

Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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



**SOMERS PLANNING BOARD
AGENDA
DECEMBER 12, 2012
7:30 P.M.**

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 January 7, 2013 to April 4, 2013 in accordance with §150-13-M of the Code of the Town of Somers. This is the tenth request for a time-extension.

PUBLIC HEARING

**2. BOCKHAUS WETLAND AND TREE REMOVAL PERMIT
[16.06-2-46]**

Application of George Bockhaus for a Wetland and Tree Removal Permit for property located at 23 Cypress Lane for an addition with loft to an existing residence.
Application submitted on September 28, 2012.
Last discussed at the November 14, 2012 Planning Board meeting.

PROJECT REVIEW

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

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

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

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

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

Last discussed at the December 4, 2012 Planning Board meeting.

**4. THE GREEN AT SOMERS AMENDED SITE PLAN,
WETLAND, STEEP SLOPES AND STORMWATER
MANAGEMENT AND EROSION AND SEDIMENT CONTROL
PERMITS [TM: 4.20-1-3.1]**

Application of National Golfworx/Rick Van Benschoten (owner) for a mixed-use development consisting of four buildings with a combination of retail and residential uses. The site is proposed to be serviced by public sewer and water.

The application was last discussed at the September 12, 2012 Planning Board meeting.

[Next Planning Board Meeting is January 9, 2013](#)

[Agenda information is also available at www.somersny.com](http://www.somersny.com)

C-1
PB
TP
CT6

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

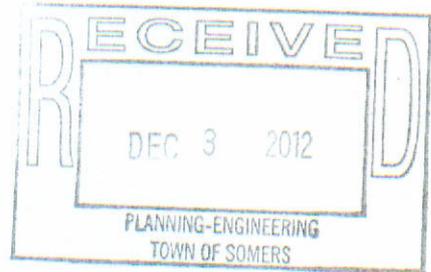
ONE NORTH BROADWAY, SUITE 701
WHITE PLAINS, NEW YORK 10601-2319

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN
NOELLE CRISALLI WOLFSON

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

HENRY M. HOCHERMAN
OF COUNSEL

December 3, 2012



Via Electronic Mail

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

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

404

Dear Chairman Currie and Members of the Planning Board:

At its meeting on September 12, 2012, the Board granted a ninth 90-day extension of Mancini Building Corp.'s ("Mancini") Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to January 7, 2013. We are writing to request a tenth 90-day extension pursuant to Town Law Section 276(7)(c), to and including April 4, 2013.

Our client is moving ahead with construction of the subdivision road. As of the date of this letter, Mancini has cleared and cut approximately 90 percent of the road right-of-way. That work commenced in October prior to Superstorm Sandy and continued since. I am advised that Mancini has been consulting with Mr. Steve Woelfle regularly and that the work has proceeded without any issues arising. At this point, Mancini is reserving decision on whether to commence the off-site work until it sees what kind of weather will prevail this winter and being judicious about how much further it goes with construction in light of the approach of winter. In any event, there is no way the road and infrastructure will be completed by the January 7th expiration date. Therefore, we respectfully request that the Board grant an additional 90-day extension of Final Subdivision Approval, to and including April 4, 2013, at which time we will report on the status of the work.

Kindly schedule this matter for the next available Planning Board meeting and let us know if an appearance is required. Thank you for your courtesy and best wishes for a pleasant holiday season.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella
Geraldine N. Tortorella

GNT:mcv

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

**PLANNING BOARD
TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK**

PUBLIC NOTICE:

NOTICE IS HEREBY GIVEN, that the Planning Board has scheduled a Public Hearing at their meeting of December 12, 2012, 7:30 p.m. at the Town House, 335 Route 202, Somers, New York, to consider the application of George Bockhaus for a Wetland Alteration Permit for the construction of an addition to the existing residence within a wetland control area, as shown on a plan titled "Stormwater Detention System, Erosion Control", prepared by Paul Richard Checco, AIA, dated September 26, 2012. A Tree Preservation Permit application has been submitted for the cutting of trees, as shown on the plan. The site is located at 23 Cypress Lane in an R-10 residential zone and is designated on the Town Tax Map as Sheet 16.06, Block 2, Lot 46.

Anyone is invited to attend and will be heard on the aforesaid matter.

BY ORDER OF THE PLANNING BOARD

JOHN CURRIE, CHAIRMAN

Marilyn Murphy/Sec'y 12/2/12

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

*PB
CTE
Application*

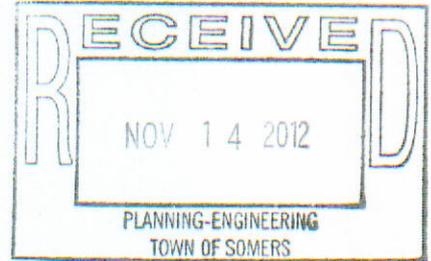
TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

KATHLEEN R. PACELLA
TOWN CLERK



November 14, 2012

TO: Planning Board
FROM: Kathleen R. Pacella *KRP*
Town Clerk
RE: Bockhaus Wetland Application
Tax ID # 16.06-2-46

395

Please be advised that the Town Board reviewed the above mentioned application and they have no comment.



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

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

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

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

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

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

Sincerely;
PC Studio Architect, PLLC

A handwritten signature in blue ink that reads "Paul R. Checco".

Paul R. Checco, AIA
Principal

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

APPLICATION FEE:

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

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

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

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

Mailing Address: PO Box 361 SHENROCK NY 10587

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

Mailing Address: PO Box 361 SHENROCK NY 10587

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

PREMISES: Sheet: 16.00 Block: 2 Lot: 46

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

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

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

SIZE OF ACTIVITY AREA: 35' x 70'

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

Is there an existing house located on the site: YES

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

Functions provided by Wetland: DRAINAGE

Wetland Expert delineating Wetland: MR. FRANK FAROPOLI

ESTIMATED QUANTITY OF EARTH WORK:

Excavated material placed as fill: 30 C.Y. FROM STORM WATER SYSTEM TO SUPPORT SLAB

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

PROPOSED STARTING DATE: _____ PROPOSED COMPLETION DATE: _____

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

Plans must be submitted with application.

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

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

NAME	ADDRESS	BLOCK	LOTS
<u>SEE ATTACHED SHEET</u>			

APPLICANT'S SIGNATURE: _____ DATE: 9.30.12

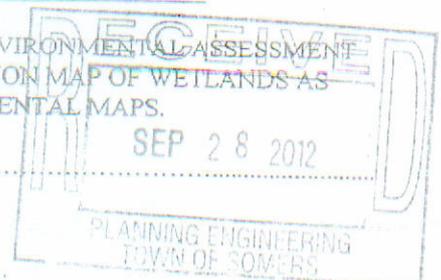
OWNER'S SIGNATURE: _____ DATE: 9.30.12

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

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

Administrative Permit: _____

Planning Board Permit: _____



617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR GEORGE BOCKHAUS	2. PROJECT NAME BOCKHAUS RESIDENCE ADDITION
3. PROJECT LOCATION: Municipality TOWN OF SOMERS County WESTCHESTER	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 23 CYPRESS LANE, SHENOROCK, NY 10587. APPROX 270 FEET NORTH OF THE INTERSECTION OF HILWDALE ROAD	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: ATTACHED ADDITION W/ LOFT TO EXISTING RESIDENCE	
7. AMOUNT OF LAND AFFECTED: Initially .05 acres Ultimately .05 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: RESIDENTIAL HOUSES IN THE AREA	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: George S Bockhaus	Date: 9.30.12
Signature: 	

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

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



Planning Board Meeting December 12, 2012

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No.

Granting of Conditional Preliminary Subdivision Plat Approval, Lot Line Change, Creation of Roadway Extension Parcel, Modification of Somers Realty Planned Hamlet Master Plan, Wetland and Watercourse Protection Permit, Tree Removal Permit, and Stormwater Management and Erosion and Sediment Control Permit,
to

SOMERS REALTY CORP.

for the

**FURTHER SUBDIVISION OF SOMERS REALTY PLANNED HAMLET AS
PROPOSED FOR MODIFICATION**

Town Tax Number: Section 4.20, Block 1, Lot 15 and Lot 18

WHEREAS, on February 10, 2009 the Town of Somers Planning Board approved resolution number 2009-02 granting master plan approval pursuant to §170-23.3 of the Code of the Town of Somers to Somers Realty Corp. for Somers Realty Planned Hamlet; and

WHEREAS, the Somers Realty Planned Hamlet Master Plan is specific to the development of the Somers Realty Property, a 79.38 acre site located on the

1 south side of Birdsall Road (Route 6) in the Amawalk Reservoir Watershed, in
2 the Baldwin Place area of the Town of Somers, bounded on the west by
3 Mahopac Avenue and on the east by the Somers Commons shopping center
4 located within the Planned Hamlet (PH) Zoning District; and
5

6 **WHEREAS**, The Somers Realty Planned Hamlet Master Plan, as required by
7 §170-23.3 of the *Code of the Town of Somers*, is a general development plan for
8 the site outlining land use, access and circulation, parking and utilities, and a
9 conceptual site design as required by the *Code of the Town of Somers* and such
10 Master Plan calls for future development of the plan components through a
11 subdivision of the property and project specific site plans in accordance with the
12 Master Plan and §150 and §144-7 of the *Code of the Town of Somers*; and
13

14 **WHEREAS** as part of the Master Plan Approval, the Town of Somers Planning
15 Board, acting as Lead Agency under the State Environmental Quality Review Act
16 (SEQRA) conducted a complete review under SEQRA, which review resulted in
17 the adoption of a Findings Statement at a Special Meeting held on February 10,
18 2009, by which the Planning Board found the potential adverse environmental
19 impacts identified will be avoided or minimized to the maximum extent
20 practicable by incorporating the specific mitigation measures and conditions of
21 findings identified; and
22

23 **WHEREAS**, the Master Plan approved as part of Resolution No. 2009-02
24 includes the mitigation measures required as a result of the SEQRA process; and
25

26 **WHEREAS**, the Planning Board is required to evaluate each subdivision and site
27 plan submitted in relation to the Master Plan and SEQRA Findings Statement
28 and is to confirm that the plans will conform with the approved Master Plan or, if
29 they do not, what those changes are and that review of their potential
30 environmental impacts has been undertaken and a determination made that they
31 will not be significant or that mitigation has been incorporated as part of the
32 proposed changes such that there will be no additional significant adverse
33 impacts, and not result in any additional significant adverse impacts not
34 previously discussed and mitigated; and
35

36 **WHEREAS**, on August 5, 2009 Somers Realty Corp., represented by
37 McCullough, Goldberger and Staudt, LLP, submitted a Preliminary Subdivision
38 plat to the Town of Somers Planning Board to subdivide the 79.5488 acre
39 Planned Hamlet into three lots consisting of a 70.087 acre lot to be subdivided in
40 the future, a 0.9128 acre parcel with frontage on Mahopac Avenue to be donated
41 to the Somers Fire District and, an approximately 5.85 acre lot located in the
42 **northeastern corner of the site to be sold to the Housing Action Council, Inc. and**
43 **the Kearney Realty and Development Group, Inc.; and**

1
2 **WHEREAS**, the subject site is 79.38 acres and is known on the Town Tax Maps
3 as Section 4.20, Block 01, Lots 12 (part of), 13, 14, 15; and

4
5 **WHEREAS**, on December 9, 2009 the Planning Board granted Preliminary
6 Subdivision Plat Approval to Somers Realty Corp. for the Somers Realty Planned
7 Hamlet; and

8
9 **WHEREAS**, on March 19, 2010, an application for Final Subdivision Approval for
10 the Somers Realty Planned Hamlet was received by the Town of Somers
11 Planning and Engineering Department; and

12
13 **WHEREAS**, the Planning Board, at its March 24, 2010 meeting discussed the
14 twenty-two (22) modifications and conditions required as part of the final
15 subdivision application, including the need to place a note on the Plat which
16 states that prior to any further subdivision of Lot 2, an updated stormwater
17 analysis must be conducted to consider any regulatory changes which may
18 cause the Master Plan to be amended; and

19
20 **WHEREAS**, the final subdivision plat was signed by the Planning Board
21 Chairman on June 14, 2010 and filed with the Westchester County Clerk on June
22 22, 2010; and

23
24 **WHEREAS**, pursuant to that subdivision approval, an application was made to
25 the Town of Somers Planning Board on September 28, 2009 by Insite
26 Engineering, Surveying & Landscape Architecture, P.C. on behalf of the Housing
27 Action Council, Inc. (HAC) and Kearney Realty & Development Group Inc. for
28 construction of 72 units of senior affordable housing, and 1 unit for the site
29 superintendent to be located within two buildings on the subject property. A 62
30 space parking lot was proposed for the site. The project also consisted of
31 bioretention filters, a dry extended detention basin, site design techniques and a
32 grass swale; and

33
34 **WHEREAS**, the site plan application included a request by the Applicant for
35 Planning Board approval of construction as a regulated activity within Town-
36 regulated steep slope areas as described in Chapter 148, "Steep Slopes
37 Protection," of the *Code of the Town of Somers*; and

38
39 **WHEREAS**, the site plan application included a request by the Applicant for
40 Planning Board approval of a Stormwater Management and Erosion and
41 Sediment Control Permit as described in Chapter 93 of the *Code of the Town of*
42 *Somers*; and

1
2 **WHEREAS**, by Resolution No. 2009-19 of December 9, 2009, the Planning
3 Board granted Conditional Site Plan Approval, Steep Slopes, and Stormwater
4 Management and Erosion and Sediment Control Permits to the Housing Action
5 Council Inc. and the Kearney Realty & Development Group Inc. for the Mews at
6 Baldwin Place, Town Tax Number Section 4.20, Block1, part of Lot 15; and
7

8 **WHEREAS** The Mews at Baldwin Place and associated requirements of the
9 Somers Realty subdivision approval were completed and such housing is now
10 open and occupied; and
11

12 **WHEREAS**, on September 4, 2012 Somers Realty Corp., represented by
13 McCullough, Goldberger and Staudt, LLP, submitted a Preliminary Subdivision
14 Plat application to further subdivide prior created Lot 2 (Town Tax Map 4.20,
15 Block11, Lot 15) into a 7.7139 acres parcel out of the prior 70.7108 acres lot,
16 make a minor lot line change to the previously created Sewer Pump Station
17 Parcel (Town Tax Map 4.20, Block 1, Lot 18) from 0.2453 acres to 0.2432 acres
18 and extend Clayton Boulevard by creating a right of way parcel of 0.6821 acres,
19 and
20

21 **WHEREAS**, the subdivision application includes a request by the Applicant for
22 Planning Board Approval for Modification of the Somers Realty Planned Hamlet
23 Master Plan of February, 2009; and
24

25 **WHEREAS**, the subdivision application includes a request by the Applicant for
26 Planning Board approval of Wetland and Watercourse Permit as described in
27 Chapter 167 of the Code of the Town of Somers and the requisite fee
28 accompanied such application for disturbance of 466 square feet of wetland and
29 23,749 square feet of wetland buffer in the area of the sewer pump station parcel
30 (Lot 4.20-1-18) for construction of a sewer pump station, a sanitary sewer
31 collection system, maintenance access road and stormwater basin discharge
32 area; and
33

34 **WHEREAS**, the subdivision application includes a request by the Applicant for
35 Planning Board approval of a Stormwater Management and Erosion and
36 Sediment Control Permit as described in Chapter 93 of the *Code of the Town of*
37 *Somers* and the requisite fee accompanied such application; and
38

39 **WHEREAS**, the subdivision application includes a request by the Applicant for
40 Planning Board approval of a Tree Removal Permit for removal of one tree as
41 described in Chapter 156, "Tree Preservation" of the Code of the Town of
42 Somers and the requisite fee accompanied such application; and
43

1
2
3 **WHEREAS**, an associated application for site plan approval for The Mews at
4 Baldwin Place Phase 2 dated August 27, 2012 was submitted on September 4,
5 2012 for construction of 75 units of senior affordable housing on the 7.137 acres
6 lot to be created as part of the Somers Realty application for preliminary
7 subdivision approval, along with an application for steep slope permit dated
8 August 27, 2012, a stormwater management and erosion and sediment control
9 permit dated August 27, 2012, and a tree removal permit application dated
10 August 27, 2012, in pursuance of build-out of the Somers Realty Planned Hamlet
11 as proposed to be modified herein, and

12
13 WHEREAS, such modifications to the Somers Realty Planned Hamlet are
14 determined to be:

- 15
- 16 • Replacement of prior envisioned 80,000 square foot assisted living facility
17 and 30,000 square feet of mixed professional office/retail/restaurant use
18 from the north side of Clayton Boulevard, and replacement with 75 unit
19 affordable senior housing for persons 55 years and older
- 20 • Relocation of 80,000 square foot assisted living facility and 30,000 square
21 feet of mixed professional office/retail/restaurant use to the south side of
22 Clayton Boulevard, the ultimate amount and mix of such uses along with
23 those previously identified south of Clayton Boulevard will be determined
24 as part of future subdivision and site specific applications with the PH
25 Planned Hamlet District within the parameters of prior environmental
26 determinations.
- 27 • Reduction in overall Planned Hamlet approved parking spaces from 492,
28 including 147 for Mews Phase 1 and 2, or a total of 345 remaining to a
29 total of 193 spaces potentially available on the south side of Clayton Blvd.
- 30 • Changes in phasing of sequence of construction already established by
31 prior subdivision and site plan applications to continue affecting need to
32 create a temporary access road to modified pump station parcel from the
33 south, thereby eliminating the need for prior proposed temporary wetland
34 crossing for pump station construction.
- 35 • Reduction in size of pump station parcel
- 36 • Master Plan included a total of 34.545 acres in the northern drainage area
37 that now includes 32.635 acres, representing a reduction of 1.01 acres.
- 38 • Master plan included a total of 14.11 acres of impervious surface within
39 the northern drainage area that now includes 8.741 acres, representing a
40 reduction of 5.369 acres.

- 1 • Modified stormwater management system to comply with 2010 Revisions
2 of NYS Stormwater Design Manual and NYC DEP 2010 Watershed Rules
3 and Regulations
4
5
6

7 **WHEREAS**, having considered the potential impacts of the modifications to the
8 Master Plan and further subdivision and lot line modification including land use,
9 planning zoning; vegetation, wildlife, ecology; geology soils; wetlands; water
10 resources; access, traffic, parking; utilities; fiscal and visual and having
11 determined that such impacts are either not significantly different than those
12 impacts identified and mitigated as part of the original SEQRA process that
13 resulted in the Findings Statement of February 10, 2009, or that if different, such
14 changes have been evaluated and their impacts determined not to create
15 additional adverse impacts beyond those considered as part of the initial SEQRA
16 review and Findings of the originally approved Planned Hamlet Master Plan and
17

18 **WHEREAS** the Planning Board based on the prior record and new
19 information made available as part of this application review process
20 determined that a Negative Declaration with regard to SEQRA be issued and
21 voted unanimously in favor of such Negative Declaration on _____; and
22
23
24
25
26
27
28

29 **WHEREAS**, the initial submission consisted of the following materials:
30
31
32
33

- 34 • Application for Preliminary Subdivision Approval signed and dated September
35 4 2012;
36 • Copy of the Deed for the subject property dated September 3, 1986;
37 • Application Processing Restrictive Law Affidavit signed and notarized on
38 September 4, 2012
39 • Application for Wetland and Watercourse Protection Permit signed and dated
40 September 4, 2012;
41 • Application for Stormwater Management and Erosion and Sediment Control
42 Permit signed and dated September 4, 2012
43 • Tree Removal Permit Application signed and dated September 4, 2012;

- 1 • Full Environmental Assessment Form Parts 1 and 2 with Part 1 completed by
2 applicant dated signed and dated September 4, 2012;
3 • Plans prepared by Keane Coppelman Engineers, P.C., dated August 30,
4 2012 as follows:
5 • Sheet 1 - Proposed Preliminary Subdivision Plat Section 1 – PH Zone Phase SP -2
6 – Layout and Landscape Plan; 8-30-12
7 • Sheet 2 - Existing Conditions – 8-30-12SP-3 - Grading and Utilities Plan; 9-4-12
8 • Sheet 3 – Proposed Road Improvement Plan – 8/30/12
9 • Sheet 4 – Subdivision Tables & Notes
10 • Sheet 5 – Proposed Road Profile – 8-30-12
11 • Sheet 6 – Construction Details - 8-30-12
12

13 And additional plans as follows:
14

- 15 • Sheet 1 - Proposed Preliminary Subdivision Plat Section 1 – PH Zone Phase II-
16 10/1/12
17 • Sheet 2 - Existing Conditions and Removals Plan – 10/1/12
18 • Sheet 3 – Proposed Road Layout & Grading Plan – 10/1/12
19 • Sheet 4 – Proposed Drainage and Utility Plan – 10/1/12
20 • Sheet 5 – Stormwater Pollution Prevention Plan – 10/1/12
21 • Sheet 6 – Proposed Road Profile – 10/1/12
22 • Sheet 7 – Subdivision Table and Notes – 10/1/12
23 • Sheet 8 – Construction Details – Sheet 1 – 10/1/12
24 • Sheet 9 – Construction Details – Sheet 2 – 10/1/12
25 • Sheet 10 –Construction Details – Sheet 3 – 10/1/12;
26

27 And additional plans as follows:

- 28 • Sheet 1 - Proposed Preliminary Subdivision Plat Section 1 – PH Zone Phase II-
29 10/31/12
30 • Sheet 2 - Existing Conditions and Removals Plan – 10/31/12
31 • Sheet 3 – Proposed Road Layout & Grading Plan – 10/31/12
32 • Sheet 4 – Proposed Drainage and Utility Plan – 10/31/12
33 • Sheet 5 – Stormwater Pollution Prevention Plan – 10/31/12
34 • Sheet 6 – Proposed Road & Drainage Profiles – 10/31/12
35 • Sheet 7 – Subdivision Table and Notes – 10/31/12
36 • Sheet 8 – Construction Details – Sheet 1 – 10/31/12
37 • Sheet 9 – Construction Details – Sheet 2 – 10/31/12
38 • Sheet 10 –Construction Details – Sheet 3 – 10/31/12;
39
40 • And Stormwater Pollution Prevention Plan of October 1,2012 Revised October 31,
41 2012and Master Plan conformance Drawing dated 10/31/2012

1
2
3 **WHEREAS**, this subdivision application beyond the creation of a further
4 subdivision of prior created lot 2, lot line change to prior created sewer pump
5 station parcel and creation of a right of way parcel for the extension of Clayton
6 Boulevard, and requests for Wetland and Watercourse Protection, Tree
7 Removal and Stormwater Management and Erosion and Sediment Control
8 Permits consists of construction of a sewer pump station, sanitary sewer
9 collection system, maintenance access road and stormwater discharge area, all
10 the impacts of which were considered as part of issuance of the negative
11 declaration; and
12

13 **WHEREAS**, this subdivision application does not require a new curb cut onto
14 Route 6 and therefore there is no New York State Department of Transportation
15 (NYSDOT) permit required; and
16

17 **WHEREAS**, the following relevant conditions of the Master Plan Findings
18 statement have been met:
19

- 20 • Parking – The change in the Master Plan from assisted living and mixed
21 office and retail space on a portion of lot 2 to the 75 units of senior
22 housing proposed as part of an associated site plan provides adequate on
23 site parking and does not, in and of itself, affect landbanked parking. The
24 reduction in overall Planned Hamlet approved parking spaces from 492,
25 including 147 for Mews Phase 1 and 2, or a total of 345 remaining to a
26 total of 193 spaces potentially available on the south side of Clayton Blvd.
- 27 • A Clearing and Grading Limit Line has been provided on Subdivision
28 Drawing 3.
- 29 • Cut and fill for the subdivision roadway and associated Mews Phase 2
30 site plan will result in a temporary stockpiling of soil for use in achieving a
31 future balance of site wide cut and fill
- 32 • Seeding of temporary stockpile and other disturbed areas will not contain
33 any non-native invasive species and native vegetation will be used to the
34 maximum extent practicable
- 35 • The SWPPP has incorporated the use of traction sand in accordance with
36 the guidelines excerpted from “Recommendations for Winter Traction
37 Material Management on Roadways Adjacent to Bodies of Water, Western
38 Transportation Institute, December, 2004,”
- 39 • All stormwater improvements have been designed completely outside the
40 20 foot widening strip for US Route 6.
- 41 • One tree shall be removed as a result of the subdivision and a tree
42 removal permit has been submitted with associated application fees paid

- 1 • 466 square feet of wetlands will be disturbed and 23,749 square feet of
2 wetland buffers will be disturbed without impact to functions of Wetland A;
3 a Wetland Disturbance Permit application has been filed and application
4 fees paid.
5

6 **WHEREAS**, as a condition of the Master Plan Approval, the Applicant, in
7 conjunction with the Planning Board's approval of the first subdivision of the
8 Property, is to submit such easements, deeds, agreements or restrictions
9 required in relation to the long-term operation and maintenance of the proposed
10 circulation features, stormwater system, and other utility systems, as necessary
11 in relation to the lots being subdivided; and
12

13 **WHEREAS**, the Applicant shall provide draft easements to the Town for the
14 temporary hammerhead, and drainage improvements and the easement to the
15 shopping center for the sewer easement prior to Final Subdivision Plat Approval;
16 and
17

18 **WHEREAS**, the subdivision application, as revised throughout the review
19 process, was circulated to the Somers Open Space Committee, the Somers Fire
20 Prevention Bureau, the Westchester County Planning Board, New York State
21 Department of Environmental Conservation, and the New York City Department
22 of Environmental Protection, and their comments were considered by the
23 Planning Board; and
24

25 **WHEREAS**, the Planning Board discussed the Applicant's proposed subdivision
26 plan at meetings held on September 12, 2012, October 10, 2012, November 14,
27 2012 , December 4, 2012 and _____; and
28

29 **WHEREAS**, during the course of the Planning Board's review of the Applicant's
30 proposed subdivision plan application the Planning Board received and
31 considered correspondence from the public as well as Town staff, Town advisory
32 boards and other Involved Agencies. Correspondence from Town staff, Town
33 advisory boards and other Involved Agencies are listed as follows:
34

- 35 1. Memoranda from the Somers Town Planner dated September 11, 2012,
36 October 10, 2012, October 3, 2012, October 10, 2012, and October 24, 2012.
37
38 2. Memoranda from the Somers Town Consulting Engineer dated September
39 10, 2012, October 10, 2012 ,
40 3. Memoranda from the New York City Department of Environmental Protection
41 of October 2, 2012, October 9, 2012, October 19, 2012
42 4. **To Be Completed**
43

1
2 **WHEREAS**, a duly advertised public hearing on the application for subdivision
3 approval was held on October 10, 2012 at which time all those wishing to be
4 heard were given the opportunity to be heard; and

5
6 **WHEREAS**, on October 10, 2012 on motion by _____, seconded by _____
7 and unanimously carried, the Public Hearing was closed; and

8
9 **WHEREAS**, in addition to the plan alternatives and reports reviewed throughout
10 the review process and as a result of the review of those additional documents
11 by the Planning Board, Town staff and other advisors to the Planning Board
12 throughout the review process, the following plans and reports- as required to be
13 revised by the conditions of this resolution- were submitted for the Planning
14 Board's consideration and are the subject of this conditional approval:

- 15
16 • Sheet 1 - Proposed Preliminary Subdivision Plat Section 1 – PH Zone Phase II-
17 10/1/12
18 • Sheet 2 - Existing Conditions and Removals Plan – 10/31/12
19 • Sheet 3 – Proposed Road Layout & Grading Plan – 10/31/12
20 • Sheet 4 – Proposed Drainage and Utility Plan – 10/31/12
21 • Sheet 5 – Stormwater Pollution Prevention Plan – 10/31/12
22 • Sheet 6 – Proposed Road Profile – 10/31/12
23 • Sheet 7 – Subdivision Table and Notes – 10/31/12
24 • Sheet 8 – Construction Details – Sheet 1 – 10/31/12
25 • Sheet 9 – Construction Details – Sheet 2 – 10/31/12
26 • Sheet 10 – Construction Details – Sheet 3 – 10/31/12
27 • Stormwater Pollution Prevention Plan Narrative – 10-31-12
28 • Master Plan Conformance Drawing – 10-31-12
29 • Slope Map
30 • Report titled "Stormwater Pollution Prevention Plan for Somers Realty
31 Planned Hamlet Subdivision, PH Zone Phase II Road Construction," prepared
32 by Keane Coppelman Engineers, P.C., dated October 31, 2012.

33
34 **WHEREAS**, the latest plans for the proposed subdivision include the following:

- 35
36 • construction of approximately 624 feet of asphalt roadway and sidewalks
37 of approximately 620 feet on the north side of the roadway and
38 approximately with a temporary hammerhead, utilities (water, sanitary
39 sewer, electric and gas), landscaping, and drainage improvements to
40 mitigate the impacts associated with the construction of new impervious
41 surfaces; and

- 1
- 2 • involve a total area of disturbance of 7.06 acres and the creation of .454
- 3 acres of impervious services; and
- 4
- 5 • The disturbance of more than 5,000 square feet, coverage under the New
- 6 York State Department of Environmental Conservation (NYSDEC) SPDES
- 7 General Permit No. GP-0-10-001 is required; and
- 8 • The cutting of 38,645 cubic yards and filling of 3,500 cubic yards of soil
- 9 leaving a net cut of 35,145 cubic yards to be stockpiled on site.
- 10 • Creation of a soil stockpile area of a 102,883 square feet and
- 11 approximately 20 feet in height to accommodate approximately 60,000
- 12 cubic yards of material generated from the road construction and The
- 13 Mews Phase 2
- 14 • Construction of a stormwater management system and soil erosion and
- 15 sediment control plan to accommodate road drainage and other up
- 16 gradient drainage areas totaling 7.834 acres located on Lot 2 of the
- 17 subdivision. The stormwater management system includes stormwater
- 18 piping, catch basins, manholes, swales, infiltration basins, rip rap apron
- 19 and level spreader for basin discharges as detailed in the subdivision
- 20 plans and analyzed in the stormwater pollution prevention plan prepared
- 21 in accordance with Chapter 93 of the Code of the Town of Somers. The
- 22 Soil Erosion and Sediment Control measures during and after construction
- 23 detailed in the above plans include silt fencing, erosion matting; temporary
- 24 sediment basins, anti-tracking pad and temporary diversion swales, and
- 25 soil stabilization measures.
- 26 • The Stormwater Pollution Prevention Plan which details the design of the
- 27 Stormwater Management System and the Soil Erosion and Sediment
- 28 Control Plan includes measures to ensure the monitoring and
- 29 maintenance of the entire Stormwater Management and Soil Erosion and
- 30 Sediment Control system and practices.
- 31
- 32 • Construction of a sewage collection system to accommodate the Planned
- 33 Hamlet development and the construction of a pump station that transmits
- 34 sewage flows from the Planned Hamlet as well as current and future
- 35 sewer district flows within the Town of Somers, into the Town of Somers
- 36 force main on the south side of US Route 6. The Town of Somers Force
- 37 Main transmits sewage into the conveyance system to the Peekskill
- 38 Hollow Sanitary Sewer Plant, owned and operated by Westchester
- 39 County.
- 40 • Creation of easements for future connection of adjacent Somers
- 41 Commons Shopping Center to the proposed pump station and the

1 stormwater easement over Lot 2 and a Town easement to access the
2 pump station parcel through Lot 2

- 3 • Maintenance agreements for the roadway, sidewalks and stormwater
4 infrastructure and sewage pump station.
- 5 • the plans indicate that blasting will occur and that such blasting shall be
6 conducted in accordance with Steep Slopes, Chapter 148-7B(4)(k) of the
7 Code of the Town of Somers; and

8
9
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11
12
13 **WHEREAS**, the subject application is located within the Amawalk Reservoir
14 Watershed which is located in the New York City East-of-Hudson Croton
15 Watershed, which in accordance to Section 18-39 of the *Rules and Regulations*
16 *for the Protection from Contamination, Degradation, and Pollution of the New*
17 *York City Water Supply and Its Sources*, requires a Stormwater Pollution
18 Prevention Plan (SWPPP) Approval by the New York City Department of
19 Environmental Protection (NYCDEP); and

20
21 **WHEREAS**, the Applicant has indicated that it intends to comply with all
22 applicable requirements for a SWPPP approval by the NYCDEP and has further
23 acknowledged that in the event that the conditions of SWPPP approval by the
24 NYCDEP cause any modification in the design of the proposed stormwater
25 management plan or the subdivision plat, the Planning Board shall have the
26 authority to require the submission of an application for amended subdivision
27 approval and to reexamine the proposed lot layout as deemed necessary in the
28 judgment of the Planning Board to ensure that potential impacts associated with
29 stormwater drainage and/or impacts on surface or groundwater resources are
30 adequately mitigated to the maximum extent practicable; and

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37 **WHEREAS**, the Planning Board has reviewed and is familiar with the project and
38 has inspected the site and its surroundings; and

39
40 **WHEREAS**, the Planning Board, on December 9, 2009, confirmed that this
41 subdivision application constitutes a modification to the Somers Realty Planned
42 Hamlet Master Plan as identified above and that, based on the parameters set
43 forth in the SEQRA review process and the Findings of February 10, 2009 and

1 additional analysis submitted by the applicant and reviewed by the Planning
2 Board and its technical advisors has determined that these modifications will not
3 result in any significant adverse environmental impacts not previously addressed
4 and mitigated as determined by a Negative Declaration issued by the Planning
5 Board on _____, 2012 and
6

7 **WHEREAS**, the Planning Board has carefully considered all of the comments
8 raised by the public and other interested agencies, organizations and officials,
9 including those presented at meetings of the Board as well as those submitted
10 separately in writing; and
11

12 **NOW, THEREFORE, BE IT**

13
14 **RESOLVED** that the foregoing WHEREAS clauses are incorporated herein by
15 reference and are fully adopted as part of this approval; and
16

17 **BE IT FURTHER RESOLVED**, that the application for **conditional preliminary**
18 **subdivision plat approval and all other associated approvals of this**
19 **application for the Somers Realty Planned Hamlet** as shown and described
20 by the materials enumerated herein, **IS HEREBY CONDITIONALLY GRANTED**
21 in accordance with the New York State Town Law §§276 and 278 and in
22 accordance with §150-13J "Planning Board Action" of the Code of the Town of
23 Somers, **SUBJECT TO** the following modifications and conditions being fulfilled
24 at the time of application for final subdivision plat approval, unless otherwise
25 stated below:
26

- 27 1. That the Applicant shows the gas main electric service on the drawings.
28
29
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31
32
- 33 2. That the standard subdivision plat notes, including references to the
34 Planned Hamlet Master Plan Maintenance Agreements, Health Department
35 approval block, name of water and sewer districts serving the lots, etc. are
36 included on the plat as part of the final submission.
37
38
39
- 40 3. Revise the road cross section to show where the gas main, electrical and
41 cable conduits will be installed.
42

- 1 4. Obtain review and approval by the Water Superintendent and the Bureau of
2 Fire Prevention for the hydrant placement with respect to the street curb
3 and the sidewalk.
4
- 5 5. .
6
- 7 6. Include a line of bollards at the edge of the temporary hammerhead
8 pavement.
9
- 10 7. Submission of written evidence of having obtained approval by the
11 Westchester County Department of Health for the realty subdivision and
12 sewer and water main extensions.
13
- 14
- 15 8. That the Applicant demonstrates NYCDEP approval for the pump station
16 and sewer connections
- 17 9. That the Applicant obtains coverage under the NYSDEC General Permit
18 No. GP-0-10-001.
19
- 20 10. That the Applicant obtains a Nationwide Permit relative to disturbance of
21 wetlands
22
- 23 11. That the Applicant pays the Town of Somers Stormwater Management and
24 Erosion and Sediment Control Permit Fee.
25
- 26 12. That the Applicant demonstrates approval from the NYCDEP for the
27 Stormwater Pollution Prevention Plan (SWPPP).
28
- 29 13. That the Applicant provides engineering report and plans for the sewage
30 collection system, pump station, connections to Town force main and all
31 associated appurtenances including landscaping for review and approval
32 by the consulting town engineer and Water and Sewer Superintendent
33
- 34 14. That the Applicant submit an updated SWPPP to address the current plans
35 for review and approval by the Consulting Town Engineer. The SWPPP shall
36 include Erosion and Sediment Control Plan, and a Land Disturbance Phasing
37 Plan to ensure that no more than five acres of land will be disturbed at any one
38 point in time.
39
- 40 15. That the Applicant submit maintenance agreements for the roadway and
41 sidewalks, stormwater management system, including stockpile management
42 and sewer pump station for review and approval by the Town Attorney prior to
43 Final Subdivision Plat Approval. The maintenance agreement for the Stormwater

1 Management System shall also include applicant's representation regarding
2 proposed use of traction sand and prohibition on use of phosphorous containing
3 fertilizers.

4
5 16. The Applicant shall submit easements including permanent access to
6 sewer pump station, stormwater management area included in Lot 2 and for the
7 eight inch gravity sewer line for review and approval by the Town Attorney prior
8 to Final Subdivision Plat Approval.

9
10 17. That the Applicant submit a written agreement amongst Somers Realty, the
11 owner of The Mews Phase 1 and future Phase 2, and the Somers Commons
12 Shopping Center, for the sewer easement reviewed and approved by the Town
13 Attorney with proof of recording provided to the Town as a condition of Final
14 Subdivision Plat Approval.

15
16 18. That the Applicant shall obtain the variance from the NYC DEP relative to
17 Section 18-39(8a) (6) (ii) of the Watershed Rules and Regulations prior to final
18 subdivision approval or provide documentation from NYCDEP that such variance
19 is not required.

20
21 19. The Applicant shall provide a performance bond to cover the restoration of
22 the existing portions of Clayton Boulevard in the event it is damaged during
23 construction in an amount to be determined based on cost estimates as reviewed
24 and approved by the Consulting Town Engineer prior to issuance of the building
25 permit.

26
27 20. That the Applicant shall provide documentation from NYSDOT approving
28 proposed work within the right of way prior to the Chairman's signing of the Final
29 Subdivision Plat.

30
31 21. That the Applicant shall prepare a blasting plan for the construction of
32 Clayton Boulevard prior to issuance of building permit.

33
34 22. A SWPPP has been developed with remaining engineering comments to
35 be addressed prior to Final Subdivision Approval

36 23. Design of the SWPPP in accordance with new regulations incorporate a
37 nutrient loading analysis of the site to be addressed prior to Final
38 Subdivision Approval

39 24. A Nationwide permit #18 will be filed by the Applicant relative to wetland
40 disturbance and a pre-construction notification will be submitted to the
41 Planning Board prior to issuance of a building permit.

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BE IT FURTHER RESOLVED that the conditional granting of preliminary subdivision plat approval is also subject to compliance with the following condition:

- 1. All references to "the Applicant" shall include the Applicant's successors and assigns

BE IT FURTHER RESOLVED, that this conditional approval of the preliminary subdivision plat application shall expire on June 9, 2010, if no application for final subdivision plat approval is submitted, unless an extension of this time period is requested by the Applicant prior to the expiration of the conditional approval, and approved by the Planning Board in accordance with §150-12.N of the *Code of the Town of Somers*.

This resolution shall have an effective date of December 9, 2009

**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 #2009-18 adopted by the Town of Somers Planning Board granting of **conditional preliminary subdivision plat approval for the Somers Realty Planned Hamlet** at a regular meeting held on December 9, 2009.

Syrette Dym, AICP
Town Planner

Date

Pump Station Parcel (Town Tax Map Sheet 4.20, Block 1, Lot 18) from 0.2453 acres to 0.2432 acres and extend Clayton Boulevard by creating a right of way parcel of 0.6821 acres

3. *Wetland and Watercourse Protection Permit for disturbance of 36,010 sf in the area of the sewer pump station parcel (Lot 4.20-1-18) for construction sewer pump station, sanitary sewer collection system, maintenance access road and stormwater basin discharge area*
4. *Tree Removal Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

Location: Clayton Boulevard and Route 6, Somers, Westchester County NY – Further subdivided prior created Lot 2 of Tax Map Sheet 4.20, Bl.1 lot 15 to 7.7 acre lot; Tax Map Sheet 4.20, Block 1, Lot 18

Reasons Supporting This Determination:

To determine if the proposed action would have any significant adverse impact on the environment, the Somers Planning Board reviewed the record of the Somers Realty Planned Hamlet Findings Statement of February 10, 2009 that determined the parameters of all future subdivision and site plan applications. Those Findings were based on a Generic Environmental review of the impacts of a conceptual plan for development of the Planned Hamlet based on anticipated future subdivisions and site plan applications. It was envisioned that the initial generic SEQR review established a “worst case scenario” and that future SEQR actions would be limited if impacts fell within the parameters of prior assessed impacts and mitigations. In the current subdivision application, modifications to the original Planned Hamlet Master Plan consist of the following which have been assessed with regard to determination of whether their impacts are within the scope of those impacts previously assessed.

- Replacement of prior envisioned 80,000 square foot assisted living facility and 30,000 square feet of mixed professional office/retail/restaurant use from the north side of Clayton Boulevard, and replacement with 75 unit affordable senior housing for persons 55 years and older
- Relocation of 80,000 square foot assisted living facility and 30,000 square feet of mixed professional office/retail/restaurant use to the south side of Clayton Boulevard. The ultimate amount and mix of such uses along with those previously identified south of Clayton Boulevard will be determined as part of future subdivision and site specific applications within the PH Planned Hamlet District within the parameters of prior environmental determinations.
- Reduction in overall Planned Hamlet approved parking spaces from 492, including 147 for Mews Phase 1 and 2, or a total of 345 remaining to a total of 193 spaces potentially available on the south side of Clayton Blvd.
- Changes in phasing of sequence of construction already established by prior subdivision and site plan applications to continue affecting need to create a temporary access road to modified pump station parcel from the south, thereby eliminating the need for prior proposed temporary wetland crossing for pump station construction.

- Reduction in size of pump station parcel
- Master Plan included a total of 34.545 acres in the northern drainage area that now includes 32.635 acres, representing a reduction of 1.01 acres.
- Master plan included a total of 14.11 acres of impervious surface within the northern drainage area that now includes 8.741 acres, representing a reduction of 5.369 acres.
- Modified stormwater management system to comply with 2010 Revisions of NYS Stormwater Design Manual and NYC DEP 2010 Watershed Rules and Regulations

Many of these modifications to the Master Plan relate to the site plan application for development of 75 units of affordable senior housing that will be located on the lot created by this subdivision. Those modifications are assessed as part of that separate but associated site plan application. All impacts are assessed as part of both associated applications and their separate determinations under SEQRA are no less protective of the environment since there was an overall DEIS and FEIS with Findings that addressed the overall impacts of the Planned Hamlet development.

In addition, the impacts of the proposed further subdivision of Lot 2 are also assessed.

Impact on Land Use, Planning and Zoning

The total amount of non-residential uses including an 80-unit assisted living facility and 30,000 square feet of mixed professional office, retail and restaurant uses identified in the approved Hamlet Master Plan will no longer be in the same location as identified in the Master Plan due to replacement of these uses north of Clayton Boulevard with 75 units of senior affordable housing and relocation of these uses south of Clayton Boulevard. These uses will be shifted south of Clayton Boulevard and their mix, size and location will be determined as part of future subdivision and site plan applications within the parameters of prior approved worst case scenarios of environmental impacts.

As a result of this change in land use, there will be an overall reduction in the size of the northern drainage area with an accompanying reduction in impervious surfaces. In the Master Plan, impervious surfaces represented 40.9 percent of the northern drainage area; due to the modified land uses, impervious surfaces now represent 26.8 percent of the land area within the northern drainage area. As a result of this change, and changes to the stormwater regulations, there will be a need for greater areas for stormwater retention on the south side of Clayton Boulevard affecting the amount and mix of uses proposed in the Master Plan, to be determined as part of future site specific applications.

An access road to the pump station has been provided in a location to reduce environmental impacts and avoid crossing the NYCDEP watercourse.

The subdivision application includes the extension of Clayton Boulevard to provide access to the affordable housing lot, such Boulevard to temporarily end in a hammerhead.

The lot on which the pump station will be built is slightly reduced in size from the original Master Plan from 0.2453 acres to 0.2432 acres.

The subdivision also contains the Stormwater Management Easement located on The Mews Phase 2 Lot#2, with the adequate area necessary to provide stormwater drainage for 7.834 acres of up gradient and drainage area as identified on Keane Coppelman Master Plan Conformance Drawing (Sheet MC-1 of 10/31/12) including Post Development Drainage Areas B-1 (which includes the improved portion of Clayton Boulevard and other areas south of Clayton Boulevard), B-2 and B-3.

Based on the above, the modifications to the Planned Hamlet Master Plan and Subdivision#2 will have no significant adverse impact on land use, planning, or zoning.

Impact on Vegetation, Wildlife and Ecology

Clearing and grading limit lines and areas of disturbance have been identified for this subdivision and include the soil stockpile area south of Clayton Boulevard but still within the northern drainage area. Any impacts during construction and post construction will be mitigated by the entire Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan proposed by the Applicant. Therefore, there will be no significant additional adverse impacts.

There is one tree that will be removed due to this subdivision application. There is no significant impact due to removal of this tree.

Impact on Geology and Soils

The proposed modified development will continue to result in a balanced cut and fill operation so that the impacts associated with the plan are no greater than those associated with the FEIS Subdivision Plan. A location of 102,883 square feet for the temporary stockpiling of excess soil that will be generated as part of the construction of this phase of the subdivision has been identified in the southeast portion of the Planned Hamlet land area south of Clayton Boulevard for use as fill in future development phases. This soil stockpile is anticipated to contain 59,200 cubic yards of material and be approximately 20 feet in height.

Since this impact will be temporary in nature and due to the inclusion of this additional disturbed area in the SWPPP, there will be no significant additional adverse impact. The SWPPP and associated SPDES general permit for the modified development has been prepared in accordance with current applicable regulations and will have no significant adverse impact on geology and soils. Long term maintenance of the stockpile by the applicant until such time that further development of the Master Plan ensues will be assured by the maintenance requirements outlined in the SWPPP.

Any required blasting will be done in accordance with all applicable regulations and requirements of the Findings Statement of February 10, 2009.

Impact on Wetlands

The temporary water crossing previously proposed has been eliminated. The pump station access road is intended to be permanent with a new curb cut on Clayton Boulevard once it is completed. This access road avoids crossing the NYCDEP watercourse.

The current plan indicates 466 square feet of wetland disturbance and 23,749 square feet of buffer disturbance. These disturbances result from modifications made to the access road to the pump station to reduce impacts and avoid crossing the NYCDEP watercourse.

The proposed wetland disturbance is for temporary disturbance in connection with trenching required for the installation of the sewer lines and water service to the pump station and the sewer force main from the pump station. Upon completion, the trenches will be backfilled and restored. This activity can be authorized under Nationwide Permit #18, which allows up to 0.1 acre of wetland disturbance with a preconstruction notification, even in the watershed. Since the disturbance is well below this threshold, the disturbance qualifies for the NWP #18 and a pre-construction notification will be required to be prepared by the applicant and submitted to the Panning Board.

With respect to the functions of the buffer and the impacts of such activity, the buffer in question is highly disturbed and contains many non-native invasive species. The impacts to functions of wetland A are largely due to functions of stormwater management and transmission of water since the main function of this part of the wetland is to convey stormwater. The plan does not disrupt that function. The area is generally a system of swales/watercourses that have developed over time because of mining activities on the site and the maintenance of the drainage for Route 6. The stormwater management plan and its implementation will result in no adverse impacts to the transmission functions of this wetland. These functions will not be impacted.

Therefore, disturbance of 466 square feet of wetland and 23,749 square feet of buffer disturbance in the area of the sewer pump station parcel for construction of the sewer pump station, sanitary sewer collection system, maintenance access road and stormwater basin discharge area will not have a significant adverse impact on the environment.

Water Resources

The stormwater management system that was to be designed as a single integrated system for the entire project is now proposed as an integrated stormwater system by drainage basin (Sub-areas B1, B2, and B3) with the details of the northern basin that drains to the proposed stormwater infrastructure installed as part of this subdivision application. **(When will they get Joe the revised SWPPP – then can say done)** Treatment of the stormwater system by drainage basin will be no less protective of the environment than that previously approved and, due to more stringent regulations, will in fact, be more protective of the environment.

Future subdivision applications in the southern drainage basin will accommodate the additional drainage area that was formerly included in the northern drainage area. Any resulting required modification to the Planned Hamlet will be addressed at that time.

The SWPPP identifies all required stormwater maintenance requirements that will be borne by the applicant. As portions of the stormwater management system for the subdivision exists on the Mews Phase 2 Parcel, Somers Realty has an easement over the Mews 2 parcel to accomplish these maintenance activities. In the future, new tenants will be required to become party to the maintenance agreement and associated easements.

Since the portion of Clayton Blvd to be constructed as part of this subdivision application will not be dedicated as a Town Road until some point in the future, the Applicant has provided to the Town an acceptable maintenance agreement for the roadway extension parcel and sidewalks during this interim period. Upon dedication of the road, the maintenance agreements for the sidewalk will remain in effect.

Based on the above, there will be no significant adverse environmental impacts as the Stormwater Pollution Prevention Plan and Soil Erosion and Sediment Control Plan and the associated State and Town permits will ensure institution of all measures required to protect the environment.

Impact on Access and Traffic

The removal of the cul-de-sac for extension of Clayton Boulevard and replacement at the end of the extended roadway with a hammerhead is not deemed by the Fire Prevention Bureau to have any significant adverse impact on traffic and access.

The subdivision application does not in and of itself have an impact on traffic except to the extent that it provides for modifications to the Planned Hamlet Master Plan that will permit the construction of 75 units of affordable senior citizen housing.

As provided by the Somers Realty applicant in a letter of November 21, 2012 to the Planning Board, the trip generation for the proposed 75 units of senior affordable housing based on projections in the Somers Realty Planned Hamlet Master Plan FEIS of December 2008 was projected to generate 6 weekday AM peak trips, 8 weekday PM peak trips and 20 Saturday midday trips. Again, using the trip generation in the FEIS, the assisted living facility would generate 11 trips in the weekday AM peak, 18 trips in the weekday PM peak and 26 Saturday midday trips. The retail would generate approximately 4 weekday AM peak hour trips, 13 weekday PM peak trips, and 17 Saturday midday trips. The restaurant would generate 3 weekday AM peak trips, 30 weekday PM trips, and 43 Saturday midday trips, and the office 41 weekday AM peak trips, 53 weekday PM peak trips and 8 Saturday midday trips. Based on the above, both uses to be relocated south of Clayton Boulevard account for 59 weekday AM peak trips, 114 weekday PM peak trips and 102 Saturday midday trips. The future of these uses and their trip generation is to be determined based on future a subdivision and site plan

applications. However, the addition of the trips generated by the 75 units of senior affordable housing units is not significant in any considered time frame and is the lowest trip generator of the uses considered. As such, there is no significant impact on traffic due to the proposed modification to the Master Plan.

The approved Planned Hamlet Master Plan envisioned the completion of Clayton Boulevard at its intersection with US Route 6. That roadway alignment crossed a NYC DEP identified watercourse as depicted in all Master Plan documents. NYC DEP has indicated in a letter dated October 2, 2012 that paving of the proposed access road is prohibited and would, therefore, require a variance from the NYCDEP regulations to complete future construction of this roadway. On November 16, 2012, the Somers Planning Board Chairman sent a letter to NYC DEP requesting a clarification of this determination in light of Section 18-39(a)(6)(ii) of the watershed regulations and the need for access to this site. **(Waiting for DEP response)**

Impact on Vegetation

The Landscape Plan around the sewer pump station will be within the wetland buffer and will be in accordance with requirements of the Findings of February 10, 2009.

The removal of one tree for the subdivision application will not result in any significant impact on vegetation or visual conditions, and therefore, have no adverse impact on the environment.

Utilities

The sewage system will be constructed to address the requirements of the original approval inclusive of the Planned Hamlet and Somers Commons Shopping Center as modified to address the requirements of the report titled Somers Sewer District No. 1, Somers, NY, Sanitary Sewer Engineers Report prepared by Divney Tung Schwalbe LLP dated October 6, 1998. This work will be inclusive of all necessary easements to the Town and Somers Commons. Since the sanitary sewer pump station will be an underground tank, the only structures above the surface will be a control panel and backup power generator. Also GET details to see what visual impact will be . Therefore, there will be no significant adverse impact on sewers.

While the pump station will become a Town owned and operated facility upon its completion, the applicant will maintain it in the interim period before acceptance by the Town.

The original sewer and water loading projected for the originally approved Planned Hamlet concept plan anticipated the mixed retail/professional office/restaurant use totaling 70,000 square feet. Water usage also was projected with an additional 18,000 gpd for seasonal irrigation uses. The current plan identifies 20,000 gpd for irrigation. The additional approximately 2,000 gpd is considered de minimus and can be

accommodated by the Amawalk Shenorock Water District. The original plan also projected sewer flow and water usage at a higher rate of 100,000 gpd versus 88,320 gpd for sewer and 120,000gpd versus 108, 320gpd. This is significant since the current project sewer flow and water usage does not consider the 20,000 square feet of retail and 10,000 square feet of restaurant space. When the retail and restaurant demand may be added to the overall program with the senior housing, the overall sewer flows and water demand are still less than originally evaluated. At such time that a future plan is evaluated, the sewer flow and water demand for those uses will be determined. Therefore, there is no significant adverse impact to sewer flow and water demand.

Visual Impact

The soil stockpile to be located south of Clayton Boulevard, although considered temporary, will remain in place for an indeterminate amount of time pending future subdivision and site plan applications and development. Based on information provided regarding base elevations and height of the stockpile at 20 feet and first and second floor elevations of the Mews Phase 1 and 2 buildings, the stockpile is likely to be visible to some residents of the Mews Phases 1 and 2 West buildings. This stockpile will be vegetated and appear as a grassy knoll and will be located approximately 400 feet away from residents' view. Due to topography, the stockpile is not anticipated to be visible from US Route 6. This stockpile, is therefore, not anticipated to have a significant adverse visual impact.

Visual impact of landscaping and enclosure around pump station. Woodard and Curran has requested more detail on the pump station. Determination to be made.

Fiscal Impact

Table 3.11-7 of the July 2007 Planned Hamlet Master Plan DEIS provides the projected tax revenue for the assisted living and mixed office retail/ restaurant uses of the Master Plan. Extrapolating from this chart for the modified square footages in the final plan, projected revenues for these uses would be approximately \$628,000.

To identify the taxes attributable to each set of uses, the assisted living facility as modified was projected to generate \$476,700 and the 30,000 sq. ft. office/retail/restaurant use \$151,700 of the projected approximately \$628,000.

The overall Master Plan was projected to generate \$1.96 million in taxes or \$1.92 million over those existing. Since these uses are to be relocated for consideration south of Clayton Boulevard with a future determination of the mix and amount of total uses, the overall projected revenues are likely to be less than the \$1.92 million projected. This projected revenue reduction is also due to use reductions that will be required based on the new stormwater regulations.

Table 3.11-6 of the July 2007 DEIS for the Somers Realty Planned Hamlet Master Plan, identified the impacts of the proposed commercial uses on public expenditures.

Extrapolating for adjustments made to the size of each facility in the final approved plan, the costs to the Town for the assisted living facility was projected at approximately \$60,750 and for the 30,000 square feet of mixed office/retail/restaurant space, was \$12,800, or a total of \$73,550. The costs to the Town of the assisted living facility was the greatest projected cost of all considered non-residential uses with the nursing home next highest in cost.

Likewise, Table 3.11-5 addressed the impacts of proposed residential units on public expenditures. While a single building of market rate senior housing was not envisioned in the Master Plan, Table 3.11-5 provided projections for costs for servicing an affordable development for persons 55 years and older for a 2-bedroom and den unit. The cost per unit generally to the Town was identified as \$ 1,323 per unit, so the cost for 75 units of affordable housing for persons 55 and older could be considered to be approximately \$99,225. Since the affordable housing is projected to request a PILOT Agreement with the Town to pay taxes of \$500 per unit annually increasing by 3% per year, its revenue to the Town would be \$37,500 for the first year. In this case, costs would outweigh revenues by approximately \$61,725. However, it would bring the Town closer to meeting its \$2,000,000 obligation to the County for acquisition of the Angle Fly Preserve.

A clear determination of fiscal impacts cannot be made until future uses are known. However, if all uses are retained for future consideration, the fiscal benefits are still likely to be a significant positive impact, even if the magnitude and size of these and other uses change, they are likely to significantly outstrip costs to the Town.

Conclusions

The Somers Planning Board, acting as Lead Agency has thoroughly studied the proposed project action and proposed modifications to the Planned Hamlet Master Plan and compared the impacts with those identified in the Environmental Findings of February 10, 2009. Having done so, it determines that the proposed Master Plan modifications and further subdivision of Lot 2 and minor lot line change to the previously created Sewer Pump Station Parcel will have no greater impact on the environment than those impacts originally identified and mitigated in the environmental findings and, therefore, there will be on significant adverse impact on the environment.

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Town of Somers
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For Unlisted Actions, a copy of this notice has been filed with:

The Somers Planning Department

DRAFT