

Telephone
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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



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

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

MINUTES Consideration for approval of Draft Minutes for October 4, 2016

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 5, 2016 up to and including March 6, 2017 under Town Law Section 276 (7) (c). This is the fifth request for a time extension.

PROJECT REVIEW

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

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

3. STEPHENS SUBDIVISION [TM: 28.07-1-1]

Application for Preliminary Subdivision Approval, Special Exception Use Permit for activities within a Groundwater Protection Overlay District for the construction of a 2-lot subdivision into one existing residential lot. Each lot will be served by a single common driveway. The property is located at the corner of Route 100 and Route 138 and is in the R-80 Zoning District.

Next Regular Planning Board Meeting is Wednesday December 14, 2016
Agenda information is also available at www.somersny.com

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 28, 2016

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
Fifth 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. At the Board's September 16, 2016 meeting, the Board extended Amended Final Subdivision Approval to December 5, 2016. As we have reported in the past, Mancini has been installing the infrastructure (road, drainage, and utilities) in the Subdivision and wants to substantially complete that work before filing the Final Plat so that the security to be posted can be limited in amount and scope. Mancini is getting very close to being substantially completed with the work; I am advised that the outstanding work is limited to installing the plantings in the stormwater basins and installing the top coarse of pavement on the Subdivision Road (which Mancini intends to defer until more of the homes in the Subdivision are constructed). Typically, the ideal time to plant the basins is the fall but, as you know, until very recently, we have been experiencing unseasonably warm temperatures. Mancini is waiting for the proper weather conditions to install the plantings.

In addition, I am still working on updating the legal instruments that have to be recorded at the time the Plat is filed because they were executed years ago and will not be accepted for recording at this time. Once updated, the instruments will need to be re-executed by the Town, Heritage Hills Condo 29, Heritage Hills Society, and Lake Lincolndale Property Owners Association ("LLPOA"). Further, the amount of the bond needs to be confirmed. Mancini is conferring with Steve Woelfle regarding the bond figure.

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Hon. John Currie, Chairman
and Members of the Planning Board
October 28, 2016
Page 2

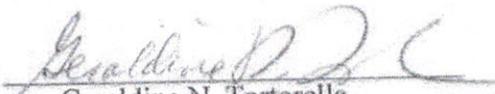
It is possible that Mancini will be able to present the Final Map to the Chairman for signature by the December 5th deadline but we cannot be certain of meeting that deadline so, out of an abundance of caution, we are writing to request an additional 90-day extension of Final Approval to and including March 6, 2017 (which is the first business day after the ninetieth day which is a Sunday). This is our fifth request for an extension of Amended Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

I understand that the site is fully stabilized, Mr. Woelfle makes periodic inspections of the site and construction work, and there have been no issues with the work.

Kindly schedule this matter for consideration at the Planning Board's November 9, 2016 meeting. A representative of Mancini Building Corp. will attend the meeting. 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

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

DATE: November 15, 2016

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

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

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 and a first 90-day extension was granted at the Planning Board meeting of November 10, 2015. Several additional extensions have been granted including a fourth extension granted on September 16, 2016 running until December 5, 2016. The current request is for a fifth 90 day extension up to and including March 6, 2017 as permitted by Town Law Section 276 (7)(c).

Since submission of the memorandum of April 29, 2016 by the applicant providing a more detailed narrative of the project background and status and, more importantly, a series of pictures identifying field conditions, work has continued to progress. As confirmed by Steve Woelfle, outstanding work is limited to installation of planting in the stormwater basins and of the top course of pavement on the Subdivision Road.

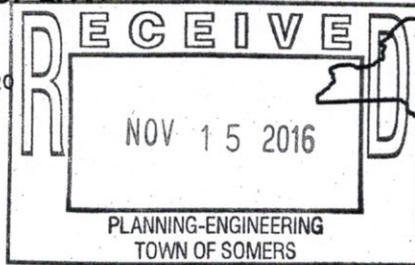
The letter of October 28, 2016 from project attorney Geraldine Tortorella now indicates that prior executed legal instruments including those by the Town, Heritage Hills, Condo 29, Heritage Hills Society and Lake Lincolndale Property Owners Association will need to be re-executed. Additionally, Steve Woelfle is working with the applicant to determine the appropriate amount of a performance bond based on work yet to be completed at the time of final subdivision plat.

Cc: Geraldine Tortorella, Esq.
Richard Mancini
John Mancini
Steve Woelfle

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

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



NEW YORK
STATE OF
OPPORTUNITY

Department of
Environmental
Conservation

November 10, 2016

Syrette Dym
335 Route 202
Somers, NY 10589

CH ID:6736

SEQR REVIEW: Somers Public Safety Center
Town of Somers, Westchester County

Dear Syrette Dym:

The New York State Department of Environmental Conservation (DEC) has received the Notice of Intent to Serve as SEQR Lead Agency from the Town of Somers Planning Dept. According to the information provided, the proposed project includes a subdivision, the construction of new police and fire buildings, and the demolition of old state police barracks.

Based upon our review of your inquiry received October 31, we offer the following comments:

PROTECTION OF WATERS

The following stream(s)/pond(s)/waterbody(ies) is(are) located within or near the site you indicated:

Name	Class	DEC Water Index Number	Status
<input checked="" type="checkbox"/> Trib of New Croton Reservoir	C(T)	H-31-p 44-18	Protected

- A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected."

FRESHWATER WETLANDS

- Your project/site is near or in Freshwater Wetland F-1, Class 1. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. To have the boundary delineated, please contact Kelly McKean at 845-256-3087.



Department of
Environmental
Conservation

-OVER PLEASE -

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that...

- the site is located within or near record(s) of the following state-listed species:

Name	Status
Northern Long-eared Bat	Endangered

- To limit direct impacts to Northern Long-eared bats, tree cutting shall only occur in the applicable Time of Year (TOY) window. In this case the TOY window is November 1st to March 31st. If you cannot comply with this window, or you have specific rare-species questions; please contact Elaina Burns at 845-256-3827.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources

CULTURAL RESOURCES

- We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that part of the property the project is on is located in an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

OTHER

Please note that this letter only addresses the requirements for the following permits from the Department:

- Protection of Waters State-listed Species Freshwater Wetlands

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov, click on the top bar icon labeled "Regulatory" then "Permits and Licenses."

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project.

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Mike Grosso
Division of Environmental Permits
Region 3, Telephone No. (845) 256-3165

Information/Permit Materials/Regulations/Map (_____ Quadrangle) attached.

Cc: HydroEnvironmental Solutions, Inc. (wcanavan@hesny.com)
Enc: _____

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a State Pollutant Discharge Elimination System (SPDES) Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

For construction permits, if this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.



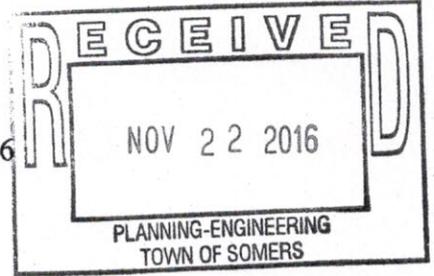
Victor Sapienza
Acting Commissioner

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

465 Columbus Avenue
Valhalla, NY 10595
T: (914) 742-2001
F: (914) 742-2027

C -
PB
TP
CTE
applicant

November 22, 2016



000128

Ms. Syrette Dym, AICP, Town Planner
Town of Somers
335 Route 202
Somers, New York 10589

Re: **Lead Agency Notification – Somers Pubic Safety Center**
281 Route 100
Town of Somers, Westchester County
Tax Map #s: 17.18-1-1
DEP Log#: 2016-MU-0658-SQ.1

Dear Ms. Dym and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Somers Planning Board's (Board) Lead Agency Notification and short Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The proposed site is located in the Muscoot Reservoir drainage basins of New York City's Water Supply. Muscoot Reservoir is phosphorous restricted; therefore, water quality impacts to the receiving reservoir from pollutant laden runoff must be avoided or mitigated.

The proposed action involves the subdivision of the above referenced 166-acre parcel to create a separate 12-acre parcel for the future construction of a headquarters building for the town police and fire departments to include parking and helicopter landing pad.

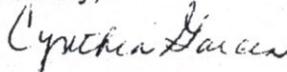
Based on the review of the materials received, DEP respectfully submits the following for your consideration:

1. DEP has not visited the site and it is not known if the wetland shown on the preliminary site plan includes any watercourses as defined in the "Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources" (Watershed Regulations) which may impact the proposed layout. The applicant may contact Mariyam Zachariah at (914) 742-2014 to arrange a site visit for watercourse delineation.

2. In addition, DEP must witness soil testing in the area of the proposed stormwater practice(s) to evaluate any potential environmental site constraints. As such, it is recommended that the applicant's representative contact the DEP staff noted above to schedule the appropriate testing.
3. The current proposal depicts a portion of the proposed stormwater management basin within the 100-foot wetland buffer. The preservation of vegetated buffers is critical to ensure that healthy wetland ecosystems are maintained and protected; therefore, the adverse impacts of this incursion must be analyzed and the negative effects reduced or adequately mitigated.
4. The project will generate increase in both runoff quantity and pollutant loading. Given that the project site is located within a drainage basin that already does not meet its phosphorous Total Maximum Daily Load (TMDL) as designated by the New York State Department of Environmental Conservation (NYSDEC), a pollutant loading analysis should be provided to determine potential adverse impacts to the receiving wetlands and waterbodies.
5. Additionally, as the proposed project site is located in 100- and 500- year flood plains, the proposed action may change flood water flows that contribute to or exacerbate existing flooding conditions. This issue should be evaluated and the impacts mitigated.

DEP submits this letter to you as lead agency as part of a coordinated SEQRA review. Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyg.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor
SEQRA Coordination Section

C: D. Whitehead, NYSDEC
F. Beck, WCHD
W. Canavan, HydroEnvironmental Solutions



1 **MEMORANDUM**

2 **TO:** Town of Somers Planning Board
3 **CC:** Marilyn Murphy, Planning Board Secretary
4 **FROM:** Robert Wasp, P.E. on behalf of Joseph C. Barbagallo, P.E., BCEE
5 **DATE:** November 22, 2016
6 **RE:** Stephens Subdivision
7 Preliminary/Final Subdivision Plat Approval, Stormwater Management and Erosion &
8 Sediment Control Permit, Steep Slopes Protection Permit, Tree Removal Permit and
9 Special Exception Use Permit – Groundwater Protection Overlay District,
10 5 Goldens Bridge Road (Route NY-138)
11 TM: 28.07-1-1, R-80 District

12
13
14 **GENERAL**

15 The purpose of this memorandum is to provide the Planning Board with a summary of our
16 comments based upon initial review of the applications for subdivision approval and environmental
17 permits for the property at 5 Goldens Bridge Road. The Application proposes to create one new
18 residential building lot measuring 13.24 acres from the existing 15.92 acre parcel. The existing
19 dwelling and infrastructure are shown to remain as part of proposed Lot No.1 measuring the
20 balance of 2.68 acres.

21 The new Lot No. 2 is proposed to contain a new single family dwelling and will be served by new
22 groundwater well and septic system. An existing driveway access will be converted to a Common
23 Driveway easement to the property line and will extend to a new driveway to the new lot. The
24 following documents were received during the current review period.

25 **DOCUMENTS RECEIVED**

- 26
- 27 • Cover Letter, prepared by Bibbo Associates, L.L.P., dated November 7, 2016.
 - 28 • Town of Somers Planning Board: "Application for Preliminary Approval of Subdivision",
29 prepared by Xenia Stephens, dated October 14, 2016.
 - 30 • Town of Somers Planning Board: "Application for Special Exception Use Permit for Activity
31 within a Groundwater Protection Overlay District", prepared by Xenia Stephens, dated
32 October 14, 2016.
 - 33 • Letter, prepared by Michael S. Batcher, M.S., A.I.C.P., dated May 10, 2007
 - 34 • Letter, prepared by Tim Miller Associates, Inc., dated April 13, 2006.
 - 35 • Letter, prepared by Tim Miller Associates, Inc., dated July 12, 2005.
 - 36 • NYSDEC State Environmental Quality Review: Full Environmental Assessment Form
37 (EAF), prepared by Xenia Stephens, dated November 7, 2016
 - 38 • Drawings: "Stephens Subdivision", 6 Sheets, prepared by Bibbo Associates, L.L.P., dated
October 24, 2016.



1 **PERMITS AND APPROVALS REQUIRED**

- 2 • Town of Somers Planning Board: Preliminary/Final Subdivision Plat Approval
- 3 • Town of Somers Planning Board: Stormwater Management and Erosion and Sediment
- 4 Control Permit
- 5 • Town of Somers Planning Board: Tree Removal Permit
- 6 • Town of Somers Planning Board: Steep Slopes Protection Permit
- 7 • Town of Somers Planning Board: Special Exception Use Permit for Activity within a
- 8 Groundwater Protection Overlay District
- 9 • NYSDEC: State Environmental Quality Review
- 10 • NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity
- 11 (GP-0-15-002)

12 **DISCUSSION**

13 The Applicant has provided a preliminary subdivision plat and design information with details to
14 describe the proposed subdivision. Further technical design details, including a Stormwater
15 Pollution Prevention Plan (SWPPP) have not been provided in the current submittal. Based upon
16 the level of detail provided, our review comments have been prepared and are intended to guide
17 the Applicant for the preparation of future more detailed submittals.

18 The following is a summary of our comments at this time. It should be noted that additional
19 comments may be added upon the review of revised project documents and following completion
20 of a site walk.

- 21 1. The Applicant has identified proposed limits of land disturbance on site plans based on the
22 proposed development as 80,500 square feet. Project limits of disturbance shall be further
23 assessed as design development for the subdivision plans progresses.
- 24 2. Based upon the apparent level of land disturbance, the Applicant will be required to
25 prepare a Stormwater Pollution Prevention Plan (SWPPP) that includes post construction
26 stormwater controls. The project will also be required to obtain construction coverage
27 under the NYSDEC SPDES General Permit (GP-0-15-002) and the SWPPP must
28 demonstrate compliance with all technical criteria specified by the SPDES General Permit
29 The following general comments are offered at this time to guide the Applicant during
30 preparation of an appropriate project SWPPP:
 - 31 a. The SWPPP shall contain hydrologic calculations for the site for 1 year, 10 year
32 and 100 year design rainfall events, consistent with the NYSDEC requirements.
33 The SWPPP shall include a table that compares pre versus post development
34 stormwater flows at an applicable downstream design point identified on the plan.
 - 35 b. The SWPPP shall contain hydraulic design calculations for all proposed
36 stormwater management practices and conveyance pipe. Stormwater
37 infrastructure shall be sized to address site water quality volume requirements, as
38 defined by the NYSDEC Stormwater Management Design Manual.



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- d. Add a note to the plan that any infiltration system, if proposed, shall be subject to inspection by the Consulting Town Engineer prior to backfill
 - e. Applicant shall note that acceptable pretreatment for stormwater prior to the stormwater management system is required. It should be noted that acceptable pretreatment may include incorporation of a deep sump structure (min. 24 inches), vegetated swale, or other proprietary device.
4. The provided plans include a detail for the proposed grass swale adjacent to the driveway. Based upon the provided detail, it is unclear whether the grass swale is to be used a treatment practice or strictly as conveyance. The Applicant must submit sizing calculations for the proposed grass swale to attenuate discharge the 100 year storm.
 5. The provided drawings and wetland reports delineate wetlands from 2005 and 2006. Consistent with Town Code requirements, it is recommended that an updated wetland delineation is made unless such action is desired to be waived by the Planning Board.
 6. The proposed development activity is located within the Town of Somers Groundwater Protection Overlay District and requires the issuance of a special exception use permit. Consistent with the Town Code requirements listed in §170.32, the Applicant shall be required to comply with the criteria necessary for issuance of Special Exception Use Permit including the potential preparation of a Groundwater Protection Plan.
 7. Access to the new proposed lot is shown to be provided through an extension of the existing driveway connected to the existing dwelling. A common driveway easement is shown to be created for the proposed driveway crossing of Lot 2 through the Lot 1 boundary. The following comments relate to the proposed common driveway:
 - a. The Applicant shall provide draft easement documents for illustrated access and drainage easement shared by the two lots. The easement agreement must include provisions for the inspection and maintenance of the stormwater treatment area shown within the easement boundary. The final easement document shall be reviewed and accepted by the Consulting Town Engineer and Town Attorney.
 - b. The provided drawings indicate that the proposed driveway to the new lot is over 900 feet long in total length. The Town of Somers Bureau of Fire Prevention should consider whether a driveway pull off or other measure to promote access for emergency vehicles should be incorporated into the plans.
 8. The provided plans do not depict the removal of trees. The Applicant shall clarify whether any regulated trees will be removed as a result of development necessary for issuance of a Tree Removal Permit. If trees are proposed to be removed, the Applicant must update the plan to include a schedule of all trees intended to be removed that are identified by species and caliper.
 9. The Applicant has delineated and quantified steep slopes on the site plans. The following comments relate to steep slopes:
 - a. The Applicant shall update the plans indicate the quantity of, if any, steep slopes that will be disturbed due to the proposed development and contain all notes

PLANNING AND ENGINEERING DEPARTMENTS

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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 16, 2016

RE: Project: Xenia Stephens Preliminary Subdivision Approval
Applicant: Xenia Stephens
Location: North Side Route 138 (Golden's Bridge Road) and
Intersection of Route 100 (Lot 28.07-1-1)
Zoning: R80 Residence District; Groundwater Protection Overlay
District
Actions: Request for a Two Lot Subdivision for Creation of One
2.68 Acre (116,729 sf) Building Lot and One 13.24 Acre
(576,746sf) Lot to

Application Status

The applicant has submitted an application for preliminary subdivision approval that included the following:

- Application for Preliminary Subdivision Approval dated October 14, 2016
- Affidavit of Ownership dated October 14, 2016
- Full Environmental Assessment Form
- Groundwater Protection Overlay District Permit
- Tim Mill Associates Wetland Delineation, dated July 12, 2005
- Tim Miller Associates Wetland Delineation, dated April 13, 2006
- Michael S. Batcher Wetland Review, dated May 10, 2007
- Executor's Deed
- Proof of Taxes Paid
- Adjoining Property Owners

Background

The site is the farmstead of Hachaliah Bailey and serves as a scenic gateway at this route 100 Route 138 intersection. Scenic vistas into the property and particularly to the large barn provide an important historic context to this area. A previous submittal for a three lot subdivision raised significant issues regarding the site, many of which are still relevant for the current application even though the request has been reduced to a subdivision for two lots. The significant relevant issues of this application and those previously raised that still need to be addressed follow.

Proposal

The proposal is for a two lot subdivision of the existing 15.92 acre lot subject to all procedures of Chapter 150 of the Town Code... Both lots are proposed to be accessed by a common driveway off of Route 138 at the site of the existing driveway that provides access to the existing one family home, barns and out buildings. Lot 1 is proposed as 2.68 acres (116, 7219sf) to contain the existing dwelling unit (3,408 sf), existing barn (1,865 sf), existing shed (260sf), one story frame building(374sf), and large barn (3,347sf), all to remain, for a total of 9,254 sf to remain. Lot 2, proposed at 13.24 acres (576,746sf) is proposed to contain a new single family home to be located in the northeast portion of the property.

Compliance with Subdivision Regulations

Section 150-23.J-Lots indicates that all lots must obtain vehicular access from where the front lot line zoning requirement is met or from the side yard as may be appropriate. The front yard for Lot 2 is identified as being off of Route 100 but also along Route 138 due to it being positioned as a corner lot. Therefore, access by the driveway off of Route 138 meets the requirement for this lot as well as for the existing lot whose frontage is also off of Route 138.

An issue raised during the prior subdivision review by the then Town Engineer was the adequacy of the sight distance at the existing driveway. The site distance needs to be demonstrated by the applicant.

Conformance with Zoning and Plan Correction

As presented in the Zoning Conformance Table on the Preliminary Subdivision Plat, SP-1, all categories of zoning conform to the required.

The Constraints Map CM-1 needs to have the lot acreage corrected. Lot 1, shown as 2.67 acres (116,420sf) needs to be changed to 2.68 acres (116,746 sf) and Lot 2 shown as 10.25 acres(577,055 sf) needs to be changed to 13.24 acres (576,746sf).

Groundwater Protection Overlay District

Whereas a prior condition of the three lot subdivision application was the provision of hydrogeological analysis of the property, in accordance with Section 170-32.5, the two lot subdivision of lots over 40,000 square feet each is a use permitted without regulation as long as the roads are designed to mitigate water quality impacts of first flush runoff. So as long as the driveway meets this condition, a hydrogeologic study need not be prepared.

Wetlands

Wetland delineation was prepared as indicated in correspondence from Tim Miller Associates in July of 2005 and April of 2006. Section 167-6A.(9) (a) of the Town Code specifies that the location of wetlands shall be identified no earlier than 12 months prior to the date of the filing of the application. Therefore, the applicant should reflag the onsite wetlands to make certain that boundaries and buffers have not changed in the intervening 10 years in any way that would impact the wetland or buffer based on the current proposed plan.

Trees

Note 3 on the Preliminary Subdivision Plat SP-1 indicates: "All tree clearing shall conform to Town Code Chapter 156, Tree Preservation. Part of the concern of the earlier application was preservation of the tree perimeter around the property to preserve the visual impact and physical disturbance to the open fields and meadows and to preserve the scenic viewsheds of the site. The Site Construction & Erosion Control Plan EC shows the limits of disturbance line. The trees to be removed within this line should be identified and a tree removal permit and fee filed with the Planning Board office.

Phase II Site Analysis

A comment from the Town Engineer on the earlier application was that that prior uses of the property adjacent to the northerly property line should be identified to determine the need for a Phase II Site Analysis. The Applicant should comment on these prior uses and whether such an analysis is required.

SEQR

The proposed action is an Unlisted Action under State and local SEQR. The Planning Board needs to declare itself lead agency and circulate a Notice of Intent to all involved and interested agencies.

Cc: Joe Barbagallo
Rob Wasp
Roland Baroni
Tim Allen

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4093

Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

December 1, 2016

Westchester County Department of Health

Re: **Xenia Stephens 2-Lot Subdivision**

The Somers Planning Board received an application for the creation of a two-lot subdivision to consist of creation of one 2.67 Acre Building Lot with existing home and barn and outbuilding and one 10.25 acre Lot for construction of a new single family home and maintenance of existing barn and frame building to remain (Tax Lot 28.07-1-1) located on the North Side of Route 138 (Golden's Bridge Road) and the intersection of Route 100. The lot being subdivided is located in an R80 Residence District and the Groundwater Protection Overlay District.

At its meeting of November 30, 2016, 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 Short Form EAF.

We have attached a response form that assumes that your agency has no objection to the proposed Lead Agency Designation. We request you complete the form and return it as soon as possible. If we do not receive written notice from you within thirty (30) days of the mailing of this notice (i.e. by December 30, 2016), the Somers Planning Board will declare itself Lead Agency in this matter.

Sincerely,

Syrette Dym, AICP
Director of Planning

Attach. – Notice of Intent to Be Lead Agency
SEQR Distribution List
Lead Agency Response Form
Short Form EAF

NOTICE OF SEQR ACTIONS- XENIA STEPHENS 2-LOT SUBDIVISION

Notice of Designation of 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, New York, has received a Subdivision application titled "Xenia Stephens 2-Lot Subdivision" from Xenia Stephens to subdivide an existing 15.92 acre lot into two single-family residential lots. The subject lands are located in a "R-80 Residence District", and are designated on the Town Tax Maps as Sheet 28.07, Block 1, Lot 1.

The Somers Planning Board at their meeting of November 30, 2016 declared its intent to be the Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the *Code of the Town of Somers*. Unless an objection is expressed by any other involved agency within 30 days from the date of this notice, the Somers Planning Board shall assume this role.

The Somers Planning Board has determined that 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: Xenia Stephens 2-Lot Subdivision

DESCRIPTION OF ACTION: This preliminary subdivision application is for the subdivision of the existing 15.92 acre parcel into 2 building lots consisting of Lot 1 of 2.68 acres, which will contain the existing dwelling (3,408sf footprint), an existing two story barn (1,865 sf), and a 260sf shed. Lot 2 of 13.24 acres will contain a one story frame building (374sf) a 2 ½ half story barn (3,347 sf) and a new single family dwelling (3.414 sf) The lots are proposed to be served by individual wells and septic systems and will be accessed by a shared driveway from an existing curb cut and driveway from Route 138..

LOCATION: The property is located on the north side of Route 138 (Golden's Bridge Road) at the intersection of Route 100. The property is located within the Muscoot Reservoir Subwatershed in the Muscoot Basin, in the Town of Somers. The subject lands are

designated on the Town Tax Maps as Sheet 28.07, Block 1, Lot 1, and are located within the "R-80 Residential District".

SUPPLEMENTAL INFORMATION: Part I of a Full Environmental Assessment Form (EAF), has been prepared on the Proposed Action. This form and a copy of the plans are being distributed to all Involved and Interested Agencies, and this information is also available for review in the Planning and Engineering office at the Town House.

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

Telephone: 914-277-5366

Date of this Notice: November 30, 2016

SEQR Distribution List – Xenia Stephens 2-Lot Subdivision

Involved Agencies

Somers Planning Board (Lead Agency)
Somers Town House
335 Route 202
Somers, New York 10589

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.: Cynthia Garcia

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

New York State Department of Transportation
Region 8 Office
4 Burnett Boulevard
Poughkeepsie, New York 12603
Attn.: Robert Denbison, Regional Director

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

Town of Somers Historical Review 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

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

Town of Somers Highway Department
Somers Town House
335 Route 202
Somers, New York 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

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

Other- Project Sponsor Representatives

Tim Allen Bibbo Associates ,LLP
293 Route 100 Suite 203
Somers, NY 10589

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

Response Deadline: December 29, 2016

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 – Xenia Stephens 2-Lot Preliminary Subdivision Approval for Creation of One 2.68 acre and one 13.24 acre Lot in an R80 District (Tax Lot 28.07-1-1) Located on North Side Route 138 at Intersection with Route 100

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: _____