

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  
Jan Corning  
Fedora DeLucia  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
Dennis McNamara

## SOMERS PLANNING BOARD AGENDA FEBRUARY 10, 2016 7:30 P.M.

**MINUTES** Consideration for approval of Draft Minutes for December 9, 2015.

### TIME EXTENSION

#### 1. MERRITT PARK ESTATES AMENDED FINAL SUBDIVISION

[TM: 5.20-1-1]

Request for a 90-day time extension for Amended Final Subdivision Plat Approval from March 7, 2016 up to and including June 6, 2016 under Town Law Section 276 (7) (c). This is the second request for a time extension.

### PROJECT REVIEW

#### 2. SOMERS POINTE COUNTRY CLUB [TM: 6.17-20-1.21]

Application of Somers Pointe Country Club for a Site Plan for property located on the southeast side of the Somers Pointe Clubhouse at 100 West Hill Drive for the construction of a swimming pool and cabana building and two tennis courts with associated parking to provide additional recreation activities.

**PROJECT REVIEW (CONTINUED)****3. SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**

Application for Final 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.

**4. AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, PO 12]**

Application for Site Plan Approval, Steep Slopes, Tree Removal 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. The property is located on the south side of Route 6 and Clayton Blvd., east of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District. Update from applicant and discussion regarding tree removal permit.

**RENEWAL OF SPECIAL USE PERMIT****5. NEW CINGULAR WIRELESS PCS, LLC (AT&T)  
RENEWAL OF SPECIAL USE PERMIT  
[TM: 28.10-1-6.1]**

Application of New Cingular Wireless for renewal of Special Use Permit for existing approved AT & T Tower and Related Wireless Facility located at Route 100, Majestech Corporation property.

Next Planning Board Meeting is Wednesday, March 9, 2016  
Agenda information is also available at [www.somersny.com](http://www.somersny.com)

C-1  
P/B  
TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP  
ATTORNEYS AT LAW

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

GERALDINE N. TORTORELLA  
ADAM L. WEKSTEIN  
NOELLE CRISALLI WOLFSON

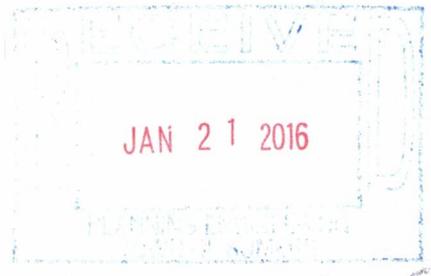
TEL: (914) 421-1800  
FAX: (914) 421-1856  
WEB: WWW.HTWLEGAL.COM

HENRY M. HOCHERMAN  
RETIRED

January 20, 2016

*Via Electronic and First Class Mail*

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



935

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

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated June 10, 2015, your Board granted Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits Approval (the "Final Approval") for the Merritt Park Estates Subdivision to modify two conditions of the original Resolution of Approval. At the Board's November 10, 2015 meeting, it extended Amended Final Subdivision Approval to March 7, 2016. As you know, Mancini has been installing the infrastructure (road, drainage, and utilities) in the Subdivision and wants to complete that work before filing the Final Plat. We do not anticipate that such work will be completed prior to the March 7<sup>th</sup> expiration date and are writing to request a ninety-day (90) extension of Final Approval to and including June 6, 2016 (the first business day after the ninetieth day, which is a Sunday), at which time we will report on the status of the work. This is our second request for an extension of Amended Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Since the last extension was granted, Mancini has substantially completed the Lovell Street and Lake Court stormwater basins located on the property of Lake Lincolndale Property Owner's Association ("LLPOA"). A minor amount of work in the streambed associated with the Lake Court basin remains to be completed. The area where the basin work was performed was planted in the Fall and, although it was stabilized, Mancini decided to defer the streambed work to afford time for the root systems to mature further and the area to achieve greater stabilization before performing any additional disturbance. Mancini expects to be able to complete the work in the Spring. In addition, since the last extension, New York State Electric & Gas ("NYSEG") installed its electric pole. The next steps will be for Mancini to dig the trench for the NYSEG lines to be installed by NYSEG. Mancini wants to

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Hon. John Currie, Chairman  
and Members of the Planning Board  
January 20, 2016  
Page 2

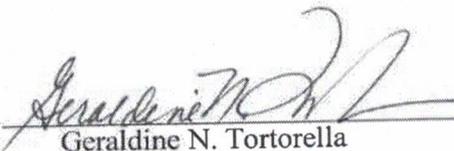
confirm NYSEG's schedule for that work before digging the trenches so they are not left exposed for an extended period. At this point in the winter season, it is unlikely NYSEG will lay the lines before the Spring. Once the electric lines are installed, Mancini plans to complete the road.

I understand that Steve Woelfle inspects the site and construction work regularly and that there have been no issues with the work.

Kindly schedule this matter for consideration at the Planning Board's February 10, 2016 meeting and let us know if an appearance is required or requested. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

GNT:hc

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

PLANNING AND ENGINEERING DEPARTMENTS

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

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

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

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**DATE:** January 29, 2016  
**TO:** Planning Board  
**FROM:** Syrette Dym, AICP  
Director of Planning  
**RE:** Merritt Park Estate Amended Final Subdivision Approval – Second  
Ninety-Day Extension Request

As indicated in the January 20, 2016 letter from Geraldine Tortorella, the Planning Board granted Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits Approval on June 10, 2015 for Merritt Park Estates Subdivision to modify two conditions of the original Resolution of Approval and a first 90-day extension was granted at the Planning Board meeting of November 10, 2015.. Since the site work is not anticipated to be complete by expiration of the First Extension on March 7, 2016, a second extension of ninety-days (90) of Final Approval up to and including June 6, 2016 (the first business day after the ninetieth day, which is a Sunday) is being requested. This request is made under Section 276(7)(c) of Town Law.

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

cc: Geraldine Tortorella, Esq.  
Richard Mancini  
John Mancini

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

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

**MEMORANDUM**

**DATE:** February 5, 2016

**TO:** Planning Board

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

**RE:** Somers Pointe Country Club Site Plan  
TM 6.17-20-1.21

The following comments are in response to the applicant's submission of January 27, 2016 that included the following:

- Cover letter dated January 27, 2016 from John Petroccione
- Letter dated April 2, 2015 regarding Report of Subsurface Soil and Foundation from Carlin Simpson and Associates
- SWPPP dated April 22, 2015; Revised January 26, 2016 prepared by John Petroccione
- Correspondence from Robert G. Torgersen dated December 28, 2015 regarding Investigation for Endangered Species
- Plans S-001-007 from John Petroccione last revised January 26, 2016
- Landscape Tree Schedule Plan from Steven Kuo - no date
- Cabana Building Floor Plans and Elevations from Steven Kuo - no date
- Draft Tree Application - January 26, 2016

**Tree Permit**

A draft, unsigned tree permit application dated January 26, 2016 for removal of 84 trees was submitted. A final permit and associated fee needs to be submitted by the applicant.

## **Bats**

A natural resources report dated December 28, 2015 was submitted by Robert Torgersen. Although it states there is no likely habitat for endangered species identified in the area including Indiana and long eared bats, a submission should be made to New York DEC to determine whether there would be a restriction of tree removal during the period of April 1 to October 31.

## **Soil Removal**

The geotechnical report prepared by Carlin Simpson indicated the need for significant soil removal and excavation for pool and cabana construction and for construction of some of the proposed road area. The anticipated total amount of soil removal and clean fill delivery needs to be provided and the number of and type of truck trips and their duration that will be needed to complete export and import activities.

## **Clearing Limit Line**

It appears that the majority of the site to be disturbed included proposed landbanked parking areas have been included within the clearing limit line with the exception of the easternmost landbanked spaces. These spaces should be included in this area and the calculation for the adjusted area should be provided.

## **Landscape Plan**

There is a landscape plan provided, but individual parking areas may not comply with the requirements of landscaping within surface parking area. This needs to be reviewed. Additionally, there are many types of pavement treatments illustrated on the plan but these are not described as to what they are, and whether they are pervious or impervious. This information needs to be provided. It should be noted that existing parking areas and driveways are in need of significant repair and the treatment of these existing areas needs to be more fully described.

## **Cabana Building**

The cabana building appears to be a two story building where the first floor is depicted as housing club membership facilities and the second "mezzanine" story is identified as functioning as storage space. A zoning bulk table needs to be provided outlining the building dimensions and overall square footage and how the applicant interprets this mezzanine space to be calculated as part of FAR. Once this is provided, the zoning code will be reviewed and any interpretation required from the Building Inspector sought.

SOMERS PLANNING BOARD

APPLICATION FOR FINAL APPROVAL OF SUBDIVISION

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

I. IDENTIFICATION OF APPLICANT:

- A. OWNER: SOMERS REALTY CORPORATION SUBDIVIDER: SAME  
 ADDRESS: 15 CHARLES ST, APT 126 NEW YORK NEW YORK 10014  
 TELE #: 917-584-6527 TELE #:
- B. SURVEYOR: SAME AS ENGINEER TELE #:  
 ENGINEER: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, PC TELE #:

II. IDENTIFICATION OF PROPERTY:

- A. Subdivision identifying Title: SOMERS REALTY - PHASE 3
- B. Street abutting property: CLAYTON BOULEVARD
- C. Tax Map Designation: Sheet: 4.20 Block: 1 lot: 15
- D. Zoning District: PH (PLANNED HAMLET)
- E. Total area of property in acres: 62.3

III. APPLICATION FEES PAID: By certified check payable to Town of Somers Fee: \$150 for each lot shown on the final subdivision plat, minimum application fee is \$600. Fee: \$1,050.00 Paid: \_\_\_\_\_  
14 copies of all correspondence/plans must be submitted to the Planning Board during review.

- A.  14 copies of Final Subdivision Plat.
- B.  14 copies of Construction Plans.
- C.  Proof of ownership by the applicant of the premises affected by the application.
- D.  Certificate of Title Company covering all interests, liens, & objections to title if any.
- E.  Engineer's or surveyor's certification of total area of subdivision shown on the plat.
- F.  Length of all proposed streets shown on plat.
- G.  To BE PROVIDED Engineer's estimate of cost of construction of the subdivision streets and all other improvements shown on the final construction plans.
- H.  Deed to Town of the proposed streets and park areas shown on the plat.
- I.  Proof of approval by Somers Town Board of all proposed street names.
- J.  To BE PROVIDED Proof of approval by the State Department of Transportation or the County Department of Public Works, as appropriate, of the design and proposed construction of any intersection of a proposed street on the plat with a State or County highway if any.
- K.  Proof that taxes have been paid.

IV. LIST OF ADJOINING PROPERTY OWNERS OF RECORD:

NAME	ADDRESS	BLOCK	LOTS
<u>To BE PROVIDED</u>			

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerk's Office: Master Plan, Zoning Ordinance, Subdivision Regulations, State Environmental Quality Review (SEOR), Wetland and Steep Slope Ordinances.

**McCULLOUGH, GOLDBERGER & STAUDT, LLP**

**ATTORNEYS AT LAW**

**1311 MAMARONECK AVENUE, SUITE 340**

**WHITE PLAINS, NEW YORK**

**10605**

**(914) 949-8400**

**FAX (914) 949-2510**

**WWW.MCCULLOUGHGOLDBERGER.COM**

**FRANK S. McCULLOUGH, JR.  
JAMES STAUDT  
LINDA B. WHITEHEAD  
BETH M. MANDELBAUM**

**JOANNA C. FELDMAN  
DEBORAH A. GOLDBERGER  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
MEREDITH A. LEFF  
RUTH F.-L. POST  
KEVIN E. STAUDT  
STEVEN M. WRABEL**

**CHARLES A. GOLDBERGER  
KEITH R. BETENSKY  
COUNSEL**

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

January 27, 2016

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

Re: Somers Realty Planned Hamlet Master Plan Phase 3  
Final Subdivision Approval

Dear Chairman Currie and Members of the Board:

As you are aware, on May 27, 2015 your Board granted Preliminary Subdivision Approval and related approvals for the Somers Realty Planned Hamlet Phase 3 subdivision. In accordance therewith, we are submitting to you herewith our application for final subdivision approval together with supporting documentation, the proposed final subdivision plat and revised plans. We have been working to obtain all other agency approvals hope to have most of those in hand shortly.

We have provided herewith the items required on the Application for Final Approval of Subdivision, except that we have not received a copy of the Town Board Resolution approving the road names, the engineer's cost estimate will follow, and we do not yet have the NYSDOT approval. Interestingly, the Preliminary Subdivision Resolution requires that NYSDOT approval be provided prior to the issuance of a building permit.

The following are the conditions set forth in the Preliminary Subdivision Approval Resolution with the status set forth following each in *italics*.

1. That the standard subdivision plat notes, including references to the Planned Hamlet Master Plan Maintenance Agreements, Health Department approval block, name of water and sewer districts serving the lots, etc. are included on the plat as part of the final submission.

*All required plat notes are included on the plat.*

2. That the Applicant is required to review the crossing of Town Wetland A and a NYC DEP identified watercourse by the extension of Clayton Boulevard to its intersection with U.S. Route 6 and the construction of Town Road D through a portion of Town Wetland E with the NYC DEP, and to obtain all required variances and address all NYC DEP requirements to achieve issuance of necessary permits and approvals.

*NYCDEP has completed its technical review of the variance required for the Clayton Boulevard extension and is forwarding same to its legal department for final review.*

3. That the NYSDOT concerns regarding inadequate drainage facilities along Route 6 being only temporarily addressed shall be addressed to the satisfaction of NYSDOT.

*NYSDOT has been satisfied with respect to the drainage facilities and they have been or will be permanently addressed as part of the current plans.*

4. That the applicant shall provide sight distances at project intersections to identify whether proposed site grading of proposed plans has not affected the prior sight distances.

*Per discussions with the Town's Consulting Engineer, Insite Engineering has reviewed the original landscaping and grades of the Master Plan as they relate to the proposed grades / landscaping and their effect on sight distance. Based on their review the current drawings are generally consistent with the grading and landscaping such that the internal sight distances would not be altered from what was previously reviewed during the Master Plan process.*

5. That sight easement agreements required by Town Code Section 150-24-(E) be included as part of future submittals.

*Sight easements are provided for on the plat and the provisions thereof are set forth in a note on the plat. If necessary, a separate written document can be provided for recording.*

6. That the Applicant provide additional details of design documents related to Route 6 improvements to the Town Consulting Engineer.

*The Town Consulting Engineer has been provided with all the Route 6 design documents and the final versions provided to NYSDOT are being submitted herewith.*

7. That the Applicant provide documentation of no objection by the Somers Fire Prevention Bureau of the proposed plan prior to final subdivision approval.

*The project was reviewed with the Fire Prevention Bureau and all their comments were addressed. The letter they provided is attached.*

8. That the Applicant provide the Town with documentation of Army Corps Wetland Permit.

*The ACOE has indicated it is prepared to issue its approval. However it has now requested that we obtain the NYSDEC Water Quality Certification prior to rather than as a condition of the ACOE permit. We are in the process of obtaining same.*

9. That the Applicant must prepare an acceptable Wetlands Mitigation Plan to include all structural design measures and mitigation practices as detailed by the Master Plan FEIS and that is to the satisfaction of the Consulting Town Engineer.

*Plan prepared by Tim Miller Associates is submitted herewith.*

10. That the Applicant shall prepare an acceptable Wetlands Construction, Inspection and Monitoring Plan that addresses all measures as detailed in the Master Plan FEIS and is to the satisfaction of the Consulting Town Engineer.

*The inspection and monitoring provisions are included on the Tim Miller Associates plans.*

11. That the Applicant shall provide final detailed design layout, construction details and engineers report for the proposed water main extension within Clayton Boulevard

*This information is included in the plans submitted and has been reviewed by the Town Consulting Engineer.*

12. That the Applicant proposed layout of site electrical and gas service mains for the proposed development within the proposed Town Roads be provided.

*The proposed electrical and gas service utilities have been illustrated within the proposed Town roads, and are shown project Drawings SP-2.2 and SP-2.3, as well as on the drawings prepared by Milone and MacBroom, Inc. as part of the AvalonBay site plan drawings.*

13. That the Applicant shall produce a revised SWPPP document that addresses all outstanding stormwater management concerns of the Consulting Town Engineer, including but not limited to the following:

- a. Update the SWPPP and HydroCAD report to address all outstanding technical design and modeling comments to the satisfaction of the Consulting Town Engineer.
- b. Demonstrate that the stormwater practice design documents and HydroCAD report have been planned to accommodate required stormwater quality treatment and peak flow attenuation resulting from future development of proposed assisted living facility on Lot 6.
- c. Demonstrate that the stormwater practice design documents and HydroCAD report have been planned to accommodate required stormwater water quality treatment and peak flow attenuation resulting from future construction of "Town Road B" to the southern property line.

- d. Provide Landscaping Plans for all applicable stormwater management practices in accordance with the NYSDEC Stormwater Management Design Manual, latest edition.
- e. Prepare an acceptable Stormwater Maintenance Agreement for the inspection and maintenance of permanent stormwater management practices to the satisfaction of the Consulting Town Engineer and Town Attorney.

*The revised SWPPP has been submitted to the Consulting Town Engineer and a meeting is scheduled for January 29 to review same. The final version will be provided upon completion of all technical reviews.*

14. That the updated SWPPP shall include a detailed Land Disturbance Phasing Plan that is coordinated with the project Erosion and Sediment Control Plan and Earthwork Plan to ensure that no more than five acres of land will be disturbed at any one point in time.

*See comment above.*

15. That the Applicant shall prepare a Rock Removal plan that estimates the approximate volume of rock excavation and describes the methodology and anticipated duration of rock removal activities.

*Limited rock removal is anticipated based on the current development plan and extent of rock encountered during Phase 2. Rock removal will be performed by either hammering, or if necessary, blasting in accordance with applicable regulations. General Note #10 limits hours of rock removal per comments received by the Planning Board.*

16. That the Applicant provide the following with regard to the Proposed Subdivision Phase II SWPPP amendment and stockpile export hauling plan:

- a. Posting of Surety for the portions of Clayton Boulevard to be traversed during stockpile hauling operations based on Applicant prepared costs estimate and documentation of existing conditions of Clayton Boulevard, subject to acceptance of the Consulting Town Engineer and Principal Engineering Technician.
- b. The Applicant shall characterize all soils planned for export to demonstrate compliance with NYSDEC DER-10 and CP-51 guidance document standards
- c. That the plans are revised to note that the Planning Board reserves the right to require the change in use of 30 cubic yard hauling trailers to tri-axle style dump trucks if the Board determines such is necessary to protect traffic and pedestrian safety
- d. A template for weekly stockpile hauling reports shall be submitted by Applicant

*The stockpile export is complete and all the above requirements were complied with.*

17. That the Applicant obtains review and approval by the Water Superintendent and the Bureau of Fire Prevention for the hydrant placement with respect to the street curb and the sidewalk.

*The Water Superintendent and the Bureau of Fire Prevention has reviewed the hydrant placement and any comments have been addressed.*

18. That the Applicant submits written evidence of having obtained approval by the Westchester County Department of Health for the realty subdivision and sewer and water main extensions.

*The Westchester County Department of Health has completed its review and the Town Consulting Engineer is in the process of obtaining Town signatures for the main extension applications. Upon submission of those and the original plat, the Westchester County DOH is prepared to issue its approvals.*

19. That the Applicant obtains coverage under the NYSDEC General Permit No. GP-0-1 5-002 with a copy of the NOI provided to the Town.

*The NOI will be filed and provided prior to any construction.*

20. That the Applicant demonstrates approval from the NYCDEP for the Stormwater Pollution Prevention Plan (SWPPP).

*NYCDEP approval of the SWPPP will be forthcoming. They are currently reviewing revised submissions addressing their comments.*

21. That, since the portion of Clayton Boulevard to be constructed as part of this subdivision application will not be dedicated as a Town Road until Avalon is complete, the Applicant as owner will be obligated to maintain the road until dedication to the Town. Upon dedication of the road, the maintenance of the sidewalk will be the obligation of the adjacent property owner pursuant to Somers Code Chapter 142.

*This provision should be repeated as a condition of final subdivision approval. Nothing is required from the applicant at this time.*

22. That the Applicant submits easement agreements for temporary access from the existing Town right-of-way traveling through "Town Road D" and Lot 3C for access to the Water Tower parcel. Temporary easement will be necessary because this portion of Town Road D is proposed to be constructed to Item 4 sub-base as part of this Subdivision Application and will not be paved until future development on the adjacent parcel. Such temporary easement shall terminate following completion of Town Road D with asphalt paving and Town acceptance of dedication of "Town Road D", at which point access to the Water Tower Parcel will be provided by permanent easement through proposed Lot 3C.

*All easement documents will be submitted to the Town Attorney shortly and prior to final subdivision approval.*

23. That the Applicant submits easement agreements for permanent access from the terminus of Road D to the newly created lot for the future potential water tower and for the stormwater easement within the unpaved/unimproved right of way from the terminus of Road B at the end of the Avalon development to the boundary of the Avalon lot for review and approval by the Town Attorney prior to Final Subdivision Plat Approval.

*All easement documents will be submitted to the Town Attorney shortly and prior to final subdivision approval.*

24. That the Applicant has obtained the variance from the NYC DEP relative to Section 1 8-39(8a) (6) (ii) of the Watershed Rules and Regulations for connection of Clayton Boulevard to Route 6.

*NYCDEP has completed its technical review of the variance required for the Clayton Boulevard extension and is forwarding same to its legal department for final review.*

25. That the Applicant provides a performance bond to cover the restoration of the existing portions of Clayton Boulevard in the event it is damaged during construction in an amount to be determined based on cost estimates as reviewed and approved by the Consulting Town Engineer prior to issuance of the building permit. The Applicant shall prepare a construction cost estimate for determination of the surety amount based upon the cost of milling and repaving of asphalt top course on Clayton Boulevard, including replacement of curbs and drainage structure frames and grates.

*A construction cost estimate is provided herewith. The requirement for the posting of a performance bond should be repeated as a condition in the final subdivision approval resolution.*

26. That the Applicant files a pre-construction notification for coverage under Nationwide Permit #18 relative to wetland disturbance with the Army Corps of Engineers and submit a copy to the Town prior to issuance of a building permit.

*The pre-construction notification will be filed and provided prior to any construction.*

27. That the Applicant provides an updated final Master Plan Conformance drawing illustrating any future design modifications following preliminary subdivision plat approval prior to Final Subdivision Plat approval.

*The updated Master Plan Conformance drawing will be provided prior to Final Subdivision Plat approval.*

28. That the Applicant provides documentation of NYS Department of Transportation approval for proposed work within the right of way, including right of way improvements to the shoulder of Route 6 for the new turning lane prior to the signing of the Final Subdivision Plat by the Chairman.

Chairman and Members of the Board

January 27, 2016

Page 7

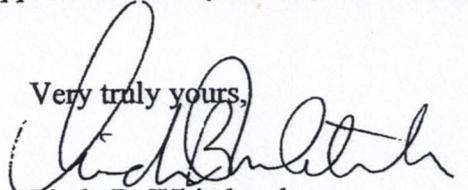
*This is a condition prior to the signing of the Final Subdivision Plat and as such should be included in the final subdivision approval resolution. However, we expect to have the approval from NYS DOT prior to final subdivision approval and the condition would not then be necessary.*

29. That the Applicant enter into an agreement with the Town regarding the details of provision of the looped water system and the obligations and options for funding or construction of such loop by the Applicant, and that such agreement be reviewed and approved by the Town Consulting Engineer and the Town Attorney.

*The agreement is being prepared and will be provided to the Town Consulting Engineer and the Town Attorney for review.*

We request that this matter be placed on the agenda for your February 10, 2016 meeting to begin the review for final subdivision approval. Thank you for your continued cooperation in this matter.

Very truly yours,



Linda B. Whitehead

cc: Seth Capozza, Somers Realty  
Rich Williams, P.E., Insite Engineering

PLANNING AND ENGINEERING DEPARTMENTS

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

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

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

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**MEMORANDUM**

**TO:** Town of Somers Planning Board  
**FROM:** Syrette Dym, Director of Planning  
**DATE:** February 3, 2016  
**RE:** Somers Realty Planned Hamlet Master Plan Final Subdivision Application #3

**Somers Realty Corporation – Planned Hamlet Zone Phase 3 Subdivision Final Subdivision Approval – Response to Submittal Letter and Plans of January 27, 2016**

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.**

**The Preliminary Subdivision Plat of January 6, 2014 ( Should say 2015) now shows a proposed Town right-of-way from the end of proposed Town Road B to the southern property boundary and an associated proposed stormwater management practice construction and maintenance easement. The plat also shows the Proposed Access, Utility and Stormwater Management Practice Easement from the Proposed Clayton Boulevard Extension to proposed Lot 6. This easement will also provide a second, western access road to the proposed AvalonBay 153 unit multifamily development.**

*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 on Letter of January 27, 2016 from McCullough, Goldberger and Staudt and Application for Final Subdivision Approval dated January 25, 2016, received January 27, 3016.**

The letter of January 27, 2016 is a detailed update on the status of the conditions to be met as determined by the Preliminary Subdivision Approval of May 27, 2015. Many of the conditions have not yet been fully met or approvals received from agencies and are in the process of being completed or obtained.

Therefore, my comments will focus on those items which are deemed to be complete to determine whether it is agreed that the condition has been fully met.

### **Conditions Indicated to be Fully Met**

#### *Application Form for Final Subdivision Approval*

Section III of the Final Subdivision Application indicates the status of items A through K that need to be submitted as part of final subdivision application.

There are two items already indicated in the application as items "To be Provided"; they are: (1) G. Engineers' estimate of cost of construction of the subdivision streets and all other improvements shown on the final construction plans; and, (2) J. Proof of approval by the State Department of Transportation or the County Department of Public Works, as

appropriate, of the design and proposed construction of any intersection of a proposed street on the plat with a State or County highway, if any.

In addition, under "IV. List of adjoining property owners of record", it is also indicated that this list is "To be Provided".

However there are several other items checked as provided that, in fact, have not been provided and need to be. They are the following:

- E. Engineer's or surveyor's certification of total area of subdivision shown on the plat – Has been provided
- F. Length of all proposed streets shown on plat – Lengths have not been provided on plat, however, they have been previously provided on construction drawings.
- H. Deed to Town of proposed streets and park areas shown on the plat
- I. Proof of approval by Somers Town Board of all proposed street names. – If this was done, please include Town Board Resolution with the package

#### **Items Indicated as Meeting Conditions of Site Plan Approval**

- 1. To be verified by Town Engineer
- 4. To be verified by Town Consulting Engineer. Are separate sight easement agreements needed for recording. Need opinion of Town Attorney.
- 6. To be determined by Town Consulting Engineer
- 8. Addressed ACOE Permit – An additional requirement has come to our attention regarding ACOE requirements that there be no tree removal from April 1 through October 31 due to the potential presence of Indiana and/or northern long ear bats. Due to this, Avalon Bay is appearing before the Planning Board to discuss this situation and request consideration of approval of a tree removal permit in advance of overall subdivision and site plan approval.
- 15. Planning Board to determine if explanation provided is sufficient.
- 16. Addressed
- 17. Addressed
- 21. Agreed
- 25. No construction cost estimate has been provided (unless it was submitted directly to the Town Consulting Engineer).

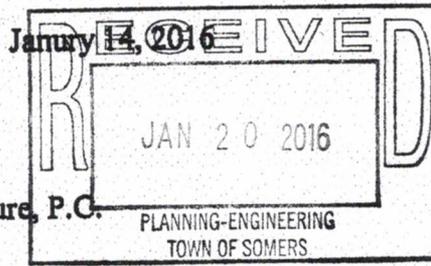
Cc: Rick Morrissey  
Roland Baroni  
Tommy Chiaverini  
Joe Barbagallo  
Rob Wasp  
Linda Whitehead  
Janet Giris  
Peter Wise  
Todd Nicotra  
Rich Williams

Z:\PE\Subdivision files\Somers Realty Subdivision 3\Town Comments\Planner Comments 02-03-16.docx



Environmental Protection  
Commissioner

C-PB  
TP  
CTE



Paul V. Rush, P.E.  
Deputy Commissioner  
rush@dep.nyc.gov

5 Columbus Ave.  
Rochester, New York 10595

t. (845) 340-7800  
x (845) 334-7175

Mr. Jeffery J. Contelmo, P.E.  
Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, NY 10512

Re: Somers Realty Phase 3; Stormwater Pollution Prevention Plan  
Clayton Boulevard & US Route 6;  
(T) Somers; Westchester County; New York  
DEP Log #2004-AM-0415-SP.3

Dear Mr. Contelmo:

Thank you for meeting with the representatives of New York City Department of Environmental Protection (DEP) on January 8, 2016 to discuss the construction sequencing part of the SWPPP. Based on DEP's review of your latest submission and the issues discussed at the meeting, the following comments must be satisfactorily addressed prior to approval.

**I. Insite SWPPP Report & Plans**

1. Runoff Reduction Calculations (RRv) for the subcatchment 2.4 S must be included. Explain how the RRv for subcatchment 2.6 S is applied.
2. Verify the RRv provided for subcatchment 2.1S, 3.1S and 3.3 S. Please verify RRv sheet in Appendix A of the report for subcatchment 2.3 S, 2.5S and revise the Table 2.2.1 in the report.
3. Verify that the requirements of the New York State Stormwater Management Design Manual (NYSSDM) for the pocket wetland, 2. 2P are met. Provide pertinent elevations on the detail sheet, D-5.
4. A legend must be given on the plan for proposed tree plantings in 2.5 S and explain how the runoff reduction in regards to tree planting is applied. The calculations shows volume reduction but it is stated as area reduction. Please clarify.

5. The reference 'proposed recreated NYCDEP watercourse' shown on Drawing, SP-2.2 has not been removed per your letter dated November 17, 2015.
6. Indicate the location of Grass Swale B on the plans.
7. Rock outlet protection sizing calculations for end structures ES 203C, 207, 208, 219 should be included in Appendix I and plans.
8. Label the maintenance access path for the stormwater practices on the plans.
9. Include in the table provided on drawing SP-3, specific maintenance requirements/ criteria for each type of standard stormwater management practices (sandfilters, pocket wetland, micropool extended detention pond etc.) and the frequencies at which each of them should be inspected. Reference specific inspection sheets that will be useful.

## **II. Milone & MacBroom SWPPP Report and Plans**

### **A. Green Infrastructure Practices**

1. Referencing the response R14 in your letter dated November 23, 2015 and the narrative of the cistern that was provided via the email on December 18, 2015, please verify how the drainage system is designed to carry the 100 yr storm. There appears to be a disconnecting in the Hydraflow model for cisterns based on the schematic provided. Please verify and revise as necessary.
2. All the test pits and infiltration testing witnessed by DEP must be shown on the plans.
3. Please verify whether the infiltration testing was performed in the vicinity of Bioretention filter 1 as no underdrain is proposed beneath it and 100% credit on runoff reduction is assumed.
4. Provide the ponding depth elevation for the bio retention filter on the plan as provided in the report.
5. Please explain how the underdrain from the forebay to bio retention filters are protected from sediment clogging.

10. Maximize the bypass of higher flows (1 and 100-yr) through flow splitters. Per your response (R10) provided in your letter dated November 23, 2015 verify that the correct culv/orf A/ B is provided as the model output in the Hydraflow.
6. The orifice data provided in the model for Bioretention 1 must be shown in the outlet structure table provided on SD-5. Clarify that all the pertinent weir and/or orifice data are shown on SD-5 and verify the data with the Hydraflow model for all the proposed Green Infrastructure Practices (GIP).
7. Verify the swale invert elevation provided on sheet SD-5 detail on Stone Check Dam in Water Quality Swales.
8. Provide a flow splitter detail on the plans.
9. A drainage table with all the drainage structures, its pipe lengths, capacity, design capacity, slopes, elevations, velocity etc. should be included with the plans for ease of construction. Please reference the profile sheets where the details of each of the pipe sections can be found in accordance with the table to facilitate the review.
10. Verify that all the structures and pipe crossings are shown on the profile sheets, for instance, the pipe crossing at the catch basin, AD 36 be shown on DP-2 and DP-4. All the underdrains from the GIP's (in particular the under drain connecting forebay and bioretention filters, its spillway elevations) must be reflected in the drainage profiles.
11. Based on the profile sheets, please verify the elevations of flow splitters and bypass pipes for the proposed GIPS's and indicate that the bypass pipes are efficiently utilized for higher flows and that no back flow issues will result into the associated roof leaders.
12. Justify the usage of pipe slopes less than 0.5% and indicate how a positive drainage will be maintained and back flow issues for these pipes.

**B. Erosion Control, maintenance and Construction Sequence**

1. As discussed in our meeting on January 8, 2015, it is understood that the construction sequencing will be redesigned to demonstrate clear and realistic limits of disturbance, for each stage related to area that required clearing and regarding (both cut and fills sections). All the GIP practices must be fenced or

protected from compaction and overuse as discussed in the meeting. Associated erosion and sediment control revisions will be incorporated to ensure that the work can progress without discharge of sediment laden runoff from the work area.

2. Cut and fill balance sheets must be provided for each phase of construction.
3. Temporary and permanent maintenance of practices shown on the plans, SP-4 must be refined by providing more specific time intervals. Verify the 4<sup>th</sup> column provided. Terms such as "as necessary/ needed", "may be", "frequently", "immediately" "as required" etc. must be replaced with specific intervals and criteria.

### **C. Landscaping Plan**

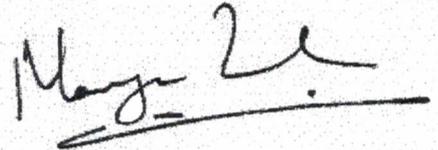
The comments 1& 2 apply to the notes on sheet LS-2:

1. In the Planting Notes, Note 7 indicates that all replacements shall be of the same kind and size of plants. It is recommended that this be re-worded to indicate that other, more successful species from the list may be substituted to assure successful and appropriate cover.
2. In the Water Quality Swale and Bioretention Filter Notes, Note 4 indicates that mulch around woody plantings shall be at a 4" depth. Studies indicate that this is somewhat excessive, can reduce oxygen exchange in the important first 6 inches of soil during root establishment and can cause roots to develop at or above the soil surface within the mulch layer itself. Once mulch deteriorates, this can leave roots exposed to drought conditions and reduce plant vigor. It is recommended that mulch not exceed a depth of 3". Note 7 indicate that aquatic plants that float up in inundated conditions are to be weighted with fence staples or 8 penny nails. As metals can corrode over time and leach contaminants harmful to plant growth, it is recommended to avoid use of nails or staples for this purpose. Instead, small quantities of stone placed in a small piece of muslin or burlap and tied with cotton or jute string works very well for this purpose and will not contaminate soil with metals.
3. It has not been clarified whether any deer fencing or other herbivory deterrents will be used on the site to protect such favored species as azaleas. Should herbivory become an issue with a particular species, it is recommended to replace them with less palatable species, such as ninebark (*Physocarpus opulifolius*), summersweet (*Clethra alnifolia*), or sand cherry (*Prunus x cistena*). This will

retain the flowering shrub concept, though the flowers will, unfortunately, be less colorful. Perhaps annuals could be used to interject more color into the perennial landscape.

Should you have any questions regarding this letter, please call the undersigned at (914)742-2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Mariyam Zachariah", written over a horizontal line.

Mariyam Zachariah  
Associate Project Manager  
Stormwater Programs

Cc: Tom Daly ( M& M)  
Todd Nicotra( Avalon Bay)  
Town of Somers Planning Board

Stormwater Review Committee:  
Armand DeAngelis, NYSDEC  
Syrette, Dym, Town Planner of Somers



William J. Lloyd  
Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner  
prush@dep.nyc.gov

5 Columbus Ave.  
Albany, New York 12242

t. (845) 340-7800  
f. (845) 334-7175

C-  
PB  
TP  
CTE  
App. 1/2/15

January 5, 2015

Mr. Jeffery J. Contelmo, P.E.  
Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, NY 10512

Re: Somers Realty Phase 3 CPDP  
Clayton Boulevard & US Route 6;  
(T) Somers; Westchester County; New York  
DEP Log #2004-AM-0415-CPD.1

JAN 11 2016  
932

Dear Mr. Contelmo:

The New York City Environmental Protection (DEP) determined that the above referenced application was complete on December 9, 2015. Based on your narrative dated November 6, 2015, revised on December 9, 2015 and the revised set of plans dated December 14, 2015, DEP offers the following comments which must be satisfactorily addressed prior to approval of a Crossing, Piping or Diversion permit (CPDP).

**Report & Plans**

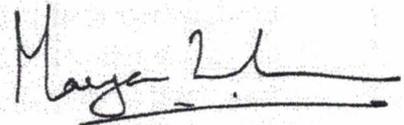
1. Verify that drainage structure names used in the Hydrocad model, labeled on the drawings (especially Figure 1) and used in pipe sizing calculations are consistent with each other to avoid confusion. For instance, drainage structure from DMH 214 is shown as connecting with D1 4 in the Hydrocad, with DMH 213 on Figure 1 and with DI 213 in the pipe sizing calculations. Likewise, Figure 1 shows a slope of 0.49 % for pipe from HW 214A to DMH 214E and the pipe sizing calculations calls for 0.3%. Such kind of quality control issues must be verified and corrected.
2. A drainage table with all the drainage structures, its pipe lengths, capacity, design capacity, slopes, elevations, velocity etc. should be included with the plans for ease of construction.
3. Provide a detailed construction sequence applicable to the CPDP application to demonstrate that no adverse impacts to water quality will occur during construction of the piping sections. As an alternative, specific reference to

associated drawings detailing the sequence may be included in the report. Indicate how the drain inlets will be protected during construction. Indicate the order in which construction will progress, i.e, when the diversions and piping will occur relative to site work for Somers Realty development and Route 6 widening.

4. The procedure to be followed if turbid flow is encountered in the discharge line during dewatering must be included in the dewatering sump pit detail. A note must be added indicating that pumping shall cease immediately and until an adequate alternative measure such as that described in your December 9, 2015 letter is incorporated in the dewatering system.
5. The maintenance schedule related with CPDP application must be referenced in the report.
6. Per the statement provided in the CPDP narrative ( 3.b. ) although the risk of flooding on US Route 6 can be alleviated as a result of the proposed piping improvements, it is unclear whether the potential for flooding in the Golfworx parking lot can be eliminated due to the insufficient pipe capacities downstream of the proposed drain manhole north of US Route 6.

Should you have any questions regarding this letter, please call the undersigned at (914)742-2014.

Sincerely,



Mariyam Zachariah  
Associate Project Manager  
Stormwater Programs

CC: Town of Somers Planning Board  
S. Capozza



CPB  
TRP  
CTE

December 30, 2015

Wendy Lloyd  
Commissioner

Mr. Jeffery J. Contelmo, P.E.  
Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, NY 10512

JAN - 5 2016

Paul V. Rush, P.E.  
Deputy Commissioner  
rush@dep.nyc.gov

Re: Somers Realty Phase 3 Variance  
Clayton Boulevard & US Route 6;  
(T) Somers; Westchester County; New York  
DEP Log #2004-AM-0415-VA.2

5 Columbus Ave.  
Alhambra, New York 10595

Dear Mr. Contelmo:

931

tel. (845) 340-7800  
fax (845) 334-7175

New York City Department of Environmental Protection (DEP) has reviewed your submission dated December 14, 2015 and offers the following comments which must be satisfactorily addressed prior to approval.

1. The pocket wetland is the first and only standard stormwater treatment practice in series proposed as a part of this variance. Please demonstrate the following:
  - (i) how the requirement for 24 hours extended detention is met and the Channel Protection Volume (CPV) is met;
  - (ii) how the sediment forebay will perform as a separate cell as required by the New York State Stormwater Management Design Manual (NYSSDM) to prevent sedimentation in the micropool when the "berm" between the forebay and micropool is permanently submerged;
  - (iii) how flow paths from the sediment forebay to the micropool are maximized per the NYSSDM based on the proposed configuration;
  - (iv) how the inspection and maintenance of the forebay can be performed without draining the entire practice or causing turbidity in the micropool based on the configuration given;

- (v) Due to the very small drainage area of 2.5 S and 2.3 S (1.0 acre), demonstrate how the permanent pool will be sustained in the proposed pocket wetland 2.3P during dryer seasons.
- 2) Based on Figure 1 it is noted that the discharge pipe from the 2.3P outlet control structure and the pipes in and out of the Jelly Fish filter are very flat. Please provide measures to ensure that positive slope is provided during construction and include inspection & maintenance criteria post construction so that the stormwater practices proposed can maintain the flow in the appropriate direction over time.
  - 3) Please verify that the length, elevations, slopes of the primary and secondary pipes shown in the Hydrocad model for the Flow splitter 214 F is consistent with Figure 1 and drainage profiles.
  - 4) The impervious acreage for predevelopment conditions on subcatchment 2.0S might be overly estimated in the runoff calculations. Please verify.
  - 5) Provide a measure such as a minimal filter strip, pea stone diaphragm etc. in order to enhance the quality of road runoff prior to its discharge to the watercourse in subcatchment 2.6 S.
  - 6) A detail is provided on the drawing, D-8 and product information in Appendix P of SWPPP. Please demonstrate that it meets the certification conditions included in the Appendix P. Also, explain how the 40 % phosphorus removal requirement described in your December 14, 2015 letter is attained. Further, provide dimensions, number of cartridges and lengths and other specifications such as minimum head requirement for the unit proposed at the site.
  - 7) Clarify if there is a bypass within the Storm Filter 214G proposed. As it is not designed offline, what will be the effects of the larger storm volumes and flows on the efficiency of the unit. Consider installing the storm filter upstream of the pocket wetland 2.3P.
  - 8) Verify the Appendix P for consistency in the flow rates referred and the Hydrocad model. Indicate if there is a minimal flow rate associated with treatment for the proposed Storm Filter.
  - 9) Provide a detail for the flow splitter 214F on the plans.
  - 10) Provide the Hydrocad model for 2.6P in the 1 yr storm.

- 11) Underdrain underneath the road section should be diverted away from the treatment train.
- 12) Please verify that all the pipes and its lengths, slopes, elevations etc. are shown on the drainage profiles particularly FS 214 F to DMH 214 E, OS 2.3P to DMH 214, DMH 216 to 213 and check for its consistency with Figure 1.
- 13) Please revise the summary provided on page 8 of the variance narrative to note that 0.4 acres of new widening will be treated in the proposed practices. Verify the acreage of existing road pavement treated via 2.4 P and 2.6P for consistency in the narrative and your response letter.

Should you have any questions regarding this letter, please call the undersigned at (914)742-2014.

Sincerely,



Mariyam Zachariah  
Associate Project Manager  
Stormwater Programs

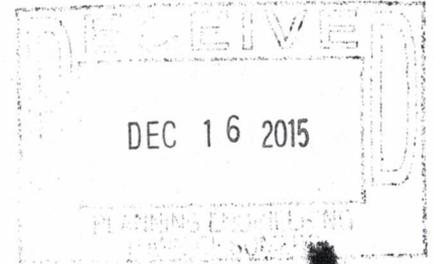
Cc: Town of Somers Planning Board

CPB  
TP  
CTE  
application

December 9, 2015

**Emily Lloyd**  
Commissioner

Mr. Jeffery J. Contelmo, P.E.  
Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, NY 10512



**Paul V. Rush, P.E.**  
Deputy Commissioner  
rush@dep.nyc.gov

Re: Somers Realty Phase 3 CPDP  
Clayton Boulevard & US Route 6;  
(T) Somers; Westchester County; New York  
DEP Log #2004-AM-0415-CPD.1

65 Columbus Ave.  
Yonkers, New York 10595

Dear Mr. Contelmo:

tel. (845) 340-7800  
fax (845) 334-7175

The application for the above-referenced project received by this department on November 18, 2015 and revised on December 9, 2015 was deemed complete on December 9, 2015. The department has commenced review and will notify you by January 23, 2015 of its determination.

If the department fails to notify you within the above referenced time frame, you may notify the Department of its failure by certified mail, return receipt requested. The notice should be sent to my attention at the address below. This notice must include your name, the location of the project, the office with which you filed the application originally, and a statement that a decision is sought in accordance with §18-23(d) (6) of the Rules and Regulations. If the Department fails to notify you within 10 days of the receipt of the notice, your application will be deemed approved, subject to standard terms and conditions as set forth in the regulations. If you have any questions, please contact the undersigned at (914) 742-2014.

Sincerely,

Mariyam Zachariah  
Associate Project Manager  
Stormwater Programs

Cc: Town of Somers Planning Board

PLANNING AND ENGINEERING DEPARTMENTS

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

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

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

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**MEMORANDUM**

**TO:** Town of Somers Planning Board  
**FROM:** Syrette Dym, Director of Planning  
**DATE:** February 4, 2016  
**RE:** Comments on Avalon Bay Request for Separate Tree Removal Permit

By phone calls and e-mails of February 1, 2 and 3, 2016, Todd Nicotra of Avalon Bay Communities Inc. indicated that there was a potential need for Avalon to pursue issuance of a tree removal permit in advance of their own site plan approval and in advance of final subdivision approval by the associated application of Somers Realty #3.

As indicated in his email of February 3, the reason for this was correspondence in the form of a Draft permit from ACOE to Somers Realty that indicated that tree clearing on the site should only take place between October 31 and March 31 due to the potential presence of Indian Bats and Norther Long-Eared Bats in hibernation in the area.

To be able to begin clearing prior to March 31, 2016 Avalon requested issuance of a separate tree removal permit. To facilitate this request, I have prepared a draft individual tree permit with draft conditions for consideration by the Planning Board. Since the Board has already made an environmental determination of no significance in the form of a Negative Declaration adopted on July 8, 2015 for AvalonBay and on May 13, 2015 for Somers Realty Corp., there would be no significant environmental impacts due to issuance of the permit and subsequent tree removal prior to March 31.

Conditions listed on the permit would have to be met either prior to signing of the permit by the Chairman and/or prior to commencement of work. The details of condition #6 and its wording should be reviewed for any modification by the applicants and Planning Board.

In addition, a special "Finding" section has been added to identify the limited conditions under which such an action is being taken by the Planning Board, thereby setting a high bar against which any future requests would have to be measured.

A copy of the original tree removal permit application and the draft Tree Removal Permit is attached.

Attach.

Cc: Todd Nicotra  
Peter Wise  
Janet Giris  
Linda Whitehead  
Joe Barbagallo  
Rob Wasp  
Roland Baroni

Z:\PE\Site plan files\Avalon -Planned Hamlet\Tree Removal Permit\Planner Comment 02-04-16.docx

CC: Town Supervisor  
Town Attorney  
Town Parks and Recreation Board  
Town Consulting Engineer  
Peter Wise

Z:\PE\Site plan files\Avalon -Planned Hamlet\Town Comments\Planner Comment 07-01-15.docx

PLANNING AND ENGINEERING DEPARTMENT  
TOWN OF SOMERS  
WESTCHESTER COUNTY, NEW YORK  
ENVIRONMENTAL PERMIT

TREE REMOVAL PERMIT #T2016-07

FEE: \$1,910.00 DATE APPLIED: June 9, 2014  
OWNER/APPLICANT: Somers Realty Corp./AvalonBay Communities Inc.  
PROPERTY ADDRESS: 50 Route 6, Baldwin Place, New York 10505  
MAILING ADDRESS: 1499 Post Road, Fairfield, CT 06824

TAX LOT DESIGNATION: 4.20-1-13, 14, 15, p/o 12

DESCRIPTION OF ACTIVITY: the proposed activity consists of the removal of 129 trees for the development of 152 residential units on 53.2 acres of the Somers Planned Hamlet and as shown on the plans titled "Existing Conditions & Tree Removal, Sheets EX1 through EX6" dated June 5, 2015, last revised October 20, 2014, prepared by Milone & MacBroom.

ISSUED: February, 2016  
EXPIRES: December 31, 2016

SEQR DETERMINATION: AvalonBay Communities, Inc. – Type I Action.  
Negative Declaration adopted July 8, 2015;  
Somers Realty Corp. – Type I Action.  
Negative Declaration adopted May 13, 2015.

Conditions of Permit:

1. Clearing and grubbing limit line to be clearly marked with construction fence.
2. Prior to stump removal and/or soil disturbance, install erosion control measures as identified on the Site Plan.
3. Remove all garbage and debris.
4. The Somers Engineering Department shall be notified (277-5366) prior to the beginning of any work on the site and also upon completion of the approved work.
5. Payment of additional tree removal fee of \$420, over and above the original fee paid of \$1,490, prior to signing of Tree Permit by Planning Board Chairman.
6. Submission of written document from Somers Realty Corp. granting permission to AvalonBay Communities, Inc. to undertake tree removal as stated in this permit and required related activities prior to issuance of final subdivision and related approvals by the Somers Planning Board and filing of such with the County of Westchester prior to signing of Tree Permit by Planning Board Chairman.

**FINDING BY PLANNING BOARD:**

The Town of Somers Planning Board is issuing this Tree Removal Permit prior to Final Subdivision Approval to permit tree removal by AvalonBay Communities, Inc. since Somers Realty #3 Subdivision and AvalonBay Somers Site Plan approvals are anticipated to be complete just prior to April 2016 and would not afford Avalon the opportunity to undertake tree removal until fall of 2016, thereby causing it to miss the construction season of April through October 2016 and thereby delaying the construction of 23 affordable non-senior rental apartment units, ten units of which are to be rented at Westchester County Fair and Affordable program levels, and all of which provide a significant diversification of housing opportunities within the Town of Somers.

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

\_\_\_\_\_  
John Currie, Chairman

Date: \_\_\_\_\_

DRAFT

**DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP**

COUNSELLORS AT LAW

THE GATEWAY BUILDING  
ONE NORTH LEXINGTON AVENUE  
WHITE PLAINS, NEW YORK 10601

(914) 681-0200  
FACSIMILE (914) 684-0288

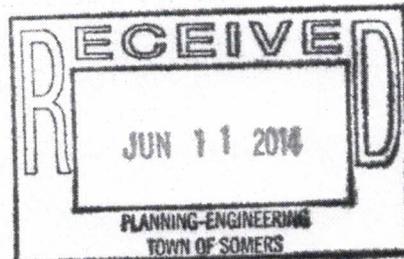
ERICA FEYNMAN AISNER  
THOMAS R. BEIRNE  
ANN FARRISSEY CARLSON<sup>o</sup>  
JULIE CZEK CURLEY  
ALFRED B. DELBELLO  
ALFRED E. DONNELLAN<sup>†</sup>  
JANET J. GIRIS<sup>▼</sup>  
FRANK J. HAUPEL  
ROBERT HERMANN  
DAWN KIRBY<sup>o</sup>  
JONATHAN S. PASTERNAK  
PATRICK M. REILLY  
STEVEN R. SCHOENFELD<sup>†</sup>  
ELIOT M. SCHUMAN  
BRADLEY D. WANK<sup>o</sup>  
MARK P. WEINGARTEN<sup>o</sup>  
LEE S. WIEDERKEHR  
PETER J. WISE, AICP<sup>†</sup>

JACOB E. AMIR  
NELIDA LARA  
ERIC J. MANDELL  
SUSAN CURRIE MOREHOUSE  
MICHAEL J. SCHWARZ<sup>o</sup>  
HEIDI WINSLOW

ANDREW J. BALINT  
RICHARD BEMPORAD  
GERALD K. GEIST  
BRANDON R. SALL<sup>\*</sup>  
DAVID R. SELZNICK & CO., LLP  
COUNSEL

<sup>o</sup>MEMBER OF NY & CT BARS  
<sup>†</sup>MEMBER OF NY & NJ BARS  
<sup>\*</sup>MEMBER OF NY & DC BARS  
<sup>▼</sup>MEMBER OF NY, NJ & MA BARS  
<sup>\*</sup>MEMBER OF NY, NJ, CT & FL BARS

June 10, 2014



**By Federal Express**

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

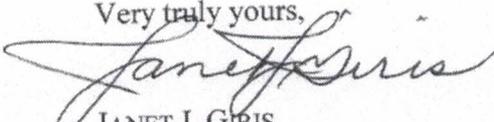
**Re: Application of AvalonBay Communities, Inc. for Site Plan Approval for the  
Property Located on Route 6 and Mahopac Avenue, Somers, New York.**

Dear Ms. Dym:

As we discussed earlier today, enclosed please find a check in the amount of \$24,994 made payable to the Town of Somers representing the application fees for the above-referenced application which was filed yesterday. (As requested, a breakdown of the fees is enclosed).

Apologies for the inconvenience. Thanks for your consideration and I look forward to speaking with you again soon.

Very truly yours,

  
JANET J. GIRIS

Enclosures

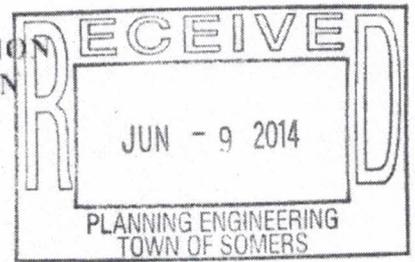
**AvalonBay Communities, LLC.**  
**Applications for the Property Located on**  
**Route 6 and Mahopac Avenue, Somers, New York**

The breakdown of the fees is as follows:

(Site plan)	\$ 500	Base fee
	\$ 9,200	(plus \$50/1000 s.f. or part thereof: 183,060 s.f. = 184 x \$50)
	\$ 8,100	(plus \$25/parking space: 324 parking spaces x \$25)
(Slopes permit)	\$ 150	Base fee
	\$ 5,554	(plus \$75/10,000 s.f of disturbance: 17 acres x 43,560 s.f. /10,000 = 74 x \$75)
(Tree permit)	\$ 50	(Base fee for first 5 trees)(101 trees to be removed)
	\$ 1,440	(plus \$15/tree for remainder of trees: 96 x \$15)
<b>Total</b>	<b><u>\$ 24,994</u></b>	

5/9/2012

TREE REMOVAL PERMIT APPLICATION  
SECTION 156, TREE PRESERVATION



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

DATE: 6/6/14

1. APPLICATION FEE:

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

2. IDENTIFICATION OF APPLICANT:

OWNER: Somers Realty Corp. Tel.#: \_\_\_\_\_  
Mailing Address: c/o Seth Capozza, 15 Charles St., Apt. 12G, New York, NY 10014

APPLICANT: (if other than Owner)  
AvalonBay Communities Inc. Tel.#: (203) 926-2309  
Mailing Address: 1499 Post Road, Fairfield, CT 06824  
Professional preparing site plan: Milone & MacBroom  
State authority: \_\_\_\_\_ If other than owner, authorization must be submitted in writing.

3. IDENTIFICATION OF SUBJECT PROPERTY

Address Route 6  
PREMISES: Sheet: 4.20 Block: 1 Lot: 13,14,15, p/o 12

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

Zoning District: R10 R40 R80 R120 Other (Circle)

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

5. PURPOSE FOR TREE REMOVAL

Development of 152 residential units on 53.2 acres of the Somers Planned Hamlet.

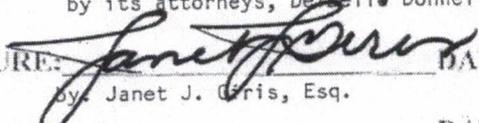
6. SKETCH OR SITE PLAN \*

\* A site plan shall be provided if the tree removal activity involves clearing and must be certified by an arborist, landscape architect or professional forester.

The Town Engineer or other duly authorized representative shall inspect the property to assure satisfactory completion of the requirements of the approved tree removal permit, and, upon such completion, the approving authority shall require documentation from such official stating that all required conditions of the tree removal permit have been satisfactorily completed. If, upon inspection, it is found that any of the required conditions have not been addressed in accordance with the approved permit and/or plans, the applicant shall be responsible for addressing all conditions of approval pursuant to the original conditions of approval. Failure of the Town Engineer or other duly authorized representative to carry out inspections of required improvements during the tree removal shall not in any way relieve the applicant or the bonding company of their responsibilities. The Town Engineer, his designee, and the Town Environmental Enforcement Officer shall have access to all parts of the work area at all times during tree removal.

AvalonBay Communities Inc.  
by its attorneys, DeBelle Donnellan Weingarten Wise & Wiederkehr, LLP

APPLICANT'S SIGNATURE:



DATE: 6/6/14

by: Janet J. Chris, Esq.

OWNER'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

By submitting this application I understand, allow and agree to a Town inspector making a site visit to the exterior of my property.

\_\_\_\_\_  
(Initial)

PLANNING AND ENGINEERING DEPARTMENTS

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

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

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

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**MEMORANDUM**

**TO:** Town of Somers Planning Board

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

**DATE:** February 2, 2016

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

**Application Request:**

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

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

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

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

1. Statement of the users of the facility

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

At the Planning Board meeting of November 10, 2015 it was determined that all the above requirements were met with the present application with the exception that the applicant needed to provide a report relative to number 5 above regarding whether there are any future plans for construction of new wireless telecommunications facilities in the town and #3 above which did not include a site visit and inspection.

It was pointed out by the Applicant that the tower was granted only a two year permit renewal extension rather than the full five year renewal. It was, therefore, determined by the Planning Board that if the Applicant could demonstrate that all the requirements were met with that earlier application, that the Board would issue a three year permit renewal extension. By e-mail of April 18, 2013, the Applicant's representative indicated to the Director of Planning that AT&T, as the owner of the wireless facility, does not have any future plans for the construction of new wireless or attached wireless telecommunications facilities in the Town so that satisfies number 5 above.

The Structural Analysis Report dated December 28, 2012 prepared by GPD Group for Bechtel Communications indicates on page 2 of 4 that: "This analysis is solely based on this information" (i.e. a commercially available software program used to create a three-dimensional model of the tower) and "is being completed without the benefit of a detailed site visit". Therefore, the prior report does not meet the criteria of condition #3 above and a personal inspection must still be performed by the applicant with a subsequent structural analysis report prepared based on that inspection.

In its submittal letter of January 26, 2016, the Applicant has addressed the Town Consulting Engineer's issue regarding the need for back up electrical generation on the site. The letter indicates that there is insufficient space for a fixed generator within the existing compound but that there are adequate alternatives including battery backup power, potential deployment of a portable diesel generator with a built-in port for such connection, as well as AT&T having its own fleet of trucks for refueling when necessary.

The Planning Board and Town Consulting Engineer need to make a determination regarding the adequacy of these alternatives to power the site in the event of an emergency. The Planning Board can waive regulations of the Town Code, but the applicant's attorney has said there is nothing in the code requiring a generator.

The Planning Board can determine to waive a public hearing on the renewal application under Section 170-129.6F which permits a waiver for telecommunications facilities upon a finding that the change or modification is minor and/or under Section 170-114C(8)(e) under site plan if it determines that the scale of the improvements or the record of prior

review(s) and public hearing(s) on the development and use of the site does not warrant a public hearing.

Cc: Neil Alexander  
Joe Barbagallo  
Rob Wasp

Z:\PE\Site plan files\Majestic\Cingular Wireless 2015 Renewal\Planner's Comments02-02-16.docx