysis can be done to determine if this parking will be

sufficient. It should be noted that in considering the original analysis requiring 492 spaces, approximately 147 spaces have been or will be being built for The Mews 1 and 2, and the assisted living facility and more than half of the retail and commercial space has been eliminated, while the area for 193 additional spaces remains available.

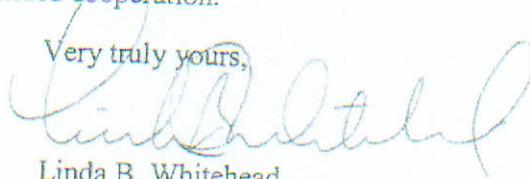
**NYCDEP Memo Dated October 9, 2012**

1. The applicant has included the following information regarding the potential impacts proposed as part of the current proposal in relation to the Master Plan:
  - A stormwater analysis has been performed for the entire watershed draining to Design Point 2. This analysis includes a comparison of the impervious surface and runoff rates for the watershed.
  - There will be no adverse impacts from the amount of excavated material that must be exported from the site as all material will be stockpiled on site in the locations designated on the Stormwater Pollution Prevention Plan Drawing on Sheet 5 of 10 of the subdivision plan set.
  - A Development Table that compares the Sewer and Water loadings from the Master Plan to the Proposed Development has been provided on Sheet 7 of 10 of the subdivision plan set.
2. A survey of the DEP flagged watercourses has been prepared and will be submitted to the NYCDEP for certification .
3. Detailed design information on the sewer pump station will be provided when a formal application is submitted to the NYCDEP for review. A site plan, cross section, and details of the proposed pump station has been included as part of the submittal.
4. A wetland/intermittent stream crossing is no longer proposed as part of this application. Details of the proposed stormwater management features have been included as part of this submittal.
5. The proposed application is adjacent to the Baldwin Place CEA. The CEA was created based upon the presence of contamination at Baldwin Place. Since the contamination has been remediated, the proposed development will have no impact on the CEA.
6. Part B.13 of the Subdivision EAF has been revised to indicate the property will be serviced by public sewer. Subsurface discharge of sewage is not proposed.

7. A Development table has been provided on Sheet 7 of 10 of the subdivision plan set that provides a breakout of how the 10,680 gpd of water usage was calculated including a discussion on the number of bedrooms. Refer to the Wastewater Engineering Report prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C. for further information relating to the development of Lot No. 2.
8. Soil testing for all proposed stormwater management practices were performed on October 24<sup>th</sup> and 25<sup>th</sup>, 2012 and were witnessed by the NYCDEP. Results of the testing have been provided in Appendix F of the SWPPP.
9. The Stormwater Pollution Prevention Plan has been revised to address this comment. A nutrient loading analysis has been provided in Appendix G
10. A soil stockpile location has been provided on the Stormwater Pollution Prevention Plan Drawing.

We look forward to appearing at your November 14, 2012 meeting for continued review of this application. Thank you for your continued cooperation.

Very truly yours,



Linda B. Whitehead

cc: Joanne Meder  
Joe Barbagallo  
Seth Capozza  
Peter Gregory  
Rose Noonan  
Ken Kearney  
Rich Williams

**PLANNING BOARD –TOWN OF SOMERS  
MEETING DATES FOR 2013  
ADOPTED       "TBd"**

<b>Meeting Date</b>	<b>Evening</b>	<b>Applicant's Submission Cut Off Date</b>
January 9, 2013	2 <sup>nd</sup> Wednesday	December 26, 2012
February 13, 2013	2 <sup>nd</sup> Wednesday	January 30, 2013
March 13, 2013	2 <sup>nd</sup> Wednesday	February 27, 2013
April 10, 2013	2 <sup>nd</sup> Wednesday	March 27, 2013
May 8, 2013	2 <sup>nd</sup> Wednesday	April 24, 2013
June 12, 2013	2 <sup>nd</sup> Wednesday	May 29, 2013
July 10, 2013	2 <sup>nd</sup> Wednesday	June 26, 2013
August 14, 2013	2 <sup>nd</sup> Wednesday	July 31, 2013
September 11, 2013	2 <sup>nd</sup> Wednesday	August 28, 2013
October 9, 2013	2 <sup>nd</sup> Wednesday	September 25, 2013
November 13, 2013	2 <sup>nd</sup> Wednesday	October 28, 2013
December 11, 2013	2 <sup>nd</sup> Wednesday	November 25, 2013

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

**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.**





**FREDERICK P. CLARK ASSOCIATES, INC.**

PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT  
RYE, NEW YORK FAIRFIELD, CONNECTICUT

permanent stabilization will not contain any non-native invasive species. In addition, native vegetation will be used to the maximum extent practicable.

**Review Comment on FAI #17:** The proposed Planting Plan specifies seed mixes or mulches that are mostly “native” species. A few of them may include plants that are not necessarily native to Westchester County and/or New York State, but we believe the percentage of native species reflected on the proposed Planting Plan is sufficient to be acceptable and demonstrates compliance with the applicable condition. It is also noted that the seed mixes specified do not include any invasive species.

4. **Findings Appendix I – Condition #24:** As a condition of Master Plan approval, detailed planting plans and mowing plans for landscaped buffer enhancements will be included in the applicable detailed site and/or subdivision plan applications.

**Review Comment on FAI #24:** Drawing No. Sheet SP-5 (Planting Plan) includes detailed planting plans for all areas of the lot that is proposed to contain Phase 2 of The Mews at Baldwin Place, with the exception of land along the frontage of Route 6 (which is required to be planted with deciduous trees according to Findings Appendix I – Condition #46). Except for Drawing No. SP-1, none of the submitted plans identify that portion of the lot that is the subject of the application for site plan approval. Based upon our review of the information that has been submitted, however, we believe that the proposed planting plan is satisfactory. The Applicant should provide the planting plan for the deciduous tree planting along Route 6 that was previously requested by the Planning Board.

Mowing plans for areas to be seeded with upland meadow plants and bio-retention areas to be seeded with wet meadow plants have not been provided, even though the seed supplier specified, Ernst Conservation Seeds, Meadville, PA publishes recommended mowing regimens for establishment and maintenance of both types of seeded meadows. The Applicant should provide a draft mowing and maintenance plan for both types of seeded areas that follows the recommended establishment, maintenance, and mowing regimens published by the seed supplier, Ernst Conservation Seeds, Meadville, PA.

5. **Findings Appendix I – Condition #46:** The Planning Board requires that the Route 6 landscape buffer be planted with deciduous trees where the existing vegetation is lacking.

**Review Comment on FAI #46:** When we were requested to submit a proposal for landscape plan review services, the plans submitted for our preliminary review did not include any buffer planting and we were unaware that review of a proposed buffer planting plan may be required. Additional field work will be needed to determine if







PLANNING AND ENGINEERING DEPARTMENTS

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# Town of Somers

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Syrette Dym, AICP  
Town Planner  
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## MEMORANDUM

**TO:** Town of Somers Planning Board

**FROM:** Syrette Dym, Town Planner

**DATE:** November 9, 2012

**RE:** Project: Preliminary Subdivision#2 for the Somers Realty Planned Hamlet Master Plan  
Applicant: Somers Realty Corporation  
Location: Further Subdivide prior created Lot 2 of Tax Map Sheet 4.20, Bl.1, Lot 15 to 7.7 acre lot  
Zoning: PH - Planned Hamlet District  
Actions: Review of Preliminary Subdivision # 2 Application – SEQR Comments Relative to Modifications and Potential Impacts to Somers Realty Planned Hamlet Master Plan

The Planning Board will be required to make a SEQR Finding related to the proposed modifications to the Somers Realty Planned Hamlet Master Plan, proposed subdivision and Mews Phase 2 Site Plan. The first SEQR action required will be that relative to issuance of preliminary subdivision approval. This finding is in pursuance of SEQR requirements that impacts on the environment must be assessed prior to undertaking a covered approval action, i.e., preliminary subdivision approval. Although an overall generic SEQR analysis was undertaken for the original Planned Hamlet development, it was determined as part of the original SEQR Findings Statement of February 10, 2009 that subsequent site specific actions would have to be reviewed individually with regard to their impacts on the environmental. Each subsequent subdivision and site plan resolution included the following language to insure that SEQR compliance continue throughout all phases of the project:

“ WHEREAS, the Planning Board is required to evaluate each subdivision and site plan submitted in relation to the Master Plan and is to confirm that the plans will not result in any additional adverse impacts not previously discussed and mitigated;.... “

In order to make that assessment, the proposed changes to the Master Plan and their impact need to be assessed.

The following is based on review of the plans submission from Keane Coppelman received in the Planning Board office on November 7, 2012 with a cover letter dated November 1, 2012, from McCullough, Goldberger & Staudt, also received on November 7, 2012.

The current proposed actions consist of the following components:

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

*Since the Somers Realty Planned Hamlet Master Plan that was the subject of the SEQRA Findings Statement of February 10, 2009 differs from the plan proposed for the lot that is the subject of the current application, an analysis of potential impacts of that change and approval of the master plan change will be required. The approved Master Plan for the lot in question included an approximately 80,000 square foot assisted living facility and mix of commercial and office space. The current proposal is for 75 units of affordable senior housing.*

2. *Preliminary subdivision #2 for Applicant Somers Realty Corporation, for the Somers Realty Planned Hamlet Master Plan to further subdivide prior created Lot 2 (Town Tax Map Sheet 4.20, Block 1, Lot 15) into a 7.7139 acres parcel out of 70.7108 acres, make a minor lot line change to the previously created Sewer Pump Station Parcel (Town Tax Map Sheet 4.20, Block 1, Lot 18) from 0.2453 acres to 0.2432 acres and extend Clayton Boulevard by creating a right of way parcel of 0.6821 acres*
3. *Wetland and Watercourse Protection Permit for disturbance of 36,010 sf in the area of the sewer pump station parcel (Lot 4.20-1-18) for construction sewer pump station, sanitary sewer collection system, maintenance access road and stormwater basin discharge area*
4. *Tree Removal Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

## **Background**

9-4-12/12 – Receipt of application and plans; cover letter dated August 31, 2012

9/11/12 – Submittal of Town Planner’s memorandum regarding conditions of prior approvals of Planned Hamlet Master Plan to Planning Board  
9/12/12 – Presentation of plan at Planning Board meeting; determination of intent to be lead agency; set date of public hearing for October 10, 2012;  
9/22/12 – Site Walk  
9/30/12 - Publishing of public hearing notice in Journal News  
10/1/12 – Submission by Keane Coppelman Gregory of a Stormwater Pollution Prevention Plan and Revised set of Subdivision Plans  
10/3/12 – Submission of Town Planner’s memorandum regarding Applicant’s submission of August 30, 2012  
10/10/12 – Submission of Town Planner’s memorandum regarding Applicant’s submission of October 1, 2012  
Planning Board Meeting of 10/10/12 – Open public hearing on subdivision and lot line change and site plan and close public hearing.  
11/7/12 – Submission of cover letter dated November 1, 2012 from McCullough, Goldberger & Staudt and plans from Keane Coppelman dated 10/31/12

### **Basis of Comment Memorandum**

The following plans drawings prepared by Keane Coppelman Gregory were reviewed as the basis of comment in this memorandum.

Keane Coppelman Gregory Engineers, P.C.

- Sheet 1 - Proposed Preliminary Subdivision Plat Section 1 – PH Zone Phase II- 10/1/12
- Sheet 2 - Existing Conditions and Removals Plan – 10/31/12
- Sheet 3 – Proposed Road Layout & Grading Plan – 10/31/12
- Sheet 4 – Proposed Drainage and Utility Plan – 10/31/12
- Sheet 5 – Stormwater Pollution Prevention Plan – 10/31/12
- Sheet 6 – Proposed Road Profile – 10/31/12
- Sheet 7 – Subdivision Table and Notes – 10/31/12
- Sheet 8 – Construction Details – Sheet 1 – 10/31/12
- Sheet 9 – Construction Details – Sheet 2 – 10/31/12
- Sheet 10 – Construction Details – Sheet 3 – 10/31/12
- Stormwater Pollution Prevention Plan Narrative – 10-31-12
- Master Plan Conformance Drawing – 10-31-12
- Slope Map

The following is a list of proposed changes to the Master Plan based on Table 3 and Figure 6 in the Master plan document:

- Removal of the 80,000 square foot assisted living facility and replacement with 75 unit affordable senior housing for persons 55 years and older
- Removal of professional office space and retail/restaurant space from the area north of Clayton Boulevard totaling approximately 30,000 square feet. Based on the Keane Coppelman drawing Sheet TN-1, 7 of 10, and the sanitary sewer and water demand design daily flow rate development tables, only 10,000 square feet of professional office space and 30,000 square feet of medical office space will be retained on the area south of Clayton Boulevard. The formerly proposed 20,000 square feet of retail and 10,000 square feet of restaurant space is to be eliminated. The Planning Board must determine whether it is willing to consider elimination of these uses from the Master Plan. If it is, then the applicant must prepare a fiscal impact analysis identifying the change in fiscal costs and benefits to the Town based on the prior approved analysis of the DGEIS of July, 2007. The Applicant will also have to address community character impacts of eliminating this space. Only after such analysis can the Board consider as part of its Negative Declaration, whether such elimination will have significant adverse impacts and whether it is willing to approve such a change in the Planned Hamlet Master Plan. The Planning Board must direct the applicant to prepare a fiscal and community character impact analysis so it can determine if this is to be replaced in area south of Clayton Boulevard or not.
- Reduction in overall Planned Hamlet approved parking spaces from 492, including 147 for Mews Phase 1 and 2, or a total of 345 remaining to a total of 193 spaces potentially available on the south side of Clayton Blvd
- Changes in phasing of sequence of construction already established by prior subdivision and site plan applications to continue affecting need to create a temporary access road to modified pump station parcel from the south, thereby eliminating the need for prior proposed temporary wetland crossing for pump station construction.
- Master plan included a total of 34.545 acres in the northern drainage area that now includes 32.635 acres, representing a reduction of 1.91 acres. Refer to Comment 2 page 3 of November 9, 2012 memorandum of Woodard & Curran regarding southern drainage area changes..
- Master plan included a total of 14.11 acres of impervious surface within the northern drainage area that now includes 8.741 acres, representing a reduction of 5.369 acres.
- Modified stormwater management system to comply with 2010 Revisions of NYS Stormwater Design Manual and NYC DEP 2010 Watershed Rules and Regulations

The applicant also needs to provide a trip generation for the proposed overall use changes and compare them with the trip generation from the approved Master Plan.

The applicant's memorandum of November 1, 2012, already identified the changes in parking available due to the proposed use changes. The Applicant has identified 193 parking spaces that would be available south of Clayton Boulevard to serve future professional office, retail and restaurant uses. Depending on the actual mix of those future proposed uses, it is possible that additional space would have to be allocated for parking. Therefore, as part of this approval, the Planning Board needs to acknowledge its understanding of this future possibility and its willingness to entertain additional future modifications to the Master Plan with regard to proposed residential or non-residential uses.



## FREDERICK P. CLARK ASSOCIATES, INC.

PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT  
RYE, NEW YORK FAIRFIELD, CONNECTICUT

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### MEMORANDUM

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

Date: November 9, 2012

Subject: **Somers Realty Planned Hamlet – Application for Wetlands Permit Approval [#210.202]**

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As requested by your Board, we have completed the scope of services that was described in our proposal letter dated October 5, 2012, last revised October 18, 2012, which was signed by the Applicant's representative on October 22, 2012 and by the Planning Board Chairman on October 24, 2012. On November 1, 2012, we received notification from the Town Planning Department that the Applicant had funded the required escrow account.

As the Planning Board is aware, Somers Realty Corporation is seeking a number of different approvals from the Planning Board so that another applicant can proceed with development of a proposed second phase of The Mews at Baldwin Place on a portion of the Somers Realty Planned Hamlet site. One of several applications submitted by Somers Realty Corporation is an application for wetland permit approval under the provisions of Town Code Chapter 167. Approval of that permit is needed to authorize disturbance in a portion of Town-regulated Wetland "A" and its associated 100-foot wetland buffer area where the originally approved sewer pump station is proposed to be located. Based on information provided by the Applicant, the proposed disturbance would result from construction of the sewer pump station, sanitary sewer collection system, a maintenance access road, and grading for the stormwater basins and outlet pipe. This disturbance would occur on portions of two lots of the originally approved subdivision plat for the Somers Realty Planned Hamlet Master Plan: the Sewage Pump Station Parcel and a portion of the adjacent lot that is proposed for the construction of Phase 2 of The Mews at Baldwin Place.

At its meeting on October 10, 2012, the Planning Board determined that it was willing to accept the Applicant's characterization of existing wetland conditions, as summarized in a letter dated October 9, 2012 from Steve Marino of Tim Miller Associates, Inc. concerning that firm's recent field verification of













