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PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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

SOMERS PLANNING BOARD
AGENDA
DECEMBER 10, 2014
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for October 8, 2014.

TIME EXTENSION

1. **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL [TM: 5.20-1-1]**
   Request for a 90-day time-extension to the period of Final Subdivision Approval from December 29, 2014 up to and including March 30, 2015 in accordance with §150-13.M. of the Code of the Town of Somers. This is the eighteenth request for a time-extension.

CONTINUATION OF PUBLIC HEARING

2. **SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**
   Application for Preliminary Subdivision Approval, Steep Slopes, Wetland, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits to create Lots 3a, 3b, 3c and 3d (45.1 acres), relative to the Site Plan application of AvalonBay Communities, Inc. and Lot 4 (4.9 acres) and Lot 5 (0.9 acres) for future commercial and firehouse uses respectively and Lot 6 (7.1 acres) to be marketed for an Assisted Living Facility, stormwater management improvements, including road right-of-ways (4.3 acres) as part of the Planned Hamlet proposed subdivision. Property is owned by Somers Realty Corp. and is located on the southeast side of Route 6 and Clayton Blvd. and is in the Planned Hamlet (PH) Zoning District.

PROJECT REVIEW

3. **AVALONBAY SOMERS [TM: 4.20-1-13,14,15, p/o 12]**
Application for Site Plan Approval, Steep Slopes, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits for AvalonBay Communities, Inc. for the construction of 152 residential units within 17 buildings with 23 affordable units on 45.1 acres. Also proposed is a community recreation building, pool and 324 parking spaces. Property is located on the south side of Route 6 and Clayton Blvd. and east of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District.

4. **NORTH COUNTY HOMES, WETLAND, STEEP SLOPES, TREE PRESERVATION AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 36.20-1-59]**
Application of North County Homes (applicant) and Thomas Caracciolo (owner) for property located on the west side of Bedell Road for permits for the construction of a single family home, well and septic system.

5. **NACLERIO RE-GRANTING OF SITE PLAN, STEEP SLOPES AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM; 4.20-1-7]**
Application for the re-granting of Site Plan Approval, Steep Slopes, and Stormwater Management and Erosion and Sediment Control for Vincent and Julianne Naclerio for the installation of fill around the subject property in order to create a level yard.
Consideration of a Draft Resolution of approval.

6. **AT&T MOBILITY, LLC STEEP SLOPES AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 17.05-20-2, 3, 12]**
Application of AT&T Mobility c/o Bechtel (applicant) and Heritage Hills of Westchester (owner) for the installation of 2-4" conduits from existing telecommunications building to an existing Verizon manhole.

7. **HIDDEN MEADOW AT SOMERS [15.07-1-6]**
Application for Preliminary Subdivision Approval, Site Plan Approval Steep Slopes, Wetland, Stormwater Management and Erosion and Sediment Control Permits relative to application of Multifamily Residence Baldwin Place District (MFR-BP) under consideration by the Town Board to a 16.7 acre parcel located along the south side of US Route 6 for the proposed development of 53 units of housing, sixteen of which would be affordable, within 45 townhouse buildings on 45 fee simple lots plus one lot for lands to be owned in common by a Home Owners Association.

8. PLANNING BOARD CALENDAR FOR 2015

Next Planning Board Meeting is Wednesday January 14, 2015
Agenda information is also available at www.somersny.com

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HENRY M. HOCHERMAN
RETIRED

November 6, 2014

RECEIVED
NOV - 7 2014
PLANNING ENGINEERING
TOWN OF SOMERS

743

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
Eighteenth Request for Ninety-Day Extension of Final Subdivision Approval

Dear Chairman Currie and Members of the Planning Board:

At its meeting on September 10, 2014, the Board granted a seventeenth 90-day extension of Mancini Building Corp.'s ("Mancini") Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to and including December 29, 2014. We are writing to request an eighteenth 90-day extension pursuant to Town Law Section 276(7)(c), to and including March 30, 2015 (the first business day after the ninetieth day, which is a Sunday).

Since the last extension was granted, Mancini has completed the road drainage system, installed item 4 in the roadway and prepared it to be paved. Weather permitting, Mancini expects to install the binder course of pavement on the road within the next couple of weeks, after which it will install the curbing. Mancini still has to complete the installation of two cul-tech units in the Subdivision and hopes to turn to the Lake Lincolndale Property Owners Association ("LLPOA") drainage work over the winter, weather permitting. As we have explained in the past, before commencing the Lake Lincolndale work, Mancini will contact representatives of LLPOA to give it notice of and coordinate the work.

The remaining infrastructure improvements will not be completed by the December 29th expiration date. Therefore, we respectfully request that the Board grant an additional 90-day extension of Final Approval, to and including March 30, 2015 (the first business day following the ninetieth day, which is a Sunday), at which time we will report on the status of the work.

Kindly schedule this matter for consideration at the Planning Board's December 10, 2014 meeting and let us know if an appearance is required or requested. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella

GNT:mcv
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.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: **November 25, 2014**

TO: **Planning Board**

FROM: **Syrette Dym, AICP**
Town Director of Planning

RE: **Merritt Park Estate Subdivision 18th Time-Extension**

On November 6, 2014, a request for an eighteenth 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On September 10, 2014, the Planning Board granted a 17th time extension for the final subdivision approval up to and including December 29, 2014. The current requested time extension would extend approval through March 30, 2015 (the first business day after the ninetieth day, which is a Sunday). The request for extension was received within the 90 day period.

As stated in the letter of November 5, 2014, the road drainage system is completed and the road has been paved. Curbing has been completed. Lake Lincolndale Property Owners Association drainage work is anticipated to commence over the winter, at which time the homeowners association will be contacted, and, therefore, an additional extension is required.

Steve Woelfle continues to monitor ongoing work at the site. I have no objections to extension of the subdivision approval.

cc: Geraldine Tortorella, Esq.
RichardMancini
John Mancini

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Steven Woelfle
Principal Engineering Technician
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Syrette Dym, AICP
Town Planner
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MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: December 1, 2014

RE: Somers Realty Planned Hamlet Master Plan Preliminary Subdivision Application#3

Somers Realty Corporation – Planned Hamlet Zone Phase 3 Subdivision – Preliminary Subdivision Approval

The original proposed action consisted of the following components and those that have since changed are highlighted:

1. *Proposed 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."*

   The proposed amendments were initially indicated to include the following items, the first of which was identified in the application cover letter of June 9, 2014 from McCullough, Goldberger & Staudt LLP. That letter indicates that the subdivision plan is consistent with the approved Master Plan but then goes on to identify minor changes that include the following: (1) shortening of proposed Town Road B; (2) consolidation of AvalonBay site plan resulting in excess material due to imbalance of cut and fill and need for additional export from the site in addition to stockpiled material from construction of Clayton Boulevard

associated with the Mews I and 2; (3) additional area required for stormwater management facilities and associated minor disturbance outside of the designated Clearing and Grading Limit Line in area adjacent to Clayton Boulevard near the Route 6 entrance. Additional modifications not included in that letter include: (4) Elimination of 80,000 square foot assisted living facility and 30,000 square foot mixed professional office/retail/restaurant use moved south of Clayton Boulevard as part of the Subdivision 2 approval by not showing any evidence of location for these uses. The Preliminary Subdivision Plat dated June 6, 2014 showed only 5 lots whereas the September 17, 2014 plat preliminary plat drawing showed 6 lots. No use was proposed for lot 6, but a previous informal submission by Somers Realty to the Planning Board identified this area as a possible site for an assisted living facility; (5) a reserve parcel has been identified on Insite Drawing MC-1 Proposed Post-Development Drainage Boundaries that was not identified in the Planned Hamlet Master Plan; This is the same parcel that is now the 7.1 acres Lot 6 referred to above; (6) Proposed lot 3c, to be conveyed to Avalon Bay, was previously identified as a community recreation area and now is a 6.4 acre subdivided lot with no identified use; and (7) the Planned Hamlet Master Plan called for the development of 152 townhouse units which were to be fee simple units and Avalon is building rental units with a differing bedroom count than previously proposed and analyzed for purposes of impacts on traffic, parking, utilities, community facilities and fiscal impacts.)

The Preliminary subdivision Plat dated October 20, 2014 has further modified the lot arrangements. Proposed Town Road B has been extended beyond the edge of the proposed Village Green through a newly configured Avalon site layout that provides connection to a proposed Town Right-of-Way that had previously been shown on the approved conceptual Planned Hamlet Master Plan to the southern boundary of the property. This proposed Road B extension and proposed Town Right-of-Way now divide what was the prior proposed Lot 3A of 38.3 acres, into two lots, Lot 3A of 27.3 acres to the west of Town Road B and the proposed Right-of-Way and a new Lot 3D of 10.0 acres to the east of Town Road B and the proposed Right-of-Way. The increased road and right-of-way area of 1.0 acre has been added to the prior proposed Right-of-Way parcel total of 3.3 acres for a now proposed 4.3 acre total. In total, therefore, there are now 7 proposed lots in addition to the right-of-ways, compared to the original proposed submission of 5 lots.

These modifications from the Somers Realty Planned Hamlet Master Plan that was the subject of the SEQRA Findings Statement of February 10, 2009, while many are identified in the long form EAF provided, may require further analysis to determine that they are not significant changes to the approved Master Plan and that their resulting impacts are the same as or less than those identified in the Findings Statement.

2. *Preliminary Subdivision#3 for Applicant Somers Realty Corporation, for the Somers Realty Planned Hamlet Master Plan to further subdivide prior created*

Lot 3 (Town Tax Map Sheet 4.20, Block 1. Lot 15) now with the October 20, 2014 submission, into seven lots and several street right-of-ways totaling 62.3 acres. ***The right-of-ways include Clayton Boulevard extension to Route 6 and proposed town roads B, C, D, and E (4.3 acres); Lot 3A for AvalonBay Communities (27.3 acres); Lot 3B Village Green (1.4 acres); Lot 3C Area north of Road D (6.4 acres, Lot 3D (10.0 acres);) all four to be developed by AvalonBay Communities; Lot 4 is the Planned Hamlet commercial lot of 4.9 acres; Lot 5 is the firehouse parcel (0.9 acres) and Lot 6 is he formerly referred to "Reserve Parcel", now to be subdivided (7.1 acres).***

3. *Steep Slopes Permit*
4. *Wetland and Watercourse Protection Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

Comments as of December 1, 2014

As of the date of the writing of this memorandum, there has been no new submission by the Somers Realty applicant. Based on a phone conversation of December 1, 2014 with Rich Williams of Insite Engineering, Somers Realty and Avalon Bay are still in discussion regarding configuration of the access road to proposed Lot 6. Rich Williams will submit a sketch of the proposed roadway and any required modifications to the Avalon plan prior to the Planning Board meeting for discussion at the meeting. As you will recall, the Planning Board waived the 15 day submission date for submission of the sketch. The public hearing remains open and the Planning Board will determine whether it will close it at the meeting of December 10, or keep it open until the meeting of January 14, 2015. It should be noted that Section 150-12.L(3) of the Town Code requires the Planning Board to close the public hearing within 120 days after it has been opened. Therefore, keeping it open through January 14, 2015 would be within the 120 days should the Planning Board so determine. In addition, once the public hearing is closed, the Planning Board has 62 days after adoption of a Negative Declaration to approve the preliminary subdivision plat per Section 150-12.M(1) of the Town Code. Therefore, if the hearing is closed on December 10, 2014, the Planning Board would only have until February 10, 2015, one day short of its February 11, 2015 meeting, for issuance of a Negative Declaration and Preliminary Subdivision approval. Therefore, unless all issues are resolved, the Board may want to keep the hearing open to permit consideration at the February 2015 Planning Board meeting.

In the interim, I am in the process of preparing drafts of the Negative Declaration and the Preliminary Subdivision Resolution, which will soon be ready in draft form for review by the Planning Board.

Cc: Roland Baroni
Joe Barbagallo
Linda Whitehead
Janet Giris
Rich Williams

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MEMORANDUM

WOODARD &CURRAN

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: December 3, 2014
RE: Avalon Bay Communities, Inc.
Site Plan Application
U.S. Route 6 and Mahopac Avenue
TM: 4.20-1-13,14,15, PH

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to review of the site plan application that has been submitted for the proposed parcel located within the Planned Hamlet at the intersection of U.S. Route 6 and Mahopac Avenue. This site plan application has been filed and is being reviewed in conjunction with a subdivision plat application by Somers Realty Corporation for the further subdivision of the Planned Hamlet development and construction of Town Roadways and common infrastructure. This site plan is located on proposed Lot 3A within the Phase III subdivision and involves the construction of 152 housing units. The proposed housing units will be constructed among 17 residential buildings, along with 324 parking spaces and related site infrastructure. The project site will be served by public water supply and sanitary sewer utilities that will be constructed as part of the related subdivision plat application.

It should be noted that the SEQR process relative to the Site Plan was completed in February 2009 through Planning Board acceptance of the Final Environmental Impact Statement (EIS) and approval of the Planned Hamlet. The following documents were received during the current review period:

DOCUMENTS RECEIVED

- Cover Letter, by Delbello, Donnellan, Weingarten, Wise & Weiderkehr, LLP, dated November 14, 2014
- "Supplemental Technical Data", prepared by Milone & MacBroom Inc., dated November 13, 2014.
- "Avalon Bay Somers", Drawing Sheets: 1 – 32, prepared by Milone & Macbroom, Inc., dated June 9, 2014, last revised November 13, 2014.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Site Plan Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit

- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- Town of Somers Fire Department: Approval of Proposed Hydrant Locations
- Town of Somers Architectural Review Board Approval
- NYC DEP: Approval of Stormwater Pollution Prevention Plan
- NYC DEP: Approval of Sanitary Sewer Connections
- NYSDEC: State Environmental Quality Review**
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)
- Westchester County Department of Health (WCDOH): Approval of Water and Sanitary Sewer Systems

**** - If proposed development activities are determined by the Planning Board to warrant modification of the previously approved Master Plan and/or require additional review under SEQR.**

DISCUSSION

The provided submittal by the Applicant focuses on the further design of site stormwater management practices and site erosion & sediment control elements during construction. While the provided drawings and technical report address the majority of our previously identified technical comment related to stormwater management, additional reports and project design elements must be addressed before such comments may be considered fully addressed.

The provided plans do not reflect the integration of an access driveway by Somers Realty Corp. to the proposed Subdivision Lot 6 that was discussed at the previous meeting of the Planning Board. In addition, an updated comprehensive project SWPPP to be prepared by the Somers Realty Corporation Subdivision applicant has not been yet been received and must be coordinated with the Avalon Bay Site Plan stormwater design. As a result, it is our understanding that the site layout may be further modified to allow for the proposed Lot 6 access drive and the site stormwater practices proposed by Avalon Bay must be reflected in an updated comprehensive project SWPPP. Nonetheless our office has completed review of the provided documents and has updated the status of comments where applicable.

The following is a summary of our comments at this time. The status of all previously identified comments as well as new comments is shown in **Bold Type.** Further review of our other previously identified engineering comments will continue upon receipt of more detailed design information.

1. The provided application documents identify approximately 17 acres of disturbance are anticipated as a result of construction activities related to the Avalon Bay site plan. This

area of disturbance is contained within the greater 22.7 acres of site disturbance for the overall Phase III Planned Hamlet subdivision. Based upon the Application submittal, the Applicant intends to coordinate the preparation of a single comprehensive Stormwater Pollution Prevention Plan (SWPPP) for the entire Phase III Planned Hamlet Development.

Town Code Chapter §144-7, identifies that preparation of an acceptable SWPPP is a required element necessary for approval of a site plan. Based upon our understanding and interpretation of Town Code, although the SWPPP may contain similar content, rely on comprehensive plan elements (i.e., coordinated Land Disturbance Phasing Plan, Earthwork Plan) and should be coordinated with the general SWPPP for the Somers Realty Corp. subdivision, a separate SWPPP document must be submitted for the Avalon Bay Communities site plan. The Avalon Bay Communities SWPPP will also serve for required review for necessary approvals and permits from the NYC DEP and the NYSDEC SPDES General Permit (GP-0-10-001).

The Applicant has prepared a preliminary Stormwater Engineering Report and drawings to describe the proposed project stormwater infrastructure located on the Avalon Bay Communities Site Plan. These report items, including design of onsite stormwater collection structures, conveyance pipe and associated NYSDEC Runoff Reduction Volume (RRv) calculations are referenced in the preliminary SWPPP that was provided by Somers Realty Corp. We have completed review of the stormwater engineering report that has been provided and offer the following initial comments at this time. It should be noted that further comments may be added upon receipt of more detailed design information:

a. Page 4 of the provided stormwater engineering report states that hydrologic rainfall intensities for applicable design storms were obtained from the NYSDOT Highway Design Manual. The applicant shall revise design calculations to consider rainfall data from the Northeast Regional Climate Center (NRCC) and SCS Type III rainfall distributions as were considered for the Somers Realty Corp. Subdivision SWPPP. *Partially Addressed. The provided hydraulic computations contain acceptable hydrologic rainfall data from the NRCC based upon peak hourly rainfall intensities for the 100 year storm. Although the provided data is acceptable for the hydraulic sizing of conveyance pipes, the Applicant will also be required to also consider rainfall depths for the respective 24 hour rainfall depths, as is considered by the stormwater practices being designed as part of the Somers Realty Subdivision, to which Avalon Bay will discharge to. It should be noted that the intent of this comment is focused on the design of stormwater conveyance pipes located within the Avalon Bay Communities development prior to connection to the stormwater management practices designed by Insite Engineering, Surveying & Landscape Architecture, P.C. (Insite). The hydraulic calculations that were provided in August 2014 report submittal appear to consider NRCC rainfall intensities for the 100 year design storm assessed through the rational method. Hydraulic calculations that have been submitted by Insite apply NRCC rainfall intensities through the SCS TR-55 Type III rainfall distribution. The Applicant shall review their hydraulic calculation methodology to ensure that consistent peak flow data is provided for the overall development SWPPP that is*

to be prepared by Insite. **Addressed. The provided engineering report considers NRCC rainfall depths and hydraulic analysis methodology that are consistent with those utilized by Insite. Stormwater analysis and design consistency with the SWPPP being prepared by Insite will be confirmed upon receipt of the final combined SWPPP and future complete design submittal by Avalon Bay Communities, Inc.**

b. The Applicant has submitted hydraulic pipe design calculations for all proposed stormwater conveyance pipe based upon peak runoff rates resulting from the 10 year design storm. Hydraulic calculations and pipe sizing however shall demonstrate adequate capacity to convey runoff collected by the 100 year design rainfall without surcharging. **Addressed. Comment satisfaction to be confirmed by future SWPPP submittal.**

c. The Applicant has provided RRv calculations based upon green infrastructure practices and stormwater management practices with RRv credit that are proposed on the Avalon Bay site plan. These calculations are referenced within the Somers Realty Corp. Comprehensive SWPPP.

   The provided calculation methodology is inconsistent with the NYSDEC Stormwater Management Design Manual. The following sub-comments relate to our review of the provided RRv calculations:

   i. The water quality volume equation is not appropriate to be used for determination of required Water Quality Volume/RRv for projects located within the NYSDEC East of Hudson Watershed. As referenced by Chapter 10 of the NYSDEC Stormwater Management Design Manual, water quality volume is to be taken as the runoff volume for the respective drainage area based upon the 1 year design storm calculated by the SCS drainage methodology. The site specific minimum reduction factor "S" based upon Hydrologic Soil Group shall be multiplied by the appropriate water quality volume to determine the minimum required site RRv. **Addressed.**

   ii. RRv credit shall be assessed for green infrastructure practices with area reduction (i.e., Rooftop Disconnect) by eliminating the reduced area from the initial required WQv/RRv calculation. **Addressed. Green infrastructure practices with area reduction are not proposed by the current site design and analysis.**

   iii. RRv credit shall be assessed for provided stormwater practices with volume reduction credit, by multiplying the reduction capacity factors contained on Table 3.5 of the NYSDEC Stormwater Management Design Manual for the respective design practice. It should be noted that the runoff reduction capacity for Infiltration is 90% while Bioretention Filters provide reduction capacity of 80% or 40% depending on the practice design configuration. **Addressed.**

WOODARD &CURRAN

d. The provided project documents identify that seven infiltration areas will be constructed on the Avalon Bay site plan that will accept stormwater runoff from proposed building rooftops. The Applicant has included a typical construction detail for "Bio-Infiltration Area", as shown on drawing sheet "SD-2". **Addressed. The revised site design utilizes a combination of rain gardens, bioretention filters, dry swales and cisterns. Detailed design comments related to each practice are provided in the sections that follow.**

The practice design is required to conform with the technical standards of the NYSDEC Stormwater Management Design Manual (SMDM). Based upon the provided system cross section, the identified "infiltration areas" are more appropriately considered Bioretention Filter Areas as specified by the NYSDEC SMDM. The following comments are applicable based upon our initial review of these systems:

i. The Applicant shall provide site investigation data to demonstrate minimum 2 foot vertical separation between the invert of the proposed filter system and groundwater/bedrock. **Addressed.**

ii. The Applicant shall provide sizing calculations for proposed filter areas based upon minimum filter surface area and storage volume requirements as specified by Section 6.4 of the NYSDEC SMDM. **Partially Addressed.** *Subsection 6.4.4 requires that at least 75% of the practice water quality volume must be provided in storage (totaling treatment & pretreatment areas) prior to filtration. The Applicant shall revise the design calculations to include an additional calculation of total practice storage prior to filtration (planting soil layer) to verify that the required storage volume is provided.* **The provided calculations for Bioretention Filter Areas utilize storage volume beyond the 0.5 foot maximum depth of ponding. It is noted that when storage up to the 0.5 foot threshold is considered for Bioretention Filter Area No. 1 and No. 2, the total storage volume is slightly less than the required 75% WQv storage.**

iii. The Applicant shall address how filter system pretreatment requirements for the proposed stormwater practices will be addressed. **Addressed.**

iv. The Applicant shall revise the provided construction detail for the proposed practice to be consistent with the NYSDEC SMDM requirements. **Partially Addressed. The Applicant shall revise the provided construction detail for proposed Bioretention area to address the following sub-comments:**

1. The NYSDEC SMDM specifies that the practice planting soil layer should be between 2.5 and 4 feet in depth. **Addressed.**

2. Note that proposed Bioretention areas will be constructed in accordance with the Appendix C Construction Specifications of the NYSDEC SMDM. **Addressed.**

v. The Applicant shall update the plans and detail to utilize 8" diameter perforated pipe as the filter underdrain (if intended to remain proposed in future design submittals). **Addressed.**

vi. The Applicant shall prepare a Landscaping Plan for the proposed stormwater practices, consistent with the requirements of the NYSDEC SMDM. **Addressed.**

vii. Provide hydraulic sizing calculations for proposed diversion structures located upgrade of Bioretention filter areas. **Addressed.**

viii. **NYSDEC recommends that underdrains should be installed considering a 3 foot wide width of influence for stormwater collection. The Applicant should consider a second row of underdrain pipe within the northern portion of Bioretention Filter Area No. 2.**

ix. **Proposed Bioretention Filter Area 1 is designed without underdrains and is intended to infiltrate stormwater following filtration at the practice. The provided hydraulic modeling calculations do not appear to model stormwater routing to soil infiltration at the practice. The Applicant should consider if the hydraulic model can be updated to represent stormwater routing to infiltration.**

e. The Applicant proposes to construct 8" diameter stormwater pipes to convey stormwater collected from building rooftops to proposed "infiltration areas". No further sizing details have been provided at this time. The Applicant shall provide hydraulic sizing calculations for proposed stormwater pipes based upon peak flows collected by the 100 year design storm. In addition, the plan shall be identified to show the location of all proposed cleanouts and drainage structures within the stormwater collection system. **Addressed. Comment satisfaction to be confirmed by future SWPPP and drawing submittals.**

f. The Applicant proposes to utilize permeable pavers within a portion of the development driveway and parking spaces located within the northern portion of the site plan. Permeable paver systems must be designed in accordance with Chapter 5 of the NYSDEC SWMDM. The following comments are based upon our initial review of the permeable pavement areas. **The revised plans show that porous pavement has been eliminated within the western portion of the site plan and is now shown to be located within parking bays adjacent to Buildings 1 through 8.**

i. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils. **Addressed.**

WOODARD &CURRAN

ii. The Applicant shall provide sizing details for porous pavement areas. Consistent with the NYSDEC SWMDM, porous pavement system stone reservoirs must be designed to contain runoff volume from the 10 year design storm without flooding. **Addressed.**

iii. The Applicant shall provide a final construction detail for the typical permeable paver cross section that demonstrates the required material types, dimensions and that the required stormwater storage volume is provided. *Partially Addressed. The provided detail notes that perforated under drain is to be sloped to storm sewer or stream. The Applicant shall revise the construction detail to eliminate reference to connection of proposed underdrain to streams.* **Addressed.**

iv. Revise the plans and construction detail for porous pavement to note that porous pavement system reservoir stone subgrade shall have a maximum grade of 5.0%. **Addressed.**

v. The Applicant revise the plans to show the proposed inverts of reservoir stone sub-base and underdrain pipe. The plans must show the underdrains and their connections to stormwater conveyance pipes. **Addressed.**

vi. **The Applicant shall add a note to the plan to indicate that cleanouts must be provided at all underdrain pipe bends and terminations.**

g. The Applicant shall identify the point of connection for the proposed Trench Drain, as shown on drawing sheet "UT-1", to the stormwater conveyance system. **Addressed.**

h. The Applicant shall update sizing calculations for proposed stabilized outlet apron practices to consider dissipation of peak runoff flows resulting from the 100 year design storm. *Partially Addressed. Rip rap outlet aprons should be labelled in plan view to match the sizing table "IDs" as identified on drawing sheet SD-3.* **Addressed.**

i. It is noted that the proposed stormwater collection system connection points to stormwater management practices designed under the Somers Realty Corp. Subdivision application, differ between the two application drawing sets. More specifically the system connection points to "Surface Sand Filter 2.1" and "Surface Sand Filter 3.1" are inconsistent. The Applicant shall coordinate the drawings and design calculations to reflect the intended design. **Comment satisfaction to be assessed by future submittal.**

j. The Applicant has included a construction detail for typical "Rain Garden Area", but no rain gardens are shown on the plan view layouts. The Applicant shall update the plans to show rain garden areas where proposed, or eliminate the rain garden detail from the drawing set. **Addressed.**

k. The Applicant shall update the Avalon Bay drawings to superimpose the maintenance access driveways to Stormwater Management Practices designed

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under the Somers Realty Corp application, on the site plan. *Partially Addressed. The outline of proposed access driveways appear to be shown on drawing sheet LA-1. The Applicant should revise the plan include a callout that identifies the feature as proposed maintenance access drive (by others), clear access path to be maintained.* **Addressed.**

l. The Applicant shall prepare draft Stormwater Maintenance Agreement for all permanent stormwater management practices on Avalon Bay Communities site plan for review by the Consulting Town Engineer and Town Attorney. **Not Addressed. Stormwater Maintenance Agreement to be provided with future application submittal.**

m. The Applicant proposes to construct two water quality swales (Dry Swales) within the northern portion of the development as part of their design to address runoff reduction volume (RRv) requirements. These swales are designed to received runoff primarily from internal roadway surfaces and discharge to off-site stormwater practices being designed by Somers Realty Corp. The following sub-comments are based upon our review of the proposed dry swales:

   i. Demonstrate that the greater than 10% of the Water Quality Volume (WQv) is provided in practice pretreatment. **Addressed.**

   ii. Demonstrate that dry swales provide a minimum of 30 minutes detention time for the required water quality volume peak flow. **Addressed.**

   iii. Revise the construction detail to utilize 6 inch perforated pipe as underdrain. **Addressed.**

   iv. Note that dry swale planting soil must conform with Appendix H specifications of the NYSDEC SMDM. **Addressed.**

   v. **Revise the plans provide a minimum of 0.5 foot of freeboard in proposed Swale No. 2 based upon peak runoff from the 100 year design event.**

n. The Applicant shall revise the plans to identify the proposed pipe connections and associated invert elevations to the two proposed stormwater cisterns. The plans shall include a construction detail that describes the typical stormwater cistern. **Addressed.**

o. Practice specific maintenance and inspection procedures for all proposed stormwater management practices must be summarized in the combined SWPPP by Somers Realty Corporation. Maintenance and inspection procedures must be provided for both during the project construction phase and the permanent post development condition. **Comment Satisfaction to be determined following receipt of comprehensive SWPPP.**

p. **The following sub-comments are based upon our review of the details provided for the proposed stormwater cisterns.**

i. **The provided hydraulic model does not appear to include storage nodes to represent the proposed stormwater cisterns.**

ii. **The plans show cistern filters to be installed as pretreatment for stormwater routed to the cistern tanks. The Applicant shall ensure that inspection and maintenance provisions for the proposed cisterns and pretreatment filters are included in the project SWPPP.**

2. The site development activities involve greater than 2 acres of site disturbance and requires the approval of the project Stormwater Pollution Prevention Plan (SWPPP) from NYC DEP. In addition, NYC DEP project approval is required for proposed sanitary sewer connections to the site. The Applicant shall be required to address all NYC DEP requirements for issuance of all necessary permits and approvals. **Not Addressed.**

3. The provided site plan construction drawings include an erosion and sediment control plan and construction details and notes related to erosion and sediment control practices limited to within the Avalon Bay Communities site plan. The Applicant must prepare an acceptable erosion control plan as part of the SWPPP document that is necessary for site plan approval. The following comments are focused upon our review of the identified site erosion and sediment control plan elements within the Avalon Bay Communities drawing set:

   a. Temporary sediment traps are shown to be constructed within several of the proposed "Infiltration Areas" as shown on the drawings. While it is unclear if the Applicant wishes to pursue further design of the identified stormwater practices as infiltration basin, bioretention filters or other stormwater management practice, it should be noted that Temporary Sediment Traps are prohibited to be located in the proposed location of an infiltration practice. **Addressed.**

   b. The Applicant shall provide sizing calculations for proposed temporary sediment traps based upon the NYSDEC New York Standards & Specifications for Erosion & Sediment Control, latest edition. **Addressed.**

   c. Update the plans to show approximate grading for temporary diversion swales intended to be used during construction activity. Swales shall be sized based upon the NYSDEC New York Standards & Specifications for Erosion and Sediment Control. *Not Addressed. To be assessed by future detailed design submittal.* **Addressed.**

   d. Update the plans to remove all references to the installation of hay/straw bales as a temporary erosion and sediment control practice. **Addressed.**

   e. The provided drawings indicate that's stone check dams will be installed within temporary diversion swales during construction activities. The Erosion and Sediment Control Plan shall be updated to shall the spacing of proposed check dams based upon the provided diversion swale longitudinal slopes. **Addressed.**

   f. Revise the provided Land Grading Notes to indicate that all inactive disturbed site areas will be stabilized within 14 days of work completion in that area, or if no additional work is intended to occur within 14 days. **Addressed.**

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g. Revise the provided Land Grading notes to reference that all site soils will be restored following the completion of construction activities in accordance with NYSDEC Stormwater Management Design Manual Chapter 5 Soil Restoration Standards. **Addressed.**

h. Remove all construction details for erosion and sediment control practices not shown to be implemented on the site on plan view layouts. Such details appear to include but are not be limited to: Pipe Slope Drain and Water Bar. *Partially Addressed. Further assessment of construction details shall be completed upon receipt of the final design plans.* **Addressed.**

i. Update the plan to show temporary grading intended for soil stockpile areas at their respective maximum capacity. The total available stockpile volume must be shown to adequately store excess cut material prior to off-site export, as referenced to the Earthwork Plan and Land Disturbance Phasing Plan. *Not Addressed. Partially Addressed. The Applicant has revised the plan to depict temporary topsoil stockpiles during construction. General stockpile area will be coordinated with the overall site SWPPP and Land Disturbance phasing Plan.* **Comment Satisfaction to be determined upon receipt of the comprehensive SWPPP.**

j. The Applicant shall revise the construction detail for proposed check dam to show the base of the check dam "keyed" into the surrounding subgrade. In addition, check dams must be shown to extend a minimum of 1.5 feet beyond the banks of the channel. Partially addressed. Check dam is shown to be keyed 6" into the subgrade. However, the detail only show the check dam extending 6" beyond the banks of the channel. **Addressed.**

4. The Applicant shall coordinate their intended sequence of construction and erosion & sediment control plan with the Land Disturbance Phasing Plan and Site Earthwork Plan that are being prepared as part of the Somers Realty Corp. Phase III Subdivision SWPPP. In particular, Avalon Bay Communities shall ensure that their provided earthwork quantities and limits of phased construction activity are consistent with those considered by Somers Realty Corp. **Not Addressed. Comment Satisfaction to be assessed by future coordinated application submittals.**

5. The "Lot Development Table" as shown on provided drawing title sheet number "01" identifies provided lot area and Water and Sanitary Sewer loading demands for the Avalon Bay site plan compared to those anticipated at the time of Master Plan approval. These quantities differ from those identified on Master Plan Conformance Drawing 'MC-1" that was included with the Subdivision Plat submittal by Somers Realty Corp. The Applicant shall confirm that the provided data is correct and consistent with other provided project review documents. **Addressed.**

6. The Applicant shall revise the provided construction detail for typical drainage catch basin to specify a Campbell Foundry Type 2541 frame and grade, and show top of frame set 1 inch below surrounding pavement, as specified by Town Code. **Addressed.**

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7. The Applicant shall revise the provided construction detail for typical drainage manhole to specify a Campbell Foundry Type 1203 Frame and Cover and show top of frame set 1 inch below surrounding pavement, as specified by Town Code. Proposed covers shall read the word "DRAIN" as specified by Town Code. **Addressed.**

8. The Applicant shall revise the provided construction detail for proposed wood guardrails to address the following comments, as required by Town Code Section §A174-28:

    a. Revise the detail to utilize a support post equivalent or equal to a 12" diameter circular pressure treated timber post. **Addressed.**

    b. Revise the detail to specify the minimum embedment of the post footing as 3'-6" below ground surface and identify exposed post height as 2'-3.5" above ground surface. **Addressed.**

    c. Revise the detail to note that posts shall be spaced at four feet on-center. **Addressed.**

9. The Applicant is required to satisfy Town of Somers Fire Department requirements for the construction of firefighting measures within the proposed site plan. The final site layout plan shall depict the final locations of fire hydrants and truck pull-off locations, as determined by the Town of Somers Fire Department. *The Applicant has provided an AutoTurn analysis that considers travel by a Ladder Truck Fire Department design vehicle through the development. Based upon the provided drawing, we feel generally comfortable with the depicted vehicle travel. Some vehicle body travel is depicted within the western driveway entrance to the development. The Applicant should consider mountable curb on the center island to provide access in the event that wheel travel falls outside the curb limits, or widen the entrance.*

    Final comment satisfaction is subject to determination by the Town of Somers Fire Department. **The Applicant states that the Somers Bureau of Fire Prevention has completed review of the project plans and has no comment. The Applicant shall provide documentation of no objection from the Somers Bureau of Fire Prevention for the final site layout prior to approval of the proposed site plan.**

10. The provided site layout plans show the proposed locations of street lighting fixtures to be constructed within the Avalon Bay Communities Site Plan. A construction detail for "Typical Light Standard" is included on drawing sheet "SD-5". The following comments relate to the proposed development lighting:

    a. The Applicant shall certify that all proposed light fixtures are dark sky compliant. *Partially Addressed. The Applicant shall provide documentation of proposed fixture compliance with International Dark-Sky Association (IDA) standards.* **The provided product literature appears to suggest that the fixtures address the intent of dark sky standards but does not hold specific IDA certification. IDA certification is not a requirement of Town Code. The Planning Board should consider whether the provided documentation is adequate to ensure dark sky objectives are met.**

b. The Applicant shall prepare a site photometric plan based upon the layout and intensity of light fixtures. **Addressed. The provided photometric plan identifies the location of 59 lighting features throughout the development which produce average and maximum illumination levels of 0.06 and 2.0 foot-candles throughout the development, respectively.**

While determination of comment satisfaction is subject to the discretion of the Planning Board, it is our recommendation that the proposed illumination intensities are consistent with what is appropriate for such a development.

11. The Applicant has provided preliminary design layout and details for the proposed water service and sanitary sewer connections within the site plan development. The water service and sanitary sewer systems are proposed to connect to the water main, sanitary gravity sewer and pump station in construction as part of the Somers Realty Corp. Phase II and Phase III construction projects. Our office has completed initial review of the design layout and has prepared comments as cited below. It should be noted that these comments reflect the conceptual level of detail that has been provided and that additional comments will be issued upon future submittal of detailed design documents:

Water and Wastewater Systems Engineering

a. Provide Engineering Reports for the proposed Water and Sewer Systems, including hydraulic design calculations. **Partially Addressed. The following comments have been generated after review of the Sanitary Sewer and Potable Water Design Summary:**

i. **Summary lists 7 employees at 15 gpd/employee, while Lot Development Table on drawing coversheet lists 5 employees at 15 gpd/employee and 2 employees at 13 gpd/employee. Addressed. Lot Development Table has been updated to list 7 employees at 15 gpd/employee.**

ii. **Infiltration and inflow (I/I) estimates should be included in sanitary sewer flow calculations.**

iii. **Residential average daily flow would likely also include some minor demand that does not become sanitary wastewater (i.e., car washing, consumption, etc.)**

iv. **As stated, fire demand is still to be determined. Once determined, evaluation shall confirm whether existing system provides sufficient residual pressure during peak-day demand plus fire demand. Current analysis reports that a minimum of 39 psi is available at the second-floor ceiling elevation during peak-day flow only, and does not take into account fire demand.**

v. Documentation of hydrant flow testing and locations, as well as system pressure analysis should be included. **Addressed. Hydrant flow testing included as an appendix in Supplemental Technical Data.**

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b. Provide profile view drawings of the proposed water and sanitary sewer systems. The profiles shall demonstrate that adequate vertical separation is provided at all proposed pipe crossings as shown on the project layout plan drawings. **Addressed. The following comments have been generated after review of profile sheets PR-1 and PR-2:**

   i. A potential conflict between water and sanitary sewer is noted near Station 47+05± on PR-1, especially for the water services that will be crossing the sanitary sewer main. **Addressed.**

   ii. Sanitary MH-2 on PR-1 has inverts greater than 2' apart, requiring a drop manhole per TR-16. **Addressed.**

   iii. Sanitary MH-9 on PR-2 has inverts greater than 2' apart, requiring a drop manhole per TR-16. In addition, the invert in to MH-9 at elevation 550.0 is only 2' below the top of frame elevation and should be lowered. **Addressed.**

   iv. Not all sanitary sewer pipes and manholes were shown in profile view. Either all pipes and manholes should be shown in profile or all manhole top of frame and invert elevations should be noted on the plans. At a minimum, profile views should be generated for sewer segments "SMH-14 – Ex. SMH-B" and "SMH-9 – SMH-18". **Partially Addressed. Sheet PR-3 shows sanitary sewer profile from SMH-14 to Ex. SMH-B, but no profile for SMH-8 to SMH-18 is shown. Profiles and invert elevations for all sanitary manholes should be provided.**

c. Update the design plans to size and material of water pipes and connections. **Addressed.**

d. Revise the construction detail for sanitary sewer manholes to identify benches within the Manhole and address how inflow from elevated inlets will be accepted. *Partially Addressed. The construction detail should also identify pipe boot connection details, joint sealant, and detail on how drop connections will be made.* **Addressed.**

e. Provide a construction detail for typical House Trap. **Addressed.**

f. The proposed sanitary sewer main has several segments where additional length of pipe is proposed upstream of the first service connection. Please clarify why this layout element is proposed. **Addressed.**

g. Revise the construction detail for Hydrant to specify stainless steel tie rods instead of galvanized. **Addressed.**

h. Revise the Combination Valve detail to only consist of an air release valve, and remove references to use on a force main. **Addressed.**

i. The Applicant shall evaluate the possibility of looping the water main back to "Town Road C" / Clayton Boulevard within the eastern portion of the Avalon Bay development. This alternative layout will eliminate the dead end in the distribution

system and provide hydraulic redundancy to serve the project. **Not Addressed. The Applicant states that design plans have been provided to the Water and Sewer Department for review. Our office is awaiting further input from Town Water & Sewer Department on this design consideration.**

12. The grading and utilities plans do not include proposed electrical and gas service utilities for the development within the Avalon Bay development. Future detailed plan submittals shall include the proposed layout of site electrical service and gas service mains within the site layout. **Addressed. The final layout of electric and gas service main providers shall be confirmed by the Applicant and utility provider prior to issuance of a Building Permit.**

13. The provided plans indicate that several retaining wall segments are proposed to be constructed within the proposed site plan. It should be noted that structural design calculations must be provided for all retaining walls in excess of 4 feet in exposed height. Structural design calculations shall be signed and sealed by a licensed professional engineer and must be accompanied by a construction detail and cross section view showing materials, to describe the proposed wall design and aesthetics. *Partially Addressed. Note 5 on sheets LA-1 and LA-2 include requirement that retaining wall calculations be signed and sealed by a licensed professional engineer. Note 29 on drawing sheet "IN" should also be updated to include requirement that calculations are to be signed and sealed by a licensed professional engineer.* **Addressed.**

14. The Applicant has provided tree survey data and a Tree Removal Schedule on drawing sheet "EX-5". The Applicant shall revise the tree schedule to include column titles for what appear to be measured tree calipers. In addition, the Tree Removal Plan shall be updated to also identify trees to be protected during construction, if any existing site trees are proposed to remain following site development. **Addressed.**

15. The provided site grading plans depict that the proposed Village Green area will be constructed with a mounded high point near the center within the walkway loop. The proposed elevation difference across the interior green area is shown to be approximately 10 feet. The Planning Board may wish to consider if an alternative grading plan should be prepared for the Village Green that better suits recreational opportunities within the open space. **Partially Addressed.** *On October 15, 2014, Town representatives met with the Applicant to review the existing design and the Town's program preferences for the green area. Based on this meeting, the Applicant was going to develop some preferred alternatives for consideration by the Planning Board.* **Town Green Alternatives have not yet been received.**

16. **The revised plans show the layout of Town Road B has been extended to the southern parcel property line as was considered at the time of Master Plan approval. The Applicant shall coordinate with Somers Realty Corporation for the creation of necessary easement area for the location stormwater management practices if determined to be necessary.**

17. **The project drawings indicate that the completed portions of Clayton Boulevard will be traveled to provide construction access to the Avalon Bay site plan. Based upon**

this route, it is likely that the proposed roadway surface will be adversely impacted by Construction Vehicle travel and increased wear. The Applicant shall prepare a cost estimate for the milling and resurfacing of Clayton Boulevard for use in determination of a Roadway Performance Bond. It should be planned that the Applicant will resurface portions of Clayton Boulevard where construction traffic will travel, unless determined to be unnecessary by the Consulting Town Engineer and the Town of Somers Planning & Engineering Department.

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

Sincerely,

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

PLANNING AND ENGINEERING DEPARTMENTS

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: December 2, 2014

RE: Comments on Avalon Bay Somers Residential Site Plan Application Package of November 14, 2014

AvalonBay Communities, Inc. - Site Plan Approval for Somers Avalon

The current proposed action consists of the following components:

1. *Site Plan approval for Applicant AvalonBay Communities, Inc. for Avalon Somers, to construct 152 residential rental apartments units containing a total of 183,060 square feet of which 129 are market rate and 23 are to be affordable units. Apartment mix is to be 62 one-bedroom, 66 two-bedroom and 24 three-bedroom units. The project includes a 3,779 square foot community recreation building and outdoor pool, and a "town green", the community recreation building for the sole use of apartment unit renters. The project site consists of proposed subdivided Lots 3a, 3b, 3c and 3d (45.1 acres), where Lot 3b is the Village Green lot at 1.4 acres, to be subdivided as part of the associated Somers Realty, Inc. subdivision application...*
2. *Tree Removal Permit*
3. *Stormwater Management and Erosion and Sediment Control Permit*
4. *Steep Slope Protection Application*

Submission Letter of November 14, 2014

The submission cover letter dated November 14, 2014 addressed issues raised in my comment memorandum of October 30, 2014. I am in agreement with the responses with the exception of the following:

Miscellaneous Comments – Fiscal

The applicant has indicated that the proposed project is consistent with regard to both use and density with the project that was analyzed in the DEIS and FEIS. What the Applicant has not identified is how it is consistent with regard to other items such as assumed ownership pattern and whether that affects any impacts analyzed in the DEIS or FEIS. The Findings relied on assumptions of an owner project even though a condominium scenario was presented in the FEIS. Therefore, it is asked, once again, that the applicant be specific with regard to how the project is consistent, not just generally, but specifically, with the Master Concept Plan, particularly with regard to school children generation and other fiscal impacts. It should be noted that any change would not necessarily constitute a negative impact, but only an impact, if any, that is likely to be offset by other significant positive impacts generated by the project.

Other Issues

Plans

As stated in the Somers Realty comment memorandum of December 1, 2014, it is understood that there are likely to be additional site plan modifications related to provision of an access road to proposed Lot 6.

One plan still outstanding is an elevation drawing of the garage buildings.

Village Green, Recreation Fees and Affordable Housing

Issues still to be resolved relate to: (1) the ownership, maintenance, use and design of the Village Green; (2) level of recreation fee and any considered offsets; and (3) program under which affordable housing units will be offered.

Cc:

Roland Baroni
Joe Barbagallo
Steve Ralston
Janet Giris
Grant Jaber
Linda Whitehead

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MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: October 30, 2014
RE: North County Homes
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes Protection Permit, Wetland Activity Permit and Tree Removal Permit.
38 Bedell Road
TM: 36.20-1-59, R-80 District

741

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the applications for environmental permits for the existing parcel located at 38 Bedell Road. The Applications are for the construction of a new 5 bedroom single-family residence, driveway and other improvements on the currently undeveloped lot. The Application also includes the construction of a new groundwater supply well, septic sewer disposal system and stormwater infrastructure. The following documents were received during the current review period:

DOCUMENTS RECEIVED

- Letter, by John Karell, Jr., PE, dated September 20, 2014
- "Wetland Mitigation Plan", by Ted Kozlowski of Natural Resource Management, Inc., dated September 19, 2014
- Letter, by Steven Waldinger of Shapiro Gettinger & Walkinger, LLP., dated June 11, 2014.
- "Stormwater Pollution Prevention Plan & Infiltration Study", by John Karell, Jr., PE, dated September 13, 2014 .

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- NYSDEC: State Environmental Quality Review
- NYC DEP: Individual Residential Stormwater Permit **
- WCDOH: Approval of Groundwater Well and Septic System

- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)

**** - Unless determined to be unnecessary by NYC DEP personnel**

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DISCUSSION

The Applicant has submitted a revised site layout drawing, wetlands assessment and comment response letter in response to previous engineering comments. It should be noted that the Consulting Town Engineer Joseph Barbagallo, PE, attended the most recent site walk of the property with the Planning Board on May 27, 2014, and those observations are noted in the Field Observations Memo dated June 17, 2014. This memorandum combines the identified comments and Applicant responses to comments from each respective memorandum.

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

1. The provided drawings identify that approximately 48,300 square feet of land disturbance is anticipated by the proposed construction activities. The Applicant shall revise the drawings the illustrate a limit of disturbance line that corresponds to the proposed construction limits.
   Addressed. Revised drawings list 42,800 square feet as land disturbance limit.
2. Based upon the identified quantity of site disturbance, that Applicant is required to prepare a Stormwater Pollution Prevention Plan (SWPPP) with Post-Construction Stormwater Controls, in accordance with the requirements of Town Code §93-6. In addition, the project is located within the NYC DEP East of Hudson Watershed and is also subject to obtain coverage and conduct weekly site inspections under the NYSDEC SPDES General Permit (GP-0-10-001). The following is a partial list of components that shall be included in an acceptable project SWPPP.
   a. The SWPPP shall include all items specified by Town Code §93-6, including but not limited to a construction sequence, descriptions of temporary and permanent inspection and maintenance requirements for construction site housekeeping, pollution control, and stormwater and erosion control and practices, and a Contractor Certification Statement.
      Partially Addressed. Include a description of maintenance and storage procedures for fuels, oils, fluids and other possible contaminants that will be used on site in construction, and update construction sequence to be site specific.
   b. The SWPPP shall include hydrologic assessment of pre versus post development site runoff for all applicable design storms as defined by the NYSDEC Stormwater Management Design Manual.
      Not Addressed. The NYSDEC Stormwater Management Design Manual recognizes Rational and SCS type drainage methods as acceptable for 1, 10 and 100 year storm peak runoff flow calculations.

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c. The SWPPP shall include design of site stormwater management practices to address NYSDEC water quality attenuation requirements. It should be noted that all stormwater quality practices must be sized considering watershed runoff from the 1 year design storm as defined by Chapter 10 of the Stormwater Management Design manual.
Not Addressed.

d. The SWPPP shall include inspection forms to be used by a Qualified Inspector during weekly construction site inspections, in accordance with SPDES General Permit requirements.
Not Addressed. The SWPPP shall include a template weekly inspection worksheet. Standard forms can be found in the NY Standards and Specifications For Erosion and Sediment Control, latest edition.

e. The Applicant shall prepare a Stormwater Maintenance Agreement, in accordance with the provisions of Town Code for review by the Consulting Town Engineer & Town Attorney. Upon acceptance, the Stormwater Maintenance Agreement shall be filed with the Westchester County Clerk's Office.
Not Addressed. Applicant will provide upon completion of SWPPP.

3. The provided drawings illustrate an area noted as "storm water area" within the south-eastern portion of the property. No other formal stormwater infrastructure or management practices are shown on the plans. The Applicant must design site stormwater infrastructure to address NYSDEC water quality and water quantity requirements, as referenced under Comment No. 2, above. The following comments are intended to guide the Applicant on the design of site stormwater management practices and conveyance systems:

   a. The Applicant must evaluate stormwater practice feasibility, as applicable, through field investigations. Field investigations may include, but are not limited to deep hole test pit excavations and percolation tests, as defined the by Chapter 6 requirements of the NYSDEC Stormwater Management Design Manual.
   Not Addressed. Update drawings to show location of described deep hole test pits in stormwater treatment area and SWPPP to differentiate percolation test data from septic field area vs. stormwater treatment area. Additionally, 100 foot separation between proposed well and infiltration practices are required as per the NYSDEC Stormwater Management Design Manual.

   b. Stormwater management practices must be sized based upon the Chapter 6 and Chapter 10 Enhanced Phosphorous Removal Standards of the NYSDEC Stormwater Management Design Manual, latest edition. Detailed sizing calculations must be provided for review.
   Not Addressed. Applicant states calculations are being developed. We remind the applicant that demonstrating Water Quality Volume (WQV) with calculations shall be provided, as well as adequate dry storage capacity within the proposed infiltration system.

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c. Stormwater conveyance pipe and structures must be sized at a minimum to convey runoff collected by the 25 year design storm.
Not Addressed. Applicant states calculations are being developed. Additionally, applicant must update drawings to include all proposed collection areas and connection inverts routed to infiltration unit, and update construction sequence to include inspection of site and stormwater measures by consulting town engineer prior to backfill.

d. All proposed stormwater discharges shall be routed to a stabilized discharge practice sized to dissipate and prevent soil erosion from peak flows generated by the 100 year design storm.
Partially Addressed. Both discharge points must be adequately sized and updated on drawings, and include supporting calculations demonstrating as such.

4. **The Applicant proposes to collect stormwater run-on from the adjacent property at 36 Bedell Road through a proposed 18" diversion pipe parallel to the northern property line. The diversion pipe is shown to connect at a Manhole structure within the public right-of-way adjacent to the site driveway at Bedell Road. An additional length of pipe is shown to carry the proposed flow south parallel to Bedell Road before discharging prior to the existing culvert crossing under Bedell. The following comments are applicable for this proposed diversion pipe.:**

   a. **Hydraulic pipe sizing calculations must be provided for all pipe segments based upon peak flows calculated from the 25 year design storm.**

   b. **As discussed in the field, the Applicant shall route stormwater collected from stormwater diversion pipe through a constructed wetland area in the vicinity of the existing wetland area adjacent to Bedell Road. This system shall be coordinated with the recommendations for wetland mitigation outlined in the assessment report prepared by Mr. Kozlowski. Both the mitigation of the wetted area and stormwater treatment area shall be shown on the project drawings.**

   c. **Work within the public right of way will require a Construction Performance Bond to be posted by the Applicant. The Applicant shall prepare a bond estimate based upon the construction cost of work to be completed within the right-of-way of Bedell Road.**

5. The project site is located within the watershed of the Muscoot Reservoir which is identified as a TMDL Phosphorous restricted basin by the NYSDEC "Phase II Phosphorous Total Maximum Daily Loads for Reservoirs in the New York City Water Supply Watershed", dated June 2000. Projects located within the TMDL watershed are prohibited from creating any increase in phosphorous load to the subject waterbody. This requirement is enacted in accordance with other regulations for phosphorous reduction already required by the NYSDEC SPDES General Permit and the Enhanced Phosphorous Removal requirements of the Stormwater Management Design Manual. The Applicant shall prepare a site specific phosphorous loading analysis that compares pre development to post development conditions.

Not Addressed. Inclusion of a Pollutant Loading Analysis is required for projects located within the TMDL watershed. It should be noted that the "Simple Method" is recognized by the NYSDEC as an acceptable methodology for calculation of phosphorous loads.

6. The project is required to obtain a NYC DEP Individual Residential Stormwater Permit for the construction of the new residence and driveway within the 100 foot buffer of a stream or freshwater wetland area. The Applicant must address all NYC DEP requirements for permit issuance. Documentation of NYC DEP permit satisfaction and issuance must be provided upon receipt.
   Not Addressed. Applicant is awaiting a determination of the need for this and/or other permits after consulting the NYCDEP.

7. The Applicant shall revise the plans to indicate an area for temporary soil stockpiles during construction. The plans shall include an acceptable detail for Temporary Soil Stockpile Area, consistent with the NYSDEC New York Standards & Specifications for Erosion and Sediment Control, latest edition.
   Not Addressed. Soil stockpile could not be located on received drawing, please update.

8. The proposed site development includes the construction of a new groundwater supply well will be located downgradient of the proposed dwelling to the south of the driveway. The following comments are based upon our review of the proposed groundwater well and details:

   a. The Applicant shall revise the plans to illustrate the proposed water line connection from the well to the proposed dwelling.
      Addressed.

   b. Revise the plan to depict a minimum of 25 feet separation between the proposed groundwater well and nearby wetland area and intermittent watercourse.
      Addressed.

   c. The Applicant shall provide documentation of final design approval by the Westchester County Department of Health (WCDOH).
      Not Addressed. Applicant states prior approval has expired and is being renewed. Applicant shall provide documentation of renewed approval. The WCDOH approval must reflect the final site plan including proposed stormwater improvements.

9. The provided plans depict that site subsurface sewage treatment area (Septic Fields) will be located upgradient from the proposed house on the western portion of the site. Wastewater will be conveyed to the upgradient septic absorption trenches through a pump chamber and force main system. The following comments are based upon our review of the proposed site septic system design and details:

   a. The provided plans illustrate that the proposed sewer force main is located within 50 feet of a groundwater well located on southern neighboring property. WCDOH prohibits construction of sewer effluent pipe within 50 feet of a groundwater well. The Applicant shall revise the layout of the proposed sewer force main to preserve all

required setbacks.
Addressed.

b. WCDOH requires a that a minimum of 100 feet separation must be maintained between septic absorption fields and nearby wetland area and watercourses The proposed septic field is shown outside the 100 foot buffer of the identified site wetland area, but appears less than 100 feet from the existing intermittent watercourse shown on the neighboring property. The Applicant must address whether the identified watercourse is considered a regulated watercourse by the WCDOH. If 100 foot separation is not deemed to be required, the Applicant must provide documentation to demonstrate WCDOH approval of the system layout.
Not Addressed. Applicant shall provide documentation of WCDOH approval.

c. Protective markers should be installed surrounding the proposed septic field to prevent over-compaction by equipment tracking during construction. The Applicant shall revise the plans to show markers or construction fence surrounding the proposed septic absorption field limits.
Not Addressed. Markers or construction fence could not be found on site plans. If applicant so chooses, they may update the plan to note that no construction traffic shall enter septic field area.

d. Provide documentation of final WCDOH design approval for the proposed site septic system.
Not Addressed. Applicant states prior approval has expired and is being renewed. Applicant shall provide documentation of renewed approval. The WCDOH approval must reflect the final site plan including proposed stormwater improvements.

e. Protective markers should be installed surrounding the proposed septic absorption field areas to prevent over-compaction by equipment tracking during construction. The Applicant shall revise the plans to show markers or construction fence surrounding the proposed septic field area limits.
Partially Addressed. The Applicant states that silt fence located downgrade of the proposed septic fields will limit construction traffic in this area. Silt fence alone may not be sufficient to effectively limit construction traffic. At a minimum, the Applicant shall update the plan to note that no construction traffic shall enter proposed septic field area.

10. The provided drawings do not identify existing trees located on the parcel. The Applicant must obtain a Tree Removal Permit in accordance with Town Code Chapter §156. The Applicant shall prepare a Tree Removal Plan that identifies all existing regulated trees on the property. Each tree proposed for removal shall be identified on the plan and summarized on a Tree Removal Schedule by species and caliper. Appropriate measures shall be implemented during construction to protect the Critical Root Zone of existing trees shown to remain.
Not Addressed. Applicant states tree plan is to be discussed with Mr. Coleman.

11. Delineation of the site wetland area was completed by Tim Miller Associates, Inc. on March 29, 2014. Based upon the provided plans, construction of the site driveway, groundwater

well and general land grading are located within the 100 foot buffer of the identified wetland area. The Applicant must prepare a Wetland Buffer Mitigation Plan in accordance with the requirements of Town Code Chapter §167. The Buffer Mitigation Plan must evaluate the ecologic functions provided by the existing buffer area and shall demonstrate that any proposed plantings/mitigation areas are functionally equivalent to existing conditions.
Partially Addressed. Please refer to response to Comment No. 4 above.

12. The Applicant proposes to construct a 10' wide driveway and new curb-cut to Bedell Road parallel to the northern property line. The following comments are based upon our review of the provided driveway design and layout.

    a. The provided driveway is shown to be constructed with at maximum longitudinal slope of 14% grade. Town Code §170-36 specifies that residential driveways shall have a maximum grade of 12%. Driveway grades may be permitted to a be allowed at a maximum grade of 14% if proven to be necessary based upon site constraints to the satisfaction of the Planning Board. The Planning Board should consider if the provided level of detail is adequate to allow driveway grades to be constructed at the maximum grade of 14%.
    Not Addressed. Applicant states a 12% grade will create additional disturbance but no further information to support such claim has been provided for review. The Planning Board shall consider if the provided level of information is satisfactory to allow driveway slopes at 14%

    b. The Applicant shall revise the proposed driveway cross section to include a minimum of 1 inch asphalt top course, 1 ½ inch asphalt binder course and 6 inches stone base (NYSDOT Item 304.05).
    Not Addressed. Applicant states driveway cross section has been revised but no revised drawings depicting this have been received.

    c. The Applicant shall update the drawings to identify approximate site distance in both directions at the site entrance on Bedell Road.
    Addressed.

13. The Applicant shall clarify if any exterior site lighting is proposed by site development activities. If exterior lighting is proposed, sufficient detail must be provided to detail the type and illumination of all fixtures to ensure that lighting does not impact neighboring properties.
Addressed. Applicant states no exterior site lighting is proposed.

COMMENTS FROM FIELD OBSERVATIONS MEMORANDUM, DATED JUNE 17, 2014.

14. Investigate Site Run-on from Southwest Watershed – During the site walk it was noted that a significant amount of site stormwater may be originating from upgradient drainage areas located to the south-west. The Applicant needs to investigate upgradient sources of stormwater from this area and shall include their evaluation findings in future hydrologic calculations to be included as part of the site Stormwater Pollution Prevention Plan (SWPPP).

WOODARD &CURRAN

Partially Addressed. The provided Wetland Mitigation Plan references the subject upgrade area with respect to wetlands hydrology, but no discussion on this area's impact to drainage peak flow analysis is provided. The intent of this comment was to account for this upgrade drainage area in peak flow analysis downgrade receiving design point for stormwater runoff from the site.

15. Evaluate Existing On-site Subsurface Water Source – It is apparent that a significant amount of site stormwater originates from an existing subsurface site feature located along the northern property line. This water source is noted as a "spring" on the previously reviewed drawing set that was provided to the Planning Board. The Applicant must evaluate this existing source of stormwater through excavation to determine whether the "spring" is fed by buried drainage pipe or it actually functions in an artesian condition.
Addressed. Applicant states the source to be a drainage discharge pipe from the adjacent property to the north, and proposes to collect and pipe this drainage to the Town's storm drainage system in Bedell Road on the southeast corner of the property.

16. Install Piezometers On-site – The Applicant shall install four piezometers on-site within the eastern portion of the site surrounding the identified wetland to provide measurements of the water table.
Partially Addressed. The Applicant shall update the drawing with piezometer locations keyed to a summary table of recorded measurements.

17. Evaluate Downgrade Drainage Path / Off-Site Improvement Potential – The Applicant shall evaluate the receiving drainage course and stormwater infrastructure located in proximity to Bedell Road and Elizabeth Court. Based upon the evaluation findings, the Applicant shall consider the possibility for construction of off-site stormwater improvements, in the event that stormwater mitigation criteria are unable to be met within the site due to constraints.
Partially Addressed. The Applicant is awaiting NYC DEP recommendations based upon their assessment of downgradient stormwater infrastructure.

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

Sincerely,

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

INSITE
ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C.

October 20, 2014

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

RECEIVED
OCT 20 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

RE: Naclerio Property
Re-granting of Approval
75 Route 6

Dear Chairman Currie and Members of the Board:

Enclosed please find sixteen (16) copies of the following in support of a re-granting of Site Plan Approval, Steep Slopes Permit, and Stormwater Management and Erosion and Sediment Control Permit for the above-referenced project:

- Application for Site Plan Approval dated October 17, 2014.
- Application for Environmental Permit "Steep Slope Protection," dated October 17, 2014.
- Application for Environmental Permit "Stormwater Management and Erosion and Sediment Control," dated October 17, 2014.
- Application Processing Restrictive Law Certification dated October 17, 2014.
- Applicant Acknowledgement dated October 17, 2014.
- Drawing S-1, "Current Conditions Plan", last revised February 15, 2012.
- Drawing S-2, "Proposed Conditions Plan", last revised February 15, 2012.

The above referenced project was approved by your Board on October 26, 2011 via Resolution #2011-06 and consisted of installing fill around the subject property in order to create a level yard around the existing building. Pursuant to the aforementioned resolution as well as Section 170-114h by the Town of Somers Town Code, the Site Plan Approval was set to expire on October 26, 2012 unless a Building Permit was obtained and construction progressed as specified by Section 170-114i of the Town Code. Prior to the expiration of the Site Plan Approval, Mr. Naclerio (owner of the subject property) sought to obtain a Building Permit Application at which time he was advised a Building Permit would not be issued for his application and was not required. Simultaneously, Mr. Naclerio received construction cost estimates for his project. Based on the estimates received, Mr. Naclerio was not ready to proceed with the project at that time. In the fall of 2014, Mr. Naclerio was ready to proceed with construction and notified the Town of his intent to do so. Upon notifying the Town, it was brought to his attention that his Site Plan is expired and would require a re-granting of approval because a 1-year time period had passed and no Building Permit was issued. Therefore, by way of this letter, we respectfully request this application be placed on the November 12, 2014 Planning Board agenda for consideration of a re-granting of approval.

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

If you have any questions or comments regarding this information, please do not hesitate to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By: _____
Richard D. Williams, Jr., PE
Senior Project Engineer

RDW/amh

cc: V. Naclerio, with enclosures

Insite File No. 10128.100

COMMITMENT & INTEGRITY
DRIVE RESULTS

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

T 800.807.4080
T 914.448.2266
F 914.448.0147

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PLANNING ENGINEERING
TOWN OF SOMERS
740

WOODARD &CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: October 30, 2014
RE: Naclerio Property
Amended Site Plan, Stormwater Management and Erosion & Sediment Control Permit and Steep Slopes Protection Permit
75 Route 6
TM: 4.20-1-7, NS District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the applications for amended site plan and environmental permits for the parcel located at 75 Route 6. The applications request to re-grant of approvals for the project involving the import of earthen fill to re-grade the rear yard of the site. The project was granted approval of amended site plan and environmental permits through Planning Board resolution No. 2011-06, dated October 26, 2011. All permits have expired as of the date of current application submittal. The following documents were received during the current review period:

DOCUMENTS RECEIVED

- Cover Letter, by Insite Engineering, Surveying & Landscape Architecture, P.C., dated October 20, 2014.
- Town of Somers Planning Board: "Application for Site Plan Approval", by Vincent Naclerio, dated October 17, 2014.
- Town of Somers: "Application for Environmental Permit - Chapter 148 Steep Slope Protection", by Vincent Naclerio, dated October 17, 2014.
- Town of Somers: "Application for Environmental Permit – Chapter 93 Stormwater Management and Erosion & Sediment Control", by Vincent Naclerio, dated October 17, 2014.
- "Naclerio Property", Drawing Sheets: "S-1" & "S-2", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated February 15, 2012.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Amended Site Plan Approval
- Town of Somers Planning Board: Steep Slopes Protection Permit
- Town of Somers Planning Board: Stormwater Management and Erosion & Sediment Control Permit.

WOODARD &CURRAN

DISCUSSION

Our office has completed review of the drawings that were provided by the Applicant in support of their application for re-grant of previously issued permits and approvals. Based upon our review, the provided plans are consistent with those reviewed and approved by the Planning Board in October 2011.

From an engineering perspective, we have no objection to the Planning Board proceeding with re-granting of all requested approvals and environmental permits, providing that all fees and escrow have been posted by the Applicant.

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

Sincerely,

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

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
Town Planner
sdym@somersny.com

Planning Board Meeting December 10, 2014

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2014-05
Re-Granting of Conditional Amended Site Plan Approval, Steep Slopes, and Stormwater Management and Erosion and Sediment Control Permits
To
Vincent and Juliane Naclerio
For the
NACLERIO PROPERTY
Town Tax Number: Section 4.20, Block 1, Lot 7

WHEREAS, an application was made to the Town of Somers Planning Board on September 17, 2010 by Jeffrey J. Contelmo, P.E. of Insite Engineering, Surveying & Landscape Architecture, P.C. on behalf of Vincent and Juliane Naclerio (owners) to allow the continued grading and filling in the rear portion of their property located at 75 Route 6, Somers, NY.; and

WHEREAS, this application was initiated as a result of a site plan violation issued March 23, 2010 for altering the existing grade of the property by importing fill without obtaining the required site plan approval pursuant to Section 170-114A.(1); and

WHEREAS, the application involves grading and filling to level the yard around the existing building, which requires approximately 16,000 SF of disturbance. Approximately 10,000 SF of disturbance occurred during the initial importation of fill which was associated with the violation. Approximately 6,000 SF of additional area is proposed for disturbance. During the installation of the additional fill the

10,000 SF of originally disturbed area will be re-disturbed as a result of deep-ripping and decompaction, topsoiling, seeding and mulching; and

WHEREAS, the initial submission consisted of the following materials:

- Application for Site Plan Approval signed September 10, 2010;
- Application for a Steep Slopes Permit signed September 10, 2010;
- Application for a Stormwater Management and Erosion and Sediment Control Permit signed September 10, 2010;
- Application Processing Restrictive Law Certification dated September 10, 2010
- Applicant Acknowledgement dated September 10, 2010;
- Proof of taxes being paid dated September 10, 2010;
- Full Environmental Assessment Form (Part 1) signed September 13, 2010;
- Narrative letter prepared by J. Contelmo, P.E. of Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 13, 2010;
- Plan titled "Naclerio Property Current Conditions Plan (S-1)," prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 13, 2010;
- Plan titled "Naclerio Property Proposed Conditions Plan, Details and Notes (S-2)," prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 13, 2010;
- Plan titled "Naclerio Property Soils Map (Figure 1)," prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 20, 2010;
- Plan titled "Survey of Property prepared for Lee Archer situate in the Town of Somers Westchester County NY", prepared by Richard Gorr, dated 1984 and last revised April 25, 1990; and

WHEREAS, the site plan application includes a request by the Applicant for Planning Board approval of continued grading and filling of the rear portion of the subject property between the existing building and the wetland control area; and

WHEREAS, the site plan application includes a request by the Applicant for Planning Board approval of grading and filling as a regulated activity within Town-regulated steep slope areas as described in Chapter 148, "Steep Slopes Protection," of the *Code of the Town of Somers*; and

WHEREAS, the site plan application includes a request by the Applicant for Planning Board approval of a Stormwater Management and Erosion and Sediment Control Permit as described in Chapter 93 of the *Code of the Town of Somers*; and

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WHEREAS, the prior approved plans for the subject site indicated that two trees had previously been removed from the property and that the proposed action would require the removal of three additional trees in accordance with the provisions of Chapter 156, Tree Preservation of the *Code of the Town of Somers,* for which the application fee has already been paid; and

WHEREAS, such prior approval was granted by Resolution No. 2011-06 at the Planning Board meeting of October 26, 2011; and whose content and conditions are incorporated into this current resolution; and

WHEREAS, the conditions of that Resolution and the Code of the Town of Somers Section 170-114.1 with regard to time frames required for issuance of a Building Permit within one (1) year from the date of signing of the Site Plan and progress of construction as required by such section were not met and whereas such site plan approval, steep slopes permit and stormwater management and erosion and sediment control permit use expired on October 26, 2012; and

WHEREAS, by letter of October 20, 2014 from Insite Engineering, Surveying & Landscape Architecture, P.C., representative of the applicant, a formal application by Vincent Naclerio dated October 17, 2014 for Re-granting of site plan in accordance with Chapter 144 of the Code of the Town of Somers and, steep slope and stormwater and erosion and sediment control permit approvals in accordance with Chapter 148 and Chapter 93 respectively of the Code of the Town of Somers was received by the Town on October 20, 2014; and

WHEREAS, such application consisted of the following:

- Application for Site Plan Approval dated October 17, 2014.
- Application for Environmental Permit "Steep Slope Protection," dated October 17, 2014.
- Application for Environmental Permit "Stormwater Management and Erosion and Sediment Control," dated October 17, 2014.
- Application Processing Restrictive Law Certification dated October 17, 2014.
- Applicant Acknowledgement dated October 17, 2014.
- Drawing S-1, "Current Conditions Plan", last revised February 15, 2012.
- Drawing S-2, "Proposed Conditions Plan", last revised February 15, 2012.

WHEREAS, in a discussion of October 28, 2014 with the Town Engineer, the Applicant indicated that one of the three trees previously proposed for removal on the original application and that was considered as part of prior Resolution

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No. 2011-06, has since fallen, and, therefore, the current application proposes removal of only two trees for which a Tree Removal Permit is not required; and

WHEREAS, the applications submitted for approval for re-granting have not changed since the original approval of October 26, 2011; and

WHEREAS, all prior proceedings and approvals are incorporated as part of this re-approval application; and

NOW, THEREFORE, BE IT RESOLVED that the foregoing **WHEREAS** clauses are incorporated herein by reference and are fully adopted as part of this approval, including the prior approved SEQR Negative Declaration incorporated as part of this re-approval ; and

BE IT FURTHER RESOLVED, that the application for a **Conditional Amended Re-Grant of Site Plan Approval, Tree Preservation, Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits** to Vincent and Juliane Naclerio for the **NACLERIO PROPERTY** as shown and described by the materials enumerated herein and as incorporated from all prior proceedings and approvals, **IS HEREBY CONDITIONALLY Re-GRANTED** in accordance with Section 274-a of the New York State Town Law SUBJECT TO the following modifications and conditions being fulfilled;

In accordance with Chapter 170-114.HI of the Code of the Town of Somers" Time for Signature of Site Plan", and Section 170-114.K, "Extension", of the Town Code, failure to comply with the above shall result in the expiration of re-granted Site Plan approval on December 10, 2015, unless an extension of this time period is requested <u>prior to</u> the expiration date and approved by the Planning Board.

Comment [RW1]: Should this be the 12/10 meeting date?

Site Plan approval and its continued validity are subject to all requirements of Section 170-114, "Site Plan Approval", and Chapter 144, "Site Plan Review", of the Town Code. Approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit in compliance with the above shall have been obtained and construction progressed as required by Section 170-114.I, "Time to Obtain Permit and Complete Construction", of the Town Code.

Before the completion of the improvements shall be approved and the Certificate of Occupancy issued, the Applicant shall submit an as-built plan to the satisfaction of the Consulting Town Engineer.

The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan.

Conditions Required Prior to Signing of Site Plan

1. That the site plan contains a note that improvements shown on the plans be installed in accordance with the approved plan and construction standards and specifications of the Town.

2. The Applicant shall reimburse the Town for any outstanding review fees, as applicable, consistent with §133-2 of the *Code of the Town of Somers* as well as State and Local Environmental Quality Review laws prior to the signing of the site plan.

3. That a performance bond/security be posted to cover the cost of soil erosion and sedimentation control measures on the site during the course of construction; said security shall be in an amount recommended by the Consulting Town Engineer and or the Town's Principal Engineering Technician and shall be in form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.

4. That an engineering inspection fee for the Site Plan shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board; the amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements, as identified by the Consulting Town Engineer and or the Town's Principal Engineering Technician, and upon recommendation of the Consulting Town Engineer and or the Principal Engineering Technician.

On-going Conditions Required After Signing of Site Plan but before bonds are released

1. That the applicant's Engineer submits soils data for additional imported fill material, consistent with requirements established by General Notes Comment No. 9, found on the Site Plan Drawings.

2. That the applicant's Engineer provides a certification that the septic system was not damaged by the filling operation.

On-going Conditions Required After Signing of Site Plan

1. Sedimentation and erosion control measures employing best management practices as outlined in NYS DEC's booklets entitled, "*Reducing the impacts of Stormwater Runoff From New Development*" dated September 2001 (or more recent revisions) and the "*New York State Standards and Specifications for Erosion and Sediment Control*", also known as the Blue Book, and "*New York State Stormwater Design Manual*," dated August 2010 (including all

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updates and/or revisions) are required to be followed to ensure that all disturbed areas are stabilized and revegetated.

2. That construction activity shall be limited from 8:00 a.m. to 6:00 p.m., and that no construction activity shall occur on Sundays or legal New York State holidays.

3. That all work associated with this Site Plan application shall be subject to the approval of the Consulting Town Engineer and or the Town's Principal Engineering Technician in accordance with Chapter 93 Stormwater Management and Erosion and Sediment Control, Chapter 144 Site Plan Review, Chapter 148 Steep Slopes Protection, Chapter 156 Tree Preservation, and Chapter 167 Wetlands and Watercourse Protection of the *Code of the Town of Somers*.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse Site Plan re-approval upon all maps and drawings constituting the Site Plan. The Applicant shall provide six (6) prints of each map and drawing to the Planning Board Secretary. No construction or site work is authorized until the Site Plan has been signed by the Chairman and the required copies delivered.

In accordance with §170-114.H, "Time for Signature of Site Plan", and §170-114.K, "Extension", of the Town Code, failure to comply with the above shall result in the expiration of Site Plan re-approval on December 10, 2015, unless an extension of this time period is requested <u>prior to</u> the expiration date and approved by the Planning Board.

Site Plan re-approval and its continued validity are subject to all requirements of Section 170-114, "Site Plan Approval", and Chapter 144, "Site Plan Review", of the Town Code. Approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit in compliance with the above shall have been obtained and construction progressed as required by §170-114.I, "Time to Obtain Permit and Complete Construction", of the Town Code.

In accordance with Section 170-114.M(2) of the *Code of the Town of Somers*, before the completion of the improvements shall be approved and the Certificate of Occupancy issued, the Applicant shall submit an as-built plan to be approved by the Consulting Town Engineer.

The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan.

DRAFT

This resolution shall have an effective date of December 10, 2014.

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

_____ _____

John
Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2014-05 adopted by the Town of Somers Planning Board granting of **Conditional Amended Site Plan Approval, Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits,** subject to the modifications stated herein, to Vincent and Juliane Naclerio for the **NACLERIO PROPERTY** at a regular meeting held on December 10, 2014.

_____ _____

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

DRAFT

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

MICHAEL BARNHART
CHAIRMAN

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

C
PB
TP
CTE
Applicant

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PLANNING ENGINEERING
TOWN OF SOMERS

751

MEMO TO: Planning and Engineering Department

FROM: Open Space Committee

RE: Naclerio

DATE: November 24, 2014

At our monthly meeting on November 20, 2014, the Committee reviewed and discussed the Site Plan, Steep Slope Permit, and SMESC Application for Naclerio. There were no issues or concerns with the Plan, Permit or Application.

TOWN OF SOMERS
PLANNING BOARD
APPLICATION FOR SITE PLAN APPROVAL

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

I. IDENTIFICATION OF APPLICANT:

A. Owner: VINCENT, JULIANE NACLERIO Applicant: VINCENT NACLERIO
Address: 103 TOMAHAWK STREET Address: SAME AS OWNER
Tele #: YORKTOWN HEIGHTS, NY 10598 Tele #: SAME AS OWNER

B. Architect: (914) 248-7823 Engineer: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
Address: Address: 3 GARRETT PLACE, CARMEL, NY 10512
Tele #: Tele #: (845) 225-9690

C. Surveyor: SAME AS ENGINEER Tele #:
Address:

II. IDENTIFICATION OF PROPERTY:

A. Identifying Title: NACLERIO
B. Tax Map Design: Sheet: 4.20 Block: 1 Lot(s): 7
C. Zoning District: NS (NEIGHBORHOOD SHOPPING)
D. Street which property abuts: U.S. ROUTE 6
E. Does property connect directly into State or County highway? YES
F. Is site within 500 feet of Town Boundary? YES
G. Total area of site: 1.0 ± AC Area of site activity: 16,000 ± SF
H. Site coverage: 19± % Building coverage: 4.2± %
I Affected Wetland Area Ø Wetland Buffer Area Ø
J. Affected Steep Slope Area: 15%-25% 0.24± AC Over 25% Ø
K. Existing building size: 1,820 ± SF New/additional building size: N/A
L. Existing parking spaces: 10± New parking spaces: Ø

III. APPLICATION FEE:

$500 base fee plus $50 per 1,000 sq.ft or part thereof plus $25 per parking space to be paid by certified check to the Town of Somers.

Wetland Permit Fee: $200 min. fee + $100 per 5,000 sf. of regulated area or proposed area to be disturbed.

Steep Slope Fee: $150 min. fee + $75 per 10,000 s.f. of regulated area or proposed area to be disturbed.

Total Fee: $4,400 Date Paid: 9/13/2010

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:

Submit 14 copies of all correspondence and plans to the Planning Board.

A. 14 copies of Site Plan with north arrow and location map drawn to scale of 1" = 1,000'.
B. Survey Map defining precise boundaries of property.
C. Copies of all existing and proposed deed restrictions or covenants applying to the property, including covenants and agreements restricting use, and establishing future ownership and maintenance responsibilities for all private roads, recreation and open space areas.
D. Preliminary Architectural Drawings to be submitted to Planning Board prior to public hearing for referral to Building Inspector and Architectural Advisory Review Board.
E. Environmental Assessment Form.
F. Proof that taxes have been paid.

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, State Environmental Quality Review (SEQR) and Environmental Quality Review, Wetland and Steep Slope Ordinances of the Town of Somers.

All revised plans shall be accompanied by a letter indicating what changes were made. All costs incurred by the Town for professional services and SEQR review will be paid by the applicant.

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 property shall be identified on site as being proposed for site plan approval.

Vint Nacler Date: 10/17/14
Signature of Applicant

Vint Nacler Date: 10/17/14
Signature of Owner

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OCT 20 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

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

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

OWNER: VINCENT & JULIANE NACLERIO **Tel. #:** (914) 248-7323
Mailing Address: 103 TOMAHAWK STREET, YORKTOWN HEIGHTS, NY 10598
APPLICANT: VINCENT NACLERIO **Tel. #:** SAME
Mailing Address: SAME
State authority: OWNER **If other than owner, authorization must be submitted in writing.**
Premises: Sheet: 4.20 **Block:** 1 **Lot:** 7
Situated on the NORTH **side of** U.S. ROUTE 6 **(Street)** 1700 ± **feet from the intersection of** MAHOPAC AVENUE **(Street)**
Description of Work and Purpose: GRADING + FILLING FOR YARD AROUND EXISTING BUILDING

Estimated Quantity of Excavation: 1,800 ± **C.Y.** — **CUT** ✓ **FILL**
Size of Activity Area: 16,000 ± SF
Total Value of Work: $50,000
Slope Category: 15%<25% 0.24 **25%<35%** Ø **or >35%:** Ø
Soil Types: UDORTHENTS & AC PAXTON
Proposed Starting Date: 11/15/2014 **Proposed Completion Date:** 11/15/2015
Plans Prepared by: INSITE-ENG **Dated:** 2/15/2012
*****Plans must be submitted with application.*****
List of Applicable County, State, or Federal Permits:
NYSDEC - GP-0-10-001 COVERAGE FOR EROSION CONTROL

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

NAME	ADDRESS	BLOCK	LOTS

Applicant's Signature: [signature] **Date:** 10/17/14
Owner's Signature: [signature] **Date:** 10/17/14

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

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

Administrative Permit: _____
Planning Board Permit: _____

RECEIVED
OCT 20 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

11/08

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

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

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

OWNER: VINCENT & JULIANE NACLERIO **Tel.#:** (914) 248 - 7323
Mailing Address: 103 TOMAHAWK STREET, YORKTOWN HEIGHTS, NY 10598
APPLICANT: VINCENT NACLERIO **Tel. #:** SAME
Mailing Address: SAME
State authority: If other than owner, authorization must be submitted in writing

PREMISES: Sheet: 4.20 **Block:** 1 **Lot:** 7

DESCRIPTION OF WORK AND PURPOSE: GRADING + FILLING FOR YARD AROUND EXISTING BUILDING

SIZE OF ACTIVITY AREA: 250'± (AVG) **feet by** 64'± (AVG) **feet**
(include all construction activity area)

VOLUME OF EXCAVATED MATERIAL: 1,800 ± CY OF FILL
(leave blank if not known)

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

PROPOSED STARTING DATE: 11/15/2014 **PROPOSED COMPLETION DATE:** 11/15/2015
PLANS PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. **DATED:**
*****Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application.*****

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:
NYSDEC - GP-0-10-001 COVERAGE FOR EROSION CONTROL

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

NAME	ADDRESS	BLOCK/LOT

APPLICANT'S SIGNATURE: [signature] **DATE:** 10/17/14
OWNER'S SIGNATURE: [signature] **DATE:** 10/17/14

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

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

Administrative Permit:

Planning Board Permit:

RECEIVED
OCT 20 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: October 24, 2014

RE: Comments on Request for Re-Granting of Site Plan Approval, Steep Slopes Permit, and Stormwater Management and Erosion and Sediment Control Permit for Naclerio Property 75 Route 6 (4.20-1-7)

As stated in its cover letter of October 20, 2014, the applicant's site plan approval, steep slopes permit and stormwater management and erosion and sediment control permit issued for this project by resolution No. 2011-06 on October 26, 2011 expired on October 26, 2012 as per the following wording of the Resolution:

> "Approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit in compliance with the above shall have been obtained and construction progressed as required by Section 170-114.I,"Time to Obtain Permit and Complete Construction", of the Town Code."

As indicated in the submittal letter, the applicant tried to obtain a building permit in fall 2014, was informed of the site plan and permit expirations and the need to request a re-grant of the approvals, resulting in a resubmission application. The applications for approval have not changed since the original application.

To re-grant this prior approval, the PlanningBaord will need to incorporate all prior proceedings and approval as part of this reapproval application. In addition, the resolution of re-granting must state an expiration date of the re-approval and re-granting will have an effective date in accordance with the provisions of Section 170-114-I of the Code of the Town of Somers.

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

MICHAEL BARNHART
CHAIRMAN

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MEMO TO: Planning and Engineering Department

FROM: Open Space Committee

RE: Hidden Meadow at Somers

DATE: November 24, 2014

The Open Space Committee reviewed and discussed the Site Plan and biodiversity assessment submitted for the Hidden Meadow at Somers at their November 20, 2014 monthly meeting. The Committee was generally satisfied with the biodiversity report and would like to see its recommendations incorporated into the site plan, i.e. the provision of a 2' X 2' box culvert under the entrance road to provide passage for amphibians moving along the roadside of the property, the utilization of Cape Cod curbing throughout, and preservation of the stone walls, which provide important microhabitat, in areas outside the construction zone.

However, the following concerns were noted:

The curb detail on Sheet D-1 does not resemble that of Cape Cod curbing given its steep profile.

Sheet SP-4 shows a temporary sediment trap. The Committee was unsure as to what temporary means in this instance. In any case, the feature will require the removal of a substantial number of trees and represents a significant impact in an area we understood would be left undisturbed. This location is also environmentally sensitive as it borders the intermittent stream that bisects the eastern end of the property. Especially if this feature is only to be used during construction, we ask that this sediment trap be replaced with measures that will require fewer disturbances.

Additionally on Sheet SP-4, we request clarification on what sort of plans are in place for a conservation easement.

Both Sheets SP-1 and TR-1 concern tree removal and replacement. We request that existing trees to be replaced with evergreen trees, as indicated on Sheet SP-1, be left. We also ask that those referenced on TR-1 to be removed from the side adjacent to the Town's property be left. Additionally, on the southern boundary other trees are slated to be removed virtually eliminating any forested buffer. We, therefore, recommend leaving them as well.

COMMITMENT & INTEGRITY
DRIVE RESULTS

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F 914.448.0147

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: December 3, 2014
RE: AT&T Mobility, LLC
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes Protection Permit
West Hill Drive
TM: 17.05-20-2,3,12 DRD District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the environmental permit applications that have been submitted for the project located adjacent to the Heritage Hills Waterworks Water tank on the West Hills Drive. The applications propose the construction of approximately 1250 feet of fiber optic telecommunications conduit from an existing telecommunications facility to an existing manhole located on West Hill Road. No new impervious surfaces are proposed to be created by the application. The following documents were received during the current review period:

DOCUMENTS RECEIVED

- Email Correspondence, by William Moran, PE, Tectonic Engineering & Surveying Consultants, P.C., dated December 1, 2014.
- Figure: Aerial Site Sketch with Topography
- Survey: "Survey Map of Recreation Area No. 2, Heritage Hills", prepared by Bunney Associates, dated July 9, 1995, revised May 5, 1986.
- Survey: "Map of Condominium Number Twelve Heritage Hills of Westchester", prepared by Alexander Bunny Land Surveyor, P.C., dated December 11, 1979, last revised May 26, 1981.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)**
- NYSDEC: State Environmental Quality Review

**** - If determined to be required following submittal of detailed drawings**

WOODARD &CURRAN

DISCUSSION

Following their appearance at the November 12 meeting at the Planning Board, the Applicant contacted our office to discuss their new desired layout for the proposed utility connection. As indicated on their email dated December 1, 2014, the Applicant proposes to construct the proposed telecommunications conduit through the access easement to the Heritage Hills Water Works utility parcel and will follow the roadway shoulder along West Hill Drive South to its connection at the existing service manhole on West Hill Drive. The proposed route avoids disturbance of regulated steep slopes and is expected to produce less overall soil disturbance. The Applicant states that detailed project drawings and a Stormwater Pollution Prevention Plan will be submitted in time for the January Planning Board meeting, should that be necessary based on the new routing.

Several comments previously identified on our memorandum dated October 30, 2014 are no longer applicable based upon the revised utility connection layout. Applicability of further comments will be assessed upon the receipt of detailed project drawings in the future. The following is a summary of our comments at this time. The status of previously identified comments as well is new comments is shown in **Bold Type.** It should be noted that additional comments may be issued following the review of more detailed design submittals.

1. The Applicant shall revise the identified limits of land disturbance line to reflect area needed for construction access equipment during trenching and installation activities. The limits of disturbance must also consider material staging areas and access points from adjacent roadways. **Not Addressed.**
2. Based upon the preliminary limits of disturbance, it is apparent that the project will disturb greater than 5,000 square feet of land area and includes greater than 50 cubic yards of earthwork. As a result of the anticipated disturbance, the project is required to obtain coverage under the Town of Somers Stormwater Management and Erosion & Sediment Control Permit. It addition, the project is located within the NYC DEP East of Hudson Watershed and must obtain coverage under the NYSDEC General SPDES Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). **Comment status pending future detailed document submittal.**

   It is noted that some required erosion and sediment control SWPPP elements are already provided on the submitted plans. The following sub-comments are intended to guide the Applicant with preparation of an acceptable SWPPP to address Town Codes and SPDES Permit requirements:

   a. Revise the plan to show limits of erosion control blanket/stabilization matting distribution on all steep slopes 25% or greater. Include a construction detail to describe the required stabilization device and installation. **Comment No Longer Applicable**

   b. Revise the plan to show the installation of silt fence downgrade of proposed trenching along the roadway shoulder on West Hill Drive. **Not Addressed.**

WOODARD &CURRAN

c. Identify a stabilized construction entrance and include an acceptable construction detail consistent with the NYSDEC New York Standards & Specifications for Erosion & Sediment Control, latest edition. **Comment status pending future detailed document submittal.**

d. Provide a summary of maintenance and inspection procedures for the proposed erosion and sediment control devices during construction. **Not Addressed.**

e. Revise the plans to indicate that required weekly site inspections will be completed by a Qualified Professional, as defined by the SPDES General Permit. Include the template inspection form to be used by the Qualified Inspector on weekly inspections. **Comment status pending future detailed document submittal.**

f. Include a description of general site housekeeping procedures and guidelines for construction fuel and chemical storage on-site. **Not Addressed.**

g. Include a Construction Certification Statement, consistent with the language specified by the SPDES General Permit. **Comment status pending future detailed document submittal.**

3. The provided plans identify trees to be protected during construction located adjacent to the area of work. The Applicant shall update the tree protection construction detail to identify that all tree protective measures will installed surrounding the trunk radius based upon the following measurement from the area of disturbance: (1 foot per inch of tree dbh). The plans shall be updated to show protection for all regulated trees within the specified proximity to the work area. **Comment status pending future detailed document submittal.**

4. It is noted that the proposed construction will generate some excess soil volume as spoil during backfill of the proposed trench. The Applicant should address how excess spoil will be staged during construction and must identify where such material will ultimately be disposed (i.e. offsite removal or grading). **Not Addressed.**

5. The Applicant shall identify if rock removal is anticipated during construction activities. In the event that rock removal is expected, the Applicant shall estimate the approximate volume of duration of such rock removal activities. It is recognized that the proposed trenching activities is generally minor and involves shallow depth of excavation. We recommend that the Applicant complete of site walk of the proposed length of trench excavation to assess the area for surface rock ledge that should avoided. Applicant shall add note to the plans to indicate that no rock excavation will be done without prior field change approval. **Comment No Longer Applicable.**

6. The Applicant shall add a note the plans indicating that the proposed water main within the area of the proposed utility crossing shall be field verified by hand excavation methods prior to the start of mechanical trench excavation. The Applicant shall revise their utility crossing construction detail to indicate that any disturbance to the water main haunch zone and immediate cover material shall be replaced and re-compacted prior to general backfill of the trench. **Comment status pending future detailed document submittal.**

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

Sincerely,

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

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: December 2, 2014

RE:

Project:	Hidden Meadow – Town Board Referral
Applicant:	The Kearney Realty & Development Group
Location:	16 Route 6 (Section 15.07 Block 1 Lot 6)
Zoning:	R80 Residence District
Actions:	Request for Designation of the MF-BP Multifamily Residence Baldwin Place Floating Overlay Zone – Preliminary Subdivision and Site Plan Approval Application

Application Request:

By original application dated September 27, 2013 and received by the Town Board on September 27, 2013 and by the Planning Board office on September 30, 2013, The Kearney Realty & Development Group seeks to develop a 16.7 acre parcel located on Route 6 that is currently zoned Residence District R-80 with 53 townhouse type dwelling units through application of the Multifamily Residence Baldwin Place MFR-BP Floating Overlay district (Section 170-13.A Town Code) that would permit development at the requested density and unit type. Specifically, there will be 45 townhouses on individual fee simple lots, of which 8 will be affordable. In each of those 8 affordable townhomes, there will be a first floor affordable one-bedroom rental unit to be rented out by the owner of the three-bedroom affordable townhouse building above, for an additional 8 affordable units, or total of 16 affordable housing units.

In furtherance of that original application, the Applicant submitted an application for preliminary subdivision approval and site plan approval with accompanying applications for environmental permits that include those for steep slopes, wetland and watercourse protection, and stormwater management and erosion and sediment control, all dated December 18, 2013. An Application for a tree removal permit with tree removal plan followed after completion of a tree survey and was dated March 26, 2014.

Items for Discussion

As of the date of writing of this memorandum, there has been no submission for review by the Planning Board. I am addressing the following items as open items to be addressed by the Planning Board and applicant at the Planning Board meeting of December 10, 2014. In a phone conversation with Rich Williams of Insite Engineering today, he indicated their recent focus has been on addressing issues relative to the biodiversity study, some of which relate to the comments by the Open Space Committee in their memorandum of November 24, 2014. It is possible tht some of the items I have addressed in the is memorandum as being open, will be addressed by the time of the Planning Board meeting of December 10, 2014.

Conservation Easement

The Hidden Meadow Subdivision is proposed as a Homeowner's Association where there are individual fee simple lots and one large lot containing the open space areas with wood chip trail, roads, stormwater management practices and recreation areas. The western area of open space in which lies the wetland and a portion of the wetland buffer as well as a portion of the proposed wood chip walking trail, contains seven (7.0) acres and has been identified as an area that would be placed under a conservation easement to ensure that it would not be developed in the future. The conservation easement would be held by the homeowners' association who would be responsible for its preservation.

Open Space Committee Memorandum of November 24, 2014

The items that are mentioned in the memorandum that need to be incorporated into the plan include the provision of a 2'X2' box culvert under the entrance road to provide passage for amphibians moving along the roadside of the property, the utilization of Cape Cod curbing throughout with the understanding that the curb detail on Sheet D-1 needs explanation or revision and preservation of the stone walls in areas outside the construction zone will be accomplished.

With regard to tree removal, the request of the Open Space Committee regards maintenance of certain trees on site. It should be noted that in some cases the clearing and grading limit line is close to these trees and if grading is to occur within the drip line of the tree, the trees in question would be compromised. In the western area, only possibly tree 334 could be maintained since the others are in the grading area. On the south property line, trees numbered 465, 466, 469, 470 and 471 look like they could be

saved. Please indicate the feasibility of saving these trees and amend the tree list accordingly.

Parks and Recreation Board Response Regarding Park Connection

At a meeting of November 5, 2014, Jim Pappa indicated that he would bring up the preferred alternative connection to the adjacent town owned parcel identified for future park use as an easement with the provision of water and sewer connections with the Parks and Recreation Board. Chairman Pappa has indicted that he will preparing such a memorandum to the Planning Board based on feedback from the Parks Board, although it has not yet been received by the date of the writing of this memorandum. As part of making this proposed unbuilt easement a usable access to a park in the future, the Applicant has shown this easement on the subdivision plat is for all of access road A. Obligations for the maintenance of roadway A at such time in the future that it may be used as access to the Town park will also have to be determined as part of the approvals. It does not appear that a private homeowner's association should be responsible for maintenance of the park access leg of the future roadway and some type of joint responsibility should be arranged for the first part of the Road A access.

Location of School Bus Stop and Parking Spaces

The location of the proposed school bus stop has been moved closer to the middle of the entrance road. Associated with this move is movement of the five parking spaces to the center of Road A. A final determination of whether a school bus will enter the development or stop on Route 6 will not be made until after the project is completed based on information provided by Insite Engineering based on conversations with the Somers School District, as related in a conversation with the Planning Director. As such, the applicant's traffic engineer Maser Consulting still needs to provide an opinion in answer to the question of whether the stopping of school buses along Route 6 would have a significant adverse impact on traffic. Such letter was not submitted at the time of writing of this memorandum.

Negative Declaration

FP Clark Associates has prepared a draft Negative Declaration with input from the Director of Planning and the Town Consulting Engineer for consideration by the Planning Board. Issues raised in this memorandum are some of those still to be resolved prior to a determination of significance and issuance of a Negative Declaration. In addition, the newly submitted letter of December 1, 2014 from Philip Bein, from the WIG office, has not been reflected in the draft. The Planning Board should review the draft Negative Declaration to identify any additional environmental issues that may not have been addressed or issues addressed that may need additional input. Further modifications will be made for consideration of adoption at the meeting of January 14, 2014.

Att.

Cc: Town Board
Town Clerk
Roland Baroni
Joe Barbagallo
Open Space Committee
Ken Kearney
Rich Williams
Steve Ralston
Jim Pappa

Z:\PE\Subdivision files\Hidden Meadow\Town Comments\Subidivsison-Site Plan Application\Planner's Comments12-02-14.docx

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date of Adoption: _____

Name of Action: Hidden Meadow at Somers

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Somers Planning Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

SEQR Status: Type I Action

Conditioned Negative Declaration: No

Description of Action: The Proposed Action consists of a multi-family housing development with associated site appurtenances, consisting of (8) buildings containing (53) total units as follows: (37) market rate town homes, (8) affordable town homes and (8) affordable apartments. Each affordable apartment, with its own individual entry, will be located within and owned by the owner of the corresponding affordable townhome, also with its own entry. The project includes public water and sewer connections and onsite stormwater management.

Location: Town of Somers, Westchester County

Reasons Supporting This Determination:

Based upon a review of Parts 1, 2 and 3 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, the Planning Board makes the following findings:

IMPACT ON LAND

Construction on slopes of 15% or greater

DRAFT

Approximately 24,000 square feet of slopes in excess of 15% exist within the project area. Of the total area of slopes in excess of 15%, 5,900 square feet is proposed to be disturbed. As part of the Proposed Action, filling of the slopes will take place along US Route 6. The filling is required to widen US Route 6 in order to create a westbound left turn lane into the site. Even if the project is not constructed, the long term plans of the NYSDOT contemplate widening US Route 6, so it is likely that this impact would occur in the future. In addition, the proposed project will necessitate excavation which will result in the creation of on-site slopes steeper than currently exist and the removal of vegetation. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control*. The Erosion and Sediment Control Plan includes the provision of silt fence, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, as well as seed mixtures appropriate for the proposed slopes. The Erosion and Sediment Control Plan also provides for monitoring during construction through weekly site inspections. Based upon this mitigation, it is anticipated that the disturbance and creation of steep slopes will not result in a significant adverse environmental impact.

Excavation and removal of more than 1,000 tons of natural material

Over 1,000 tons of natural material are proposed to be excavated in conjunction with the Proposed Action. The proposed earthwork will result in the need to import material to the site. Pursuant to NYSDEC regulations, a mining permit is not required because the earthwork is being performed in conjunction with a Site Plan. Based on requests by the Planning Board, the Applicant explored several alternatives to avoid the cutting and filling required for implementation of this site plan. The alternative selected by the Planning Board, which is the Proposed Action, greatly reduced the earthwork on-site compared with other identified alternatives. . Potential impacts identified with the site excavation include the potential for erosion and truck traffic associated with importing materials. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control*. The Erosion and Sediment Control Plan includes providing a silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, providing diversion swales, and providing temporary sediment traps. The Erosion and Sediment Control Plan also provides for monitoring during construction through weekly site inspections. The anticipated construction traffic will be less than the proposed peak traffic generated by the Proposed Action, which was studied in the Traffic Report. Therefore, the truck traffic is not anticipated to create any impacts beyond those already contemplated and evaluated for the project. Based upon the mitigation noted above, it is anticipated that the excavation and construction traffic will not result in a significant adverse environmental impact.

Increased erosion from physical disturbance and vegetative removal

The proposed project consists of 9.4 acres of disturbance on soils with Hydrologic Soil Groups of "C" and "D." The project also contains an onsite wetland that is tributary and in close proximity to the Muscoot River. Vegetation removal can lead to erosion from the site which has the potential to impact downstream water bodies. The erosion and sediment control plan was developed to mitigate impacts associated with vegetation removal. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features. The Erosion and Sediment Control Plan includes providing a silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, providing diversion swales, and providing temporary sediment traps. The Erosion and Sediment Control Plan also provides for monitoring during construction through weekly site inspections. Based upon the mitigation noted above, it is anticipated that the disturbance and removal of vegetation will not result in a significant adverse environmental impact.

IMPACTS ON SURFACE WATER

Construction within or adjoining a freshwater wetland

The Proposed Action includes approximately 0.02 acres of disturbance to local Town of Somers and Army Corps of Engineers regulated wetland. The impact to the wetland is only proposed within an isolated area and is 1.3% of the overall wetland. The existing wetland is located along the fill area of the U.S. Route 6 widening. The impact to the wetland is associated with the roadway widening. Disturbance to wetlands is a regulated activity under the Town of Somers Code and must be thoroughly evaluated for impacts to the wetland, potential habitat and hydrology. A Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report was prepared and addresses the potential impacts to the wetlands and potential habitat. A Biodiversity Assessment Report was also prepared to examine impacts to the wetland. Mitigation for the wetland disturbance consists of the construction of 0.75 acres of wetlands (pocket wetlands). The two proposed pocket wetlands will be provided along the edge of the wetland buffer and will act in a similar manner as the displaced wetlands. A Stormwater Pollution Prevention Plan (SWPPP) has also been prepared for the project. The SWPPP maintains that approximately 30.8 acres of pre- and post-development area drain to the onsite wetland. Therefore, no impact to the hydrology of the wetland is anticipated. Based upon the project incorporated mitigation noted above, it is anticipated that the disturbance to the wetland will not result in a significant adverse environmental impact.

Creation of turbidity in a waterbody from runoff

Erosion from the site has the potential to impact downstream water bodies within close proximity to the subject property. The potential impact would occur during the initial land disturbance or construction phase of the project. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features. The Erosion and Sediment Control Plan, contained as part of the project SWPPP, includes the provision of silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, provision of diversion swales, and providing temporary sediment traps. The SWPPP also includes the design of stormwater management practices to a proposed level spreader with rip-rap stabilized outlet apron sized to dissipate peak flows and stabilize the ground surface against erosion. The Erosion and Sediment Control Plan, as well as the Code of the Town of Somers, requires the Applicant to retain a qualified professional, as defined by the SPDES General Permit for Stormwater Discharges from Construction Activity, to perform erosion control inspections weekly. Copies of the inspection reports will be kept on-site with the SWPPP document and must be available for inspection by Town and State officials. Based upon the Erosion and Sediment Control Plan and the inspections noted above, it is anticipated that the project will not result in a significant adverse environmental impact.

Cause soil erosion or create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies

Erosion from the site has the potential to impact downstream water bodies within close proximity to the subject property. The potential impact would occur during the initial land disturbance or construction phase of the project. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features. The Erosion and Sediment Control Plan, contained as part of the project SWPPP, includes providing a silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, providing diversion swales, and providing temporary sediment traps. The Erosion and Sediment Control Plan, as well as the Code of the Town of Somers, requires the Applicant to retain a qualified professional, as defined by the SPDES General Permit for Stormwater Discharges from Construction Activity, to perform erosion control inspections weekly and after a 0.5-inch rainfall within a 24-hour period. Copies of the inspection reports will be kept on-site with the SWPPP document and must be available for inspection by Town and State officials. Based upon the Erosion and Sediment Control Plan and the inspections noted above, it is anticipated that the project will not result in a significant adverse environmental impact.

Affect the water quality of any water bodies within or downstream of the site

Erosion from the site and post-construction stormwater impacts has the potential to impact downstream water bodies within close proximity to the subject property. The potential impact would occur during the initial land disturbance or construction phase of the project. Long term impacts associated with post-construction stormwater runoff also have the potential to impact water quality. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features. The Erosion and Sediment Control Plan includes providing a silt fence, providing stabilized construction entrances, minimizing the amount of time areas can be disturbed before temporary stabilization must be provided, providing erosion control blankets on steep slopes, providing diversion swales, and providing temporary sediment traps. A SWPPP containing post-construction stormwater management controls has also been prepared for the project. The SWPPP has been designed to meet the Enhanced Phosphorus Removal Standards identified in Chapter 10 of the *New York State Stormwater Management Design Manual*. Through following the design provisions for stormwater practices prescribed in Chapter 10, the proposed site stormwater management practices are determined to meet NYSDEC phosphorous treatment performance goal requirements in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). The project SWPPP was also prepared to conform with the NYC DEP "Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources", April 2010, and follows the supplementary stormwater design criteria prescribed by the NYC DEP for SWPPP approval. Although not a regulatory requirement, phosphorus loading calculations were performed for the subject project using the latest NYSDEC published phosphorous concentration values and the Simple Method loading methodology. The Simple Method is recognized by the NYSDEC as an acceptable phosphorus loading methodology and utilizes NYSDEC published coefficients for phosphorus loading. Based on the phosphorus loading calculations, the subject project would have a post-development phosphorus load after treatment which equates to an 11% reduction from pre-development load. Based upon the Erosion and Sediment Control Plan and phosphorus load reduction noted above, it is anticipated that the project will not result in a significant adverse environmental impact.

IMPACT ON GROUNDWATER

May result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer

The project will not result in the additional use of ground water because the project will be connected to the Windsor Farms Water District. As discussed in the Water Engineering Report, there is adequate capacity in the existing system to service the project. In addition, there will be no bulk storage of petroleum or chemical products at the site eliminating the potential of introducing contaminants to the groundwater. In addition, site stormwater practices were designed to provide for water quality treatment of stormwater constructed wetlands, sand and bioretention practices and do not rely primarily on the infiltration of collected stormwater. Based on this information, it is anticipated that the project will not result in a significant adverse environmental impact.

IMPACT ON PLANTS AND ANIMALS

May cause reduction in population or loss of individuals of any threatened or endangered species

A Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report and a Biodiversity Assessment Report were prepared for the Site. Four threatened or endangered species of animals have been identified as having the potential to use the site as a habitat. The species identified include the Bog Turtle, Indiana Bat, Northern Long Eared Bat, and the New England Cottontail. However, correspondence with the NYSDEC and US Fish and Wildlife indicate that there has been no occurrence of any of the species documented on the site. As noted in the Biodiversity Assessment Report, due to the adjacent heavily traveled Route 6, the property if not part of a significant wildlife corridor as revealed during the site surveys which yield low wildlife usage of the property. However, potential impacts from the project were avoided as much as practicable by reducing grading, utilizing the area topography, and concentrating development in on location on the property. As recommended by the Open Space Committee, to further ensure that habitat fragmentation will not occur on site, "Cape Cod" style curbing will be used along roadways in order to allow for the movement of smaller animals, particularly turtles and amphibians, over the road and a 2-foot by 2-foot box culvert will be placed under the entrance roadway to allow animals to pass under the roadway, instead of over it. With respect to the Indiana Bat and the Northern Long Eared Bat, the Reports indicate that there is potential habitat for both of these species on the site. The potential to harm either bat species occurs when forest is cleared outside of the hibernation period when the species are using the forest. To avoid impacts to either species, clearing would be restricted to occur between October 1 and March 31. In addition, as recommended by the US Fish and Wildlife Service, orange construction fencing and/or silt fencing would be placed between the areas to be cleared and the areas to be left undisturbed.

In addition to the NYSDEC and the US Fish and Wildlife list, the Westchester County endangered species list was reviewed to determine whether locally designated species were observed utilizing the habitats on the property. The list of endangered species,

threatened species and species of special concern was prepared by Westchester County Commissioner of Parks, Recreation and Conservation and was adopted by the Town of Somers. Westchester County listed mammals possibly found in this area include the bobcat and the river otter. Neither of these species are likely to occur on the property except as transients because of the property being located adjacent to Route 6. Suitable habitat for these species is lacking within the property. The eastern box turtle, the spotted turtle and the wood turtle are the only Westchester County listed reptile or amphibian documented for the area in which the property is located. However, none of the turtles were observed on the site or in the surrounding locale during the six site visits performed during the survey. The type of habitat needed by these turtles is not found on the property. The wood thrush was the only Westchester County listed bird species, a species of special concern, documented on the property. It was recognized through vocalization. Since the species is highly mobile and there is no specific need to utilize the habitat onsite for its life cycle, meaning that it is not a site specific species, there would be no significant impact since foraging and other wooded habitat will remain on the property. None of the fourteen species of butterflies or the nine species of dragonflies listed by Westchester County have been identified on the site.

Since none of the above species have been documented on the Site and the extra measures that will be taken during tree clearing and measures to aid in species movement, it is anticipated that the project will not result in a significant adverse environmental impact.

May result in a reduction or degradation of any habitat used by rare, threatened or endangered species

A Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report and a Biodiversity Assessment Report were prepared for the Site. Four threatened or endangered species of animals have been identified as having the potential to use the site as a habitat. The species identified include the Bog Turtle, Indiana Bat, Northern Long Eared Bat, and the New England Cottontail. However, correspondence with the NYSDEC and US Fish and Wildlife indicate that there has been no occurrence of any of the species documented on the site. As noted in the Biodiversity Assessment Report, due to the adjacent heavily traveled Route 6, the property if not part of a significant wildlife corridor as revealed during the site surveys which yield low wildlife usage of the property. However, potential impacts from the project were avoided as much as practicable by reducing grading, utilizing the area topography, and concentrating development in one location on the property and placing the remainder of the site in a conservation easement. With respect to the Indiana Bat and the Northern Long Eared Bat, the Reports indicate that there is potential habitat for both of these species on the site. The potential to harm either bat species occurs when forest is cleared outside of the hibernation period when the species are using the forest. To avoid impacts to either species, clearing would be restricted to occur between October 1 and March 31. In

addition, as recommended by the US Fish and Wildlife Service, orange construction fencing and/or silt fencing would be placed between the areas to be cleared and the areas to be left undisturbed. Since none of the above species have been documented on the Site and the extra measures that will be taken during tree clearing, it is anticipated that the project will not result in a significant adverse environmental impact.

May substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species on site

The proposed development will require the clearing of approximately 8 acres of oak-hickory forest habitat. Earth moving, operation of heavy machinery, construction, alteration of existing drainage patterns, addition of impervious surfaces, changes in traffic patterns, and increased human activity will occur on the property. The closed canopy in the oak-hickory forest will be partially cleared. Approximately 3 acres will remain as a buffer to the forested wetland on-site that will be preserved. The oak-hickory woods on the property are already fragmented since there are no contiguous woodlands around the property, which is surrounded by Route 6 and fields. Habitat fragmentation is the separation and isolation of habitats and wildlife populations by placing impenetrable barriers between habitats that prevent mixing formerly connected or adjacent wildlife populations creating "habitat islands." For the project site, significant habitat fragmentation has already existed in the form of Route 6 for many decades. The proposed 8 acres of impact to the oak-hickory habitat component will not likely impede wildlife movement through the property because the remaining habitat will continue to connect to adjacent offsite habitats. Due to the heavily traveled Route 6, the property is not part of a significant wildlife corridor as revealed during the site surveys, which showed low wildlife usage of the property. While the Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report and the Biodiversity Assessment Report did not identify any potential plant or animal species requiring mitigation, certain measures will be taken to protect wildlife on the property. The Applicant will minimize impacts by leaving undisturbed, naturally vegetated zones, demarcated in the field by orange construction fencing, and by clearing only areas within the limit of disturbance. The oak-hickory forest areas impacted will not fully be replaced but will be enhanced by replanting some areas within the development with native plant species. The native plantings will provide wildlife with habitat and food sources. Other habitat aspects of the property that will be preserved include stonewalls and standing dead trees (snags). Old stonewalls provide habitat for small mammals, herptiles and invertebrates. Snags provide perching, nesting, and feeding areas for a wide variety of wildlife. As recommended by the Open Space Committee, to further ensure that habitat fragmentation will not occur on site, "Cape Cod" style curbing will be used along roadways in order to allow for the movement of smaller animals, particularly turtles and amphibians, over the road and a 2-foot by 2-foot box culvert will be placed under the entrance roadway to allow animals to pass under the roadway, instead of over it. Based

upon the information provided, it is anticipated that the project will not result in a significant adverse environmental impact.

IMPACT ON OPEN SPACE AND RECREATION

The proposed action may result in an impairment of natural functions, or "ecosystem services," provided by an undeveloped area, including but not limited to, stormwater storage, nutrient cycling, wildlife habitat

The project will consist of the development of approximately 9.4 acres of currently undeveloped land. The loss of natural resources through construction is likely to be an irreversible impact. To lessen the impact to the overall property, the development has been clustered on site. As opposed to a conventional subdivision, the clustered development results in less overall land development and has allowed for slightly less than 50% of the site to be placed in a Conservation Easement. The Proposed Action includes approximately 0.02 acres of disturbance to local Town of Somers and Army Corps of Engineers regulated wetland. The impact to the wetland is only proposed within an isolated area and is 1.3% of the overall wetland. Mitigation for the wetland disturbance consists of the construction of 0.75 acres of wetlands (pocket wetlands). The two proposed pocket wetlands will be provided along the edge of the wetland buffer and will act in a similar manner as the displaced wetlands. A Stormwater Pollution Prevention Plan (SWPPP) has also been prepared for the project. The SWPPP maintains that approximately 30.8 total acres of pre- and post-development area drain to the onsite wetland. Therefore, non impact to the hydrology of the wetland is anticipated. The SWPPP has been designed to meet the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), including the Enhanced Phosphorus Removal Standards of the *New York State Stormwater Management Design Manual* and the supplementary SWPPP requirements prescribed by the NYC DEP *Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, latest edition.* Based on the provided phosphorus loading calculations, the subject project has been calculated have a post-development phosphorus load after treatment that equates to an 11% reduction from pre-development load. Based upon the information provided, it is anticipated that the project will not result in a significant adverse environmental impact.

If the Town elects to pursue development of a park on the adjacent property, this project will assist the Town with the opportunity to develop the adjacent recreation parcel with a town park.

One positive impact of the project relates to the future opportunity for the Town to develop an adjacent piece of Town owned property as a Town park. The Town property has constrained access from Route 6, and the Hidden Meadow site could provide future joint access that would permit development of a limited amount of ball fields and/or other

recreational uses. The Applicant has agreed to provide an easement with water and sewer connection from the project entry road to the adjacent property, such road to be completed at some point in the future by the Town.

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

The Project Site is located adjacent to the Baldwin Place Critical Environmental Area (CEA). The CEA is due to the history of hazardous materials leaking into the groundwater from the former Baldwin Place Shopping Center and affecting potable water supplies. The subject project proposes to extend and use the Windsor Farms Water District. Because the project is located outside of the CEA and will be connected to the public water supply, it is anticipated that the project will not result in a significant adverse environmental impact.

IMPACT ON TRANSPORTATION

A Traffic Report was prepared to study the impacts of the proposed development. The NYSDEC assumes that projects generating fewer than 100 peak hour vehicle trips will not result in any significant increases in traffic. The Traffic Report for the proposed project indicates the project will generate 26 peak hour trips, which is well below the 100 peak hour vehicle trips considered by the NYSDEC. The Town is also in receipt of correspondence from the New York State Department of Transportation (NYSDOT) which states that the proposed project will not result in a significant impact on traffic. Temporary impacts in the form of construction traffic delays may occur; however, these impacts are anticipated to be short in duration and will be mitigated with a Maintenance and Protection of Traffic Plan for the project. It is not now known whether school buses will stop inside the development or on Route 6 to pick up children. Should they stop on Route 6, … (Need to add bus stop information, once it is received). It is anticipated that the project will not result in a significant adverse environmental impact.

IMPACT ON ENERGY

The project is a residential development within an already developed area. The project will be designed to meet the New York State Energy code. A new substation or upgrades to an existing substation are not anticipated to be needed for the project. It is anticipated that the project will not result in a significant adverse environmental impact.

IMPACT ON NOISE, ODOR, AND LIGHT

The noise anticipated to be generated by the project is the typical noise generated by a residential neighborhood. Noise levels will be temporarily elevated during the short-term construction phase. Blasting is not anticipated on the site. The temporary impacts of noise during construction are unavoidable. A limited number of lighting fixtures are

proposed for parking and safety lighting. All lighting fixtures will be fully shielded, downward-directed. A photometric plan has been provided and demonstrates that the lighting will not result in light spillage onto adjacent properties. It is anticipated that the project will not result in a significant adverse environmental impact.

CONSISTENCY WITH COMMUNITY PLANS

The project is consistent with the requirements of the MFR-BP Multifamily Residential Baldwin Place District and the 1994 Comprehensive Master Plan as amended. The project is also consistent with other residential developments in the area, such as the Yorktown Mews and the existing and proposed development of the Somers Realty Planned Hamlet. In addition, the project will result in 16 units of affordable housing which will assist the Town and Westchester County meet its affordable housing obligations.

CONSISTENCY WITH COMMUNITY CHARACTER

The project is consistent with the requirements of the MFR-BP Multifamily Residential Baldwin Place District and the 1994 Comprehensive Master Plan as amended. The project is also consistent with other residential developments in the area, such as the Yorktown Mews and the existing and proposed development of the Somers Realty Planned Hamlet. The architectural styles are consistent with other developments in the Baldwin Place area. The Town of Somers Architectural Review Board will be working with the Applicant to ensure that the architectural style is satisfactory prior to the issuance of a building permit.

CONCLUSIONS

The Proposed Action is not expected to result in any significant adverse impacts on the environment. In summary:

1. The Proposed Action will not have a significant adverse environmental impact with respect to the impact on land. An erosion and sediment control plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* to ensure that erosion from construction runoff does not impact downstream properties and environmental features.

2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms because there are no unique or unusual land forms in the area.

3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies. Stormwater management practices for

the site have been designed to conform with all required State and local stormwater design regulations and treatment objectives including the enhanced phosphorous removal standards of the NYSDEC Stormwater Management Design Manual, latest edition, and supplementary SWPPP requirements of the NYC DEP "Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, latest edition Mitigation for the wetland disturbance consists of the construction of 0.75 acres of wetlands (pocket wetlands). The two proposed pocket wetlands will be provided along the edge of the wetland buffer and will act in a similar manner as the displaced wetlands.

4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer. The project will be connected to the public water supply. In addition, the proposed project will be residential development, and except for the reasonable use of lawn care products, does not involve any contaminants.

5. The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding. The project is not located within the floodplain.

6. The Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source because the area does not involve or affect any State regulated air emission source.

7. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.

8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources because there are no agricultural resources on the site.

9. The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.

10. The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources because there are no historic or archaeological resources in the study area.

11. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource. If the Town elects to pursue development of a park on

the adjacent property, this project will assist the Town with the opportunity to develop the adjacent recreation parcel with a Town Park.

12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental Area (CEA).

13. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems. The Traffic Report for the proposed project indicates the project will generate 26 peak hour trips, which is well below the 100 peak hour vehicle trips considered by the NYSDEC.

14. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy.

15. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.

16. The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

17. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with the existing community character. The project is consistent with the requirements of the MFR-BP Multifamily Residential Baldwin Place District and of the policies of the 1994 Comprehensive Master Plan as amended.

Based upon this information and the information in the Environmental Assessment Form, the Planning Board finds that the proposed project will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared.

Involved Agencies:

Somers Town Board, Somers Town House335 Route 202, Somers, New York 10589

Westchester County Department of Health, 18 North Bedford Road Suite 100, Mt. Kisco, New York 10549

New York State Department of Environmental Conservation, Division of Environmental Permits – Region 3, 21 South Putt Corners Road, New Paltz, New York, 12561-1696

New York City Department of Environmental Protection, 465 Columbus Avenue, Valhalla, New York 10595

New York State Department of Transportation, Region 8 Office, 4 Burnett Boulevard, Poughkeepsie, New York 12603

U.S. Army Corps of Engineers,

Interested Agencies:

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

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

Town of Somers Affordable Housing Board, Somers Town House, 335 Route 202, Somers, New York 10589

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

Town of Somers Energy and Environment Committee, Somers Town House, 335 Route 202, Somers, New York 10589

Somers Bureau of Fire Prevention,

Somers Fire District

Town of Somers Highway Department

Town of Somers Police Department

New York State Police (Somers)

New York State Office of the Attorney General

Somers Central School District

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

New York State Office of Parks, Recreation and Historic Preservation

For Further Information Contact: Syrette Dym, Director of Planning, Somers Town House, 335 Route 202, Somers, New York 10589, (914) 277-5366

C- PB TP CTE Applicant

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ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

December 1, 2014

By Mail and Email

Planning Board
Town of Somers
335 Route 202
Somers, NY 10589

Re: Hidden Meadow at Somers, 16 U.S. Route 6, Tax Map #15.07-1-6

Dear Planning Board Members:

The Office of the Watershed Inspector General ("WIG" or "WIG Office") respectfully requests that the Planning Board consider this letter as part of its SEQRA review of the above-referenced project. The WIG Office, and its stormwater consultant, Donald Lake, P.E., CPESC, have been working with the sponsor's engineering firm for this project, Insite Engineering, and can report that with one exception all of our concerns have been satisfactorily addressed.

Since our comments to the Planning Board of February 25, 2014, we have reviewed the following modifications to Hidden Meadows and its stormwater plans: the Preliminary Stormwater Pollution Prevention Plan, dated October 20, 2014, prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C.; large maps, Fig. 2-Green Infrastructure & RRv, Fig. 3-Pre-development Drainage, Fig. 4-Post-development drainage, EX-1-Existing conditions, SP-1-Layout & Landscaping, SP-2-Grading Plan, SP-3-Utilities, SP-4-Erosion and Sediment Control Plan, TR-1-Tree Planting, PR-1-Road Profiles, LP-1-Lighting, and four sheets D1 through D4 titled Details; a Phosphorous Loading Analysis, latest revision date May 28, 2014, prepared by Insite Engineering; and a letter to Philip Bein from Insite Engineering, dated October 20, 2014, providing responses to the WIG comments dated February 25, 2104.

Based upon our review of the project and its modified stormwater plans, the WIG Office has concluded that Hidden Meadows would not cause an appreciable increase in phosphorus loadings from baseline conditions to the Amawalk Reservoir's watershed, whether modeled using the 70% removal efficiency employed by Insite Engineering or modeled using what WIG believes to be more realistic empirically based removal efficiencies for the practices to be employed.

In addition, the WIG Office's concerns regarding erosion and sediment control measures have been satisfactorily addressed, as have its concerns regarding the project's hydrologic evaluation, but with one exception.

The WIG Office recommends that the soil restoration requirements, which are described in narrative form in section 5.2 of the stormwater plan dated October 20, 2014, should also be shown on drawing SP-1 in that plan. Soil restoration is essential to the effectiveness of stormwater pollution prevention, and including restoration measures in the drawing will help ensure that they are implemented. Doing so will not be difficult for Insite Engineering.

We thank the Planning Board for its consideration of these comments.

Very truly yours,

Philip Bein
Watershed Inspector General

Charles Silver, Ph.D.
Watershed Inspector General Scientist

cc: Jeffrey J. Contelmo, P.E., Insite Engineering
Richard D. Williams, P.E., Insite Engineering
Cynthia Garcia, DEP
Matt Giannetta, DEP
Tom Snow, DEC
Syrette Dym, Town of Somers
Joe Barbagallo, Woodard & Curran
Don Lake, P.E.
Charles Silver, Ph.D., OAG