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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD
AGENDA
February 11, 2015
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for January 14, 2015

TIME EXTENSION

1. **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
   Request for a 90-day time extension for Amended Final Subdivision Plat Approval for Section II from February 9, 2015 up to and including May 10, 2015 under Town Law Section 276(7) (c). This is the first request for a time extension.

PUBLIC HEARING

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

CONTINUATION OF PUBLIC HEARING

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

PROJECT REVIEW

4. **GERLACH/ZADJELOVICH (STUART FARM) [TM: 26.11-1-1]**
Application for Preliminary Subdivision Approval for a 2 Lot subdivision including one 3.0047 acre building lot and a 96.9953 acre lot to remain undisturbed. The owner is Mary Lee Gerlach (Stuart) and the applicant is John Zadjelovich. The property is located on Granite Springs Road and is in the R-120 Zoning District.

5. **MITCHELL FINAL CONSERVATION SUBDIVISION [TM: 16.09-1-9]**
Application for a four (4) lot Conservation Subdivision three of which are new building lots and one existing lot on a 7.1 acre parcel. Each lot is to be served by individual wells and septic systems. The owner is Gary and Ann Mitchell. The subject property is located west of Tomahawk Street, Route 118 in the residential R-40 Zoning District.

Next Planning Board Meeting is Wednesday March 11, 2015
Agenda information is also available at www.somersny.com

C
PB
TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

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HENRY M. HOCHERMAN
RETIRED

February 3, 2015

773

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: Amended Final Subdivision Plat Approval for Haft/Ridgeview Designer Builders, Inc.
Lovell Street, Town of Somers
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42
First Request for Extension for Section II

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated August 13, 2014, your Board granted Amended Final Subdivision Approval for the above-referenced Subdivision to permit the Final Plat to be filed in two sections. Section I was filed in the Office of the Westchester County Clerk, Division of Land Records on September 25, 2014 as Filed Map Number 28808 and Ridgeview Designer Builders is in the process of constructing a new residence on one of the lots in that Section. By the Resolution's terms, Amended Final Subdivision Approval is scheduled to expire on February 9, 2015. A portion of Section II continues to be encumbered with a mortgage and Ridgeview and Haft are not prepared to file Section II at this time. Even though Haft and Ridgeview have filed Section I and have three years from September 25, 2014 to file Section II, to avoid any confusion over the continued effect of the Amended Final Subdivision Approval for Section II, we are writing to request a ninety-day (90) extension of such Approval to and including May 10, 2015. This is our first request for an extension of Amended Final Subdivision Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Kindly schedule this request for consideration and action at the Board's earliest convenience.

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
Timothy Allen, P.E.
Ms. Susan F. Haft
Mr. Eric Moss

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PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: February 4, 2015

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Susan Haft/Ridgeview Designer Builders, Inc. Amended Subdivision – First Request for Extension for Section II

On August 13, 2014, the Planning Board granted Amended Final Subdivision Approval for Ridgeview Builders by Resolution 2014-01to permit the Final Plat to be filed in two sections. Section I was filed on September 25, 2014 in the Westchester County Clerk's office. The Resolution stated that the amended approval was to expire on February 9, 2015 and Ridgeview and Haft are not prepared to file Section II at this time. This is the case even though they have three years from September 25, 2014 to File Section II. To avoid any confusion, the applicant's attorney is requesting a ninety-day (90) extension of approval until May 10, 2015.

Given the filing of Section I in a timely manner and submission of the request for extension of approval for filing of Section II prior to the expiration date, I have no problem with the Board granting this request.

cc: Geraldine Tortorella, Esq.
Susan Haft

Z:\PE\Subdivision files\EricMossRidgeview\Modification\Extensions\1st Ext. For Seciton II- Amended Sub..doc

C- PB TP applicant

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FEB - 4 2015
PLANNING BOARD
TOWN OF SOMERS

MEMORANDUM

WOODARD &CURRAN

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: February 2, 2015
RE: North County Homes
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes Protection Permit, Wetland Activity Permit and Tree Removal Permit.
38 Bedell Road
TM: 36.20-1-59, R-80 District

GENERAL

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

DOCUMENTS RECEIVED

- Cover Letter with SWPPP, by John Karell, Jr., PE, dated January 19, 2015.
- Drawings: "Caracciolo (North County Homes)", Sheets: "HD-1" & "HD-3", prepared by John Karrell Jr., P.E., dated April 11, 2014, last revised January 19, 2015.
- Figures: "Pre-Development Watershed" & "Post Development Watershed".

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- NYSDEC: State Environmental Quality Review
- NYC DEP: Individual Residential Stormwater Permit **
- WCDOH: Approval of Groundwater Well and Septic System
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)

- NYC DEP: Approval for Construction of Septic System within 200' of a Wetland.

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

DISCUSSION

The Applicant has submitted an updated site layout and stormwater pollution prevention plan (SWPPP) components intended to address previously identified engineering comments. A site walk of the existing parcel was attended by the Applicant's Engineer, Consulting Town Engineer and Town Principal Engineering Technician on December 12, 2014. During that visit, the existing Town of Somers roadway drainage system discharge point was located at the rear of the 1 Elizabeth Court property. In addition, the existing pipe outlet originating from the neighboring property at 36 Bedell Road was observed and documented.

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

1. The provided drawings identify that approximately 48,300 square feet of land disturbance is anticipated by the proposed construction activities. The Applicant shall revise the drawings the illustrate a limit of disturbance line that corresponds to the proposed construction limits. **Not Addressed. The Applicant must update the limits of disturbance to consider the additional area for wetland improvements.**

2. Based upon the identified quantity of site disturbance, that Applicant is required to prepare a Stormwater Pollution Prevention Plan (SWPPP) with Post-Construction Stormwater Controls, in accordance with the requirements of Town Code §93-6. In addition, the project is located within the NYC DEP East of Hudson Watershed and is also subject to obtain coverage and conduct weekly site inspections under the NYSDEC SPDES General Permit (GP-0-15-002). The following is a partial list of components that shall be included in an acceptable project SWPPP.

    a. The SWPPP shall include all items specified by Town Code §93-6, including but not limited to a construction sequence, descriptions of temporary and permanent inspection and maintenance requirements for construction site housekeeping, pollution control, and stormwater and erosion control and practices, and a Contractor Certification Statement. **Partially Addressed.** *Include a description of maintenance and storage procedures for fuels, oils, fluids and other possible contaminants that will be used on site in construction, and update construction sequence to be site specific.* **The Applicant shall update the construction sequence to indicate that temporary erosion and sediment control devices shall be maintained and removed after establishment of final site stabilization and Town signature of the project Notice of Termination (N.O.T.)**

    b. The SWPPP shall include hydrologic assessment of pre versus post development site runoff for all applicable design storms as defined by the NYSDEC Stormwater Management Design Manual. *Not Addressed. The NYSDEC Stormwater*

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Management Design Manual recognizes Rational and SCS type drainage methods as acceptable for 1, 10 and 100 year storm peak runoff flow calculations. **Partially Addressed. The Applicant has provided stormwater design calculations, however the project must be updated to consider the 100 year rainfall depth specified by the 2015 NYSDEC Stormwater Management Design Manual.**

c. The SWPPP shall include design of site stormwater management practices to address NYSDEC water quality attenuation requirements. It should be noted that all stormwater quality practices must be sized considering watershed runoff from the 1 year design storm as defined by Chapter 10 of the Stormwater Management Design manual. **Partially Addressed. Please refer to detailed practice comments No. 3(a)-(j).**

d. The SWPPP shall include inspection forms to be used by a Qualified Inspector during weekly construction site inspections, in accordance with SPDES General Permit requirements. *Not Addressed. The SWPPP shall include a template weekly inspection worksheet. Standard forms can be found in the NY Standards and Specifications For Erosion and Sediment Control, latest edition.* **Partially Addressed. Template forms have been included, however the SWPPP must be updated to identify that weekly inspections shall be performed by a "Qualified Inspector" as required by the SPDES General Permit.**

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

f. **The Applicant shall provide sizing calculations for the proposed shoulder swale located along the western edge of the site driveway. The swale must be sized to provide adequate conveyance capacity for stormwater flows anticipated for the 25 year design rainfall event with an additional 0.5 feet of freeboard. An acceptable construction detail shall be provided for the proposed stormwater swale.**

g. **The plans appear to show a proposed pipe between the driveway catch basin and 4' diameter Manhole located in Bedell Road. The Applicant shall clarify whether this pipe connection is proposed and must update the plan to identify proposed connection invert elevations accordingly.**

h. **Provided detail sheet "HD-3" contains a construction detail for "Spring Inlet Drywell Structure". The Applicant shall clarify where this device is proposed on the site layout and must update the site plan accordingly.**

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

WOODARD &CURRAN

a. The Applicant must evaluate stormwater practice feasibility through field investigations. Field investigations may include, but are not limited to deep hole test pit excavations and percolation tests, as defined the by Chapter 6 requirements of the NYSDEC Stormwater Management Design Manual. *Not Addressed. Update drawings to show location of described deep hole test pits in stormwater treatment area and SWPPP to differentiate percolation test data from septic field area vs. stormwater treatment area. Additionally, 100 foot separation between proposed well and infiltration practices are required as per the NYSDEC Stormwater Management Design Manual.* **Partially Addressed. The Applicant has shifted the location of proposed well and infiltration system to provide required 100 foot separation. Site investigation results have been provided, however groundwater was reported in test pit "DA" at approximate elevation 446'. The provided HydroCAD report indicates that the infiltrators are to be installed at elevation 446'. Minimum of 3' vertical separation must be provided.**

b. Stormwater management practices must be sized based upon the Chapter 6 and Chapter 10 Enhanced Phosphorous Removal Standards of the NYSDEC Stormwater Management Design Manual, latest edition. Detailed sizing calculations must be provided for review. **Not Addressed**. *Applicant states calculations are being developed. We remind the applicant that demonstrating Water Quality Volume (WQV) with calculations shall be provided, as well as adequate dry storage capacity within the proposed infiltration system.* **The SWPPP should be updated to include a comparison of provided system storage to the calculated water quality volume (WQv). It should be noted that the required water quality volume must be accommodated in the proposed stormwater management practice (chamber storage and stone voids) not considering addition volume from infiltration.**

c. Stormwater conveyance pipe and structures must be sized at a minimum to convey runoff collected by the 25 year design storm. *Not Addressed. Applicant states calculations are being developed.* **Partially Addressed. Hydraulic sizing calculations have been provided, however the identified slope of pipe between drainage structures E.S. #1 and "4' MH" is modeled as 15.81%. Pipe slopes generally greater than 10% pose the risk of supercritical stormwater flow and should not be utilized in design. The Applicant should consider use of a drop structure to reduce overall pipe slope.**

d. All proposed stormwater discharges shall be routed to a stabilized discharge practice sized to dissipate and prevent soil erosion from peak flows generated by the 100 year design storm. **Partially Addressed.** *Both discharge points must be adequately sized and updated on drawings, and include supporting calculations demonstrating as such.* **The provided sizing table for structure E.S #2 does not match the proposed outlet sizing contained in the project SWPPP. In addition, rip rap sizing must be provided for the proposed inlet to structure E.S.#1, as noted on the plan.**

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e. **The Applicant shall identify how pretreatment of stormwater is proposed to be provided for the infiltration practice, as required by the NYSDEC Stormwater Management Design Manual, latest edition.**

f. **Update the plan to identify the invert elevations of the proposed infiltration system chambers and all connecting inlet/outlet pipes.**

g. **The provided HydroCAD report models a 6" vertical overflow orifice for the proposed infiltration system at elevation 448'. The Applicant shall clarify if the intended outlet is intended to represent a pipe outlet day-lighted to the surface, or a "pop-up" style drainage emitter. The system construction detail shall be updated to represent the intended outlet.**

h. **The Applicant shall update the SWPPP to include manufacturer recommended inspection and maintenance procedures for the proprietary infiltration chamber system.**

i. **The Applicant shall update the SWPPP to indicate that the proposed infiltration system will be constructed in with the Appendix C Construction Specifications of the NYSDEC Stormwater Management Design Manual, latest edition.**

j. **Update the drawings to indicate that the proposed infiltration system will contain a minimum of 1 observation port per row of chambers.**

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

   a. Hydraulic pipe sizing calculations must be provided for all pipe segments based upon peak flows calculated from the 25 year design storm. **Partially Addressed. Please refer to Comment No. 3(c).**

   b. As discussed in the field, the Applicant shall route stormwater collected from stormwater diversion pipe through a constructed wetland area in the vicinity of the existing wetland area adjacent to Bedell Road. This system shall be coordinated with the recommendations for wetland mitigation outlined in the assessment report prepared by Mr. Kozlowski. Both the mitigation of the wetted area and stormwater treatment area shall be shown on the project drawings. **Partially Addressed. Based upon the provided plans and SWPPP, it is unclear how stormwater flows will be routed through the improved wetland area. Please refer to Comment No. 2(g).**

   c. Work within the public right of way will require a Construction Performance Bond to be posted by the Applicant. The Applicant shall prepare a bond estimate based

upon the construction cost of work to be completed within the right-of-way of Bedell Road. **Not Addressed.**

5. The project site is located within the watershed of the Muscoot Reservoir which is identified as a TMDL Phosphorous restricted basin by the NYSDEC "Phase II Phosphorous Total Maximum Daily Loads for Reservoirs in the New York City Water Supply Watershed", dated June 2000. Projects located within the TMDL watershed are prohibited from creating any increase in phosphorous load to the subject waterbody. This requirement is enacted in accordance with other regulations for phosphorous reduction already required by the NYSDEC SPDES General Permit and the Enhanced Phosphorous Removal requirements of the Stormwater Management Design Manual. The Applicant shall prepare a site specific phosphorous loading analysis that compares pre development to post development conditions. **Comment No Longer Applicable.**
6. The project is required to obtain a NYC DEP Individual Residential Stormwater Permit for the construction of the new residence and driveway within the 100 foot buffer of a stream or freshwater wetland area. The Applicant must address all NYC DEP requirements for permit issuance. Documentation of NYC DEP permit satisfaction and issuance must be provided upon receipt. **Not Addressed.** *Applicant is awaiting a determination of the need for this and/or other permits after consulting the NYCDEP.* **Comment Satisfaction pending on documentation of determination by NYC DEP.**
7. The Applicant shall revise the plans to indicate an area for temporary soil stockpiles during construction. The plans shall include an acceptable detail for Temporary Soil Stockpile Area, consistent with the NYSDEC New York Standards & Specifications for Erosion and Sediment Control, latest edition. **Addressed.**
8. The proposed site development includes the construction of a new groundwater supply well will be located downgradient of the proposed dwelling to the south of the driveway. The following comments are based upon our review of the proposed groundwater well and details:
    a. The Applicant shall revise the plans to illustrate the proposed water line connection from the well to the proposed dwelling. **Addressed.**
    b. Revise the plan to depict a minimum of 25 feet separation between the proposed groundwater well and nearby wetland area and intermittent watercourse. **Addressed.**
    c. The Applicant shall provide documentation of final design approval by the Westchester County Department of Health (WCDOH). *Not Addressed.* Applicant states prior approval has expired and is being renewed. Applicant shall provide documentation of renewed approval. The WCDOH approval must reflect the final site plan including proposed stormwater improvements. **Partially Addressed. The Applicant shall resubmit documentation of renewed permit approval for record by the Consulting Town Engineer**
9. The provided plans depict that site subsurface sewage treatment area (Septic Fields) will be located upgradient from the proposed house on the western portion of the site.

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Wastewater will be conveyed to the upgradient septic absorption trenches through a pump chamber and force main system. The following comments are based upon our review of the proposed site septic system design and details:

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

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

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

d. Provide documentation of final WCDOH design approval for the proposed site septic system. **Partially Addressed. The Applicant shall resubmit documentation of renewed permit approval for record by the Consulting Town Engineer**

e. Protective markers should be installed surrounding the proposed septic absorption field areas to prevent over-compaction by equipment tracking during construction. The Applicant shall revise the plans to show markers or construction fence surrounding the proposed septic field area limits. **Addressed.**

10. The provided drawings do not identify existing trees located on the parcel. The Applicant must obtain a Tree Removal Permit in accordance with Town Code Chapter §156. The Applicant shall prepare a Tree Removal Plan that identifies all existing regulated trees on the property. Each tree proposed for removal shall be identified on the plan and summarized on a Tree Removal Schedule by species and caliper. Appropriate measures shall be implemented during construction to protect the Critical Root Zone of existing trees shown to remain. *Not Addressed. Applicant states tree plan is to be discussed with Mr. Coleman.* **Partially Addressed. Provide sheet "HD-1" has been updated to show existing regulated trees, but does not indicate which trees are proposed to be removed or protected during construction, and does not identify species and caliper for each tree.**

WOODARD &CURRAN

11. Delineation of the site wetland area was completed by Tim Miller Associates, Inc. on March 29, 2014. Based upon the provided plans, construction of the site driveway, groundwater well and general land grading are located within the 100 foot buffer of the identified wetland area. The Applicant must prepare a Wetland Buffer Mitigation Plan in accordance with the requirements of Town Code Chapter §167. The Buffer Mitigation Plan must evaluate the ecologic functions provided by the existing buffer area and shall demonstrate that any proposed plantings/mitigation areas are functionally equivalent to existing conditions. **Partially Addressed. Please refer to response to Comment No. 4(b) above. The Applicant shall prepare a suitable wetlands landscaping plan based upon the Wetland Mitigation Plan report recommendations.**

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

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

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

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

    d. **The Applicant shall prepare a profile view drawing that represents the proposed driveway layout consistent with §144-7(D)(2).**

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

14. **The Applicant shall provide an estimate of proposed site earthwork quantiles as cut/fill volume. It shall be noted that all imported fill soil (if proposed) must demonstrate compliance with unrestricted use NYSDEC DER-10 and CP-51 guidance document standards.**

WOODARD &CURRAN

15. **The Applicant shall prepare a rock removal plan to describe rock excavation activities during construction. If rock removal is proposed, the plan shall estimate rock removal quantities and shall describe the limits of and methodology intended to be used for rock excavation.**

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

16. Investigate Site Run-on from Southwest Watershed – During the site walk it was noted that a significant amount of site stormwater may be originating from upgradient drainage areas located to the south-west. The Applicant needs to investigate upgradient sources of stormwater from this area and shall include their evaluation findings in future hydrologic calculations to be included as part of the site Stormwater Pollution Prevention Plan (SWPPP). **Partially Addressed. The provided Wetland Mitigation Plan references the subject upgrade area with respect to wetlands hydrology, but no discussion on this area's impact to drainage peak flow analysis is provided. The intent of this comment was to account for this upgrade drainage area in peak flow analysis downgrade receiving design point for stormwater runoff from the site.**

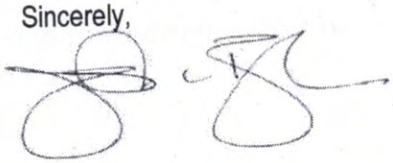
17. Evaluate Existing On-site Subsurface Water Source – It is apparent that a significant amount of site stormwater originates from an existing subsurface site feature located along the northern property line. This water source is noted as a "spring" on the previously reviewed drawing set that was provided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

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

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

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

Sincerely,



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

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: January 23, 2015

RE:
Project: Gerlach/Zadjelovich Subdivision (Stuart Farm) Preliminary Subdivision Approval
Applicant: John Zadjelovich
Location: Granite Springs Road (Section 26.11-1-1)
Zoning: R120 Residence District
Actions: Request for a Two Lot Subdivision for Creation of One 3.0047 Acre Building Lot and One 96.9953 Acre Lot to Remain Undisturbed

Application Status

Based on comments in correspondence from the Director of Planning of January 6, 2015 and from the Consulting Town Engineer of January 8, 2015, as well as from the comments made at the Planning Board meeting January14, 2015, the applicant has resubmitted the following in support of a request for preliminary subdivision approval:

- Preliminary subdivision Plated – dated January 20, 2015
- Site Construction & Erosion Control Plan dated January 20, 2015
- Details dated January 20, 2015
- Tree Removal Permit Application and fee dated August 27, 2014
- Stormwater Pollution Prevention Plan dated January 21, 2015

Preliminary Subdivision Plat and Site Construction & Erosion Control Plan

Comments from the memorandum of January 6, 2015 have been addressed in the following ways:

- Under Site Data, Item 4, the Tax I.D. needs to be corrected to read Sheet 26.11, Block 1, Lot 1 as well as in other locations on the plan – **This item has been corrected**
- The Zoning Conformance Table under Buildable Area footnote "**" identifies the Town Code reference as Section 170-53. 4 when it should be Section 170-58.4 – **This item has been corrected**
- Under the Zoning Conformance Table, the category of Wetlands identifies 4,466 and a category for Wetlands Buffer Area has been added showing a total of 32,718 square feet. Therefore, it is now clear that the lot complies with the provision of Section 170-58.4 in that 1/3 of the wetland buffer at 10,906 square feet when subtracted from the total buildable area of 58, 788 square feet equals 47,882 square feet, meeting the 40,00 square foot minimum required buildable area. **This item has been addressed**.
- With regard to steep slopes, the EAF identifies that 11 percent of the site has slopes 15 percent or greater. While the Preliminary Construction Plan indicates there is no disturbance to slopes of 15-25% or 25% or greater, these slope areas are not shown on the plan and need to be. This item was addressed the Planning Board meeting where Tim Allen referred to the fact that although there are some small areas of steep slopes on the site that were noted in the EAF, they do not meet the criteria identified in Seciton148-4B and, therefore, steep slope permit is required. **This item has been addressed.**

Agricultural Data Statement

- The applicant has submitted an Agricultural Data Statement and Control form in accordance with NYS Agriculture and Markets Law 305-a, as requested by the Planning office. The applicant needs to submit verification that this form has been submitted to the NYS Department of Agriculture and Markets, as required by the form. **Verification will be submitted after project approval.**

Tree Removal Permit

- No tree removal permit was submitted with the application. A tree survey of the area of disturbance needs to be submitted with any required tree removal permit application and related fee. **A tree removal permit and fee has been submitted as part of this application. Of a total of eight trees identified, four trees will be removed.**

Cc: Joe Barbagallo
Open Space Committee
Roland Baroni
Tim Allen
Z:\PE\Subdivision files\Stuart\Re-Subdivsion Lori & Robert Stuart\Town Comments\Planner Comments 01-23-15.docx

C/ PB TP applicant

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TOWN OF SOMERS

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: February 2, 2015
RE: Gerlach Subdivision
Subdivision Plat Approval, Stormwater Management and Erosion & Sediment Control Permit and Tree Removal Permit.
61 Granite Springs Road
TM: 25.11-1-1, R-120 District

The purpose of this memorandum is to provide the Planning Board with a summary of our review of the documents received related to the Subdivision Plat Approval and Residential Site Plan Application for the property located at 61 Granite Springs Road. The Application proposes the construction of a new 4 bedroom residence and associated site elements including a new driveway, groundwater supply well, septic sewer system and stormwater infrastructure. The following documents were received during this review period:

DOCUMENTS RECEIVED:

- Cover Letter, by Bibbo Associates, L.L.P., dated January 21, 2015.
- Drawing Sheets: "SP, CP, D-1", prepared by Bibbo Associates, L.L.P., dated November 14, 2014, last revised January 20, 2015.
- Full Environmental Assessment Form, by John Zadjelovich, last dated January 16, 2015.
- Stormwater Pollution Prevention Plan, by Bibbo Associates, L.L.P., dated January 21, 2015.
- Tree Removal Permit Application, by John Zedjelovich, dated January 21, 2015.
- SEQR Notice of Intent to Act as Lead Agency, by Town of Somers Planning Board, dated January 15, 2015

PERMITS AND APPROVALS REQUIRED:

- Town of Somers: Preliminary & Final Subdivision Approval
- Town of Somers: Tree Removal Permit
- Town of Somers: Stormwater Management and Erosion & Sediment Control Permit
- Town of Somers: Highway Permit
- NYSDEC: State Environmental Quality Review
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)

- WCDOH: Approval of Septic System & Groundwater Well Locations

DISCUSSION:

The Applicant has provided an updated drawing set and SWPPP. These and other submittals address many of our previously identified engineering comments. Further review of our remaining comments will continue following receipt of more detailed design information. We look forward to working with the applicant to address all remaining comments.

It should be noted that several engineering comments remain outstanding on this current review memorandum. It is our recommendation that should the Planning Board consider Preliminary Subdivision Plat approval for the subject application, that all outstanding engineering comments enumerated in our February 2, 2015 memorandum be addressed as conditions of approval prior to Final Subdivision Plat approval.

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

1. The Applicant shall submit an acceptable Preliminary Subdivision Plat, as required to accompany an application for Preliminary Subdivision Approval as required by Town Code Chapter 150-26. **Partially Addressed. Submitted Plat includes names and owners of properties across north, east and west borders and streets. Applicant shall update Plat to include names and owners of properties directly across southern bordering street: Granite Springs Road.**

2. The provided site plan drawing does not indicate a limit of land disturbance as a result of the proposed development activities on site. The Applicant shall revise the drawing to include a limit of land disturbance and quantify in square feet. **Addressed. Limit of disturbance indicated as 28,314 square feet.**

3. Based upon the apparent level of site disturbance, the application is subject to preparation of a Stormwater Pollution Prevention Plan (SWPPP). Town Code Chapter 93 indicates that projects involving land disturbance greater than 5,000 square feet requires preparation of a SWPPP. In addition, an application for construction of a new residence requires the design of post-construction stormwater controls to be incorporated as part of such SWPPP.

   The Applicant has included preliminary stormwater details on the provided site plan drawing. The following comments are intended to guide the Applicant in preparation of additional information that is necessary to address stormwater requirements for an acceptable SWPPP:

   a. The SWPPP shall contain hydrologic calculations for the site for 1 year, 10 year and 100 year design rainfall events, consistent with the NYSDEC requirements. The SWPPP shall include a table that compares pre versus post development stormwater flows at an applicable downstream design point identified on the plan. **Addressed.**

   b. The SWPPP shall contain hydraulic design calculations for all proposed stormwater management practices and conveyance pipe. Stormwater infrastructure shall be sized to address site water quality volume requirements, as defined by the NYSDEC Stormwater Management Design Manual. **Addressed.**

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c. The Applicant shall verify soil group WbD is appropriate for the entire parcel. **Addressed. Soil groups WdB and LcB are identified on drawing.**

d. The SWPPP shall contain an estimate of site earthwork, indicating total net cut/fill in cubic feet. **Not Addressed.**

e. The SWPPP shall include a description of all necessary maintenance and inspection procedures for any proposed stormwater management and sediment control structures during construction. The SWPP shall include a template weekly inspection worksheet that will be utilized the Qualified Inspector during inspections. **Addressed.**

f. The Applicant shall prepare a draft maintenance agreement for permanent stormwater infrastructure, based upon Town Code Chapter 93, for review by the Town Attorney and Consulting Town Engineer. **Not Addressed.**

g. The Applicant shall revise the site plan drawing to incorporate a temporary sediment trap downgrade of the proposed area of developments for use during construction. **Addressed.**

h. The Applicant shall provide descriptions of and construction details for all proposed erosion and sediment control practices consistent with NYSDEC Blue Book. **Addressed.**

i. The SWPPP shall describe proposed final soil restoration and stabilization consistent with Chapter 5 requirements of the NYSDEC Stormwater Management Design Manual. **Addressed.**

j. The SWPPP shall include a description of controls for litter and any stored chemicals or substances on site. **Not Addressed.**

k. The SWPPP shall include a Contractor Certification Statement, in accordance with SPDES permit. **Addressed.**

l. The construction sequence will be further assessed upon receipt of the complete project SWPPP. **Partially Addressed. Applicant shall add note to submitted construction sequence that the Consulting Town Engineer/Town Principal Engineering Technician shall inspect stormwater infiltrator system prior to backfill.**

4. The provided drawing shows a proposed stormwater management area to be constructed north of the proposed site driveway. While limited details of the proposed practice type/design have been provided, the following comments shall guide the Applicant:

   a. The Applicant shall provide field investigation data within the proposed stormwater management system area. Testing results must demonstrate greater than 3 foot vertical separation between the proposed system invert to groundwater, soil mottling and/or bedrock. In addition, percolation test data must be provided to demonstrate acceptable soil percolation rates for an infiltration system. **Not Addressed.**

   b. The Applicant shall provide hydraulic sizing calculations for the stormwater management practice. Calculations shall demonstrate that adequate storage is

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provided based upon the NYSDEC Water Quality Volume treatment objectives. **Addressed.**

c. The Applicant shall design for bypass overflow to a stabilized outlet sized to the 100 year design storm. **Addressed.**

d. The Applicant shall provide construction details for all proposed stormwater management practices. **Partially Addressed. Construction details have been submitted for the majority of proposed stormwater management practices. Applicant shall add a construction detail for gravel overflow strip for comment satisfaction.**

e. The Applicant shall provide a summary of practice specific maintenance and inspection procedures. **Not Addressed.**

5. The following comments relate to our review of the preliminary plans for proposed driveway construction:

   a. The Applicant shall prepare profile view drawings of the proposed driveway. **Addressed.**

   b. The Applicant shall identify approximate sight distance in both directions along Granite Springs Road at the proposed driveway entrance. **Addressed.**

   c. Applicant shall provide a construction detail for driveway cross section. **Addressed.**

   d. The Applicant is required to obtain a Highway Permit from the Town of Somers Highway Superintendent to allow for construction of the new site driveway opening to Granite Springs Road. The Applicant shall submit documentation Highway Permit approval prior to issuance of a Building Permit for the project. **Not Addressed.**

CONDITION: Documentation of Town Highway Permit approval shall be provided prior to issuance of a Building Permit for the project.

6. The provided plans depict that site subsurface sewage treatment area (Septic Fields) will be located to the east of the proposed house. The proposed septic absorption fields are located outside the 100 foot buffer of adjacent wetland areas. The following comments are applicable to the proposed site septic field design:

   a. Revise the plans to show the proposed location of the site septic tank and effluent pipe connection to the absorption fields. **Not Addressed.**

   b. The included Construction Sequence details protective markers to be installed around the proposed septic field to prevent over-compaction by equipment tracking during construction. The Applicant shall revise the plans to show markers or construction fence surrounding the proposed septic absorption field limits. **Not Addressed.**

   c. Provide test pit excavation and percolation test data for the proposed septic fields. **Not Addressed.**

   b. Provide documentation of final Westchester County Department of Health WCDOH design approval for the proposed site septic system. **Not Addressed. Applicant states documentation will be provided when obtained.**

CONDITION: Documentation of WCDOH approval for the proposed septic system shall be provided prior to signing of Final Subdivision Plat.

7. The proposed site development includes the construction of a new groundwater supply well located to the southwest of the proposed residence. The following comments are applicable to the proposed well location and design:
    a. The Applicant shall expand the proposed 100 foot radius around the groundwater well to show keyhole separation for upstream properties on the south side of Granite Springs Road. Adequate separation between the proposed site groundwater well and septic fields to existing groundwater wells and septic fields on these properties must be shown. **Not Addressed.**
    b. The Applicant shall revise the plans to illustrate the proposed water line connection from the well to the proposed dwelling. **Addressed.**
    c. The Applicant shall provide documentation of final design approval by the Westchester County Department of Health (WCDOH). **Not Addressed. Applicant states documentation will be provided when obtained.**

    CONDITION: Documentation of WCDOH approval for the proposed septic system shall be provided prior to signing of Final Subdivision Plat.

8. The provided plan shows a retaining wall adjacent to driveway. The following comments shall pertain to the proposed retaining wall:
    a. Update plan to show proposed top and bottom elevations of wall along proposed length of wall. **Applicant states the proposed retaining wall has been removed from plans. Comment is no longer applicable.**
    b. Provide construction detail for typical wall cross-section. **Applicant states the proposed retaining wall has been removed from plans. Comment is no longer applicable.**
9. Signed and sealed structural design calculations shall be required for any retaining wall segments with an exposed height of greater than 4 feet. **Applicant states the proposed retaining wall has been removed from plans. Comment is no longer applicable.**
10. The provided drawings do not illustrate any installation of exterior site lighting.
    a. The Applicant shall update the plans to depict any proposed exterior lighting. **Not Addressed. Exterior lighting is not shown on site plan. Applicant shall confirm site lighting will not negatively affect neighboring properties.**
    b. The Applicant shall update plan to show proposed electrical service to house. **Addressed.**
11. Proposed site development will require removal of several trees.
    a. Applicant shall update plan to show any regulated trees within the area of disturbance. **Addressed.**

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b. Applicant shall identify all trees to be removed or protected during construction. **Addressed.**

12. The Applicant shall revise plan to incorporate a north arrow or compass rose. **Addressed.**
13. The Applicant shall identify the source used for the wetlands delineation as shown on the submitted drawing and indicate when it was completed. **Addressed.**

Please feel free to call me at anytime at 914-448-2266 with any questions.

Sincerely,

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

NOTICE OF SEQR ACTIONS – GERLACH/ZADJELOVICH REQUEST FOR TWO LOT SUBDIVISION FOR CREATION OF ONE 3+ ACRE LOT AND ONE 97± ACRE LOT TO REMAIN UNDISTURBED IN AN R120 ZONE

Notice of Intent to Act as Lead Agency

Issued by Town of Somers Planning Board
Westchester County, New York

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act (SEQRA)) of the New York State *Environmental Conservation Law* and Chapter 92 (Environmental Quality Review) of the *Code of the Town of Somers, New York*.

The Planning Board of the Town of Somers, Westchester County, New York, has received an application from John Zadjelovich for a two-lot subdivision to consist of creation of a 3.0047 Acre Building Lot and One 96.9953 Acre Lot to remain undisturbed (Tax Lot 26.11-1-1) located on Granite Springs Road. The lot being subdivided is located in an R120 Residence District and is part of the larger property also known as Stuart Farm. Stuart Farm is part of a New York State designated agricultural district subject to the regulations of the New York State Agriculture and Markets Law 305-a for which an Agricultural Data Statement and Control Form has been submitted.

The Somers Planning Board at its meeting of January 14, 2015 declared its intent to establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code. Unless an objection is expressed by any other involved agency within 30 days from the date of this notice, the Somers Planning Board shall assume this role.

The Proposed Action is a Type II Action under SEQRA as per Chapter 92 of the *Code of the Town of Somers* in conjunction with Article 24 of the NYS *Environmental Conservation Law*.

PROPOSED LEAD AGENCY: Planning Board, Town of Somers
Somers Town House
335 Route 202
Somers, New York 10589

TITLE OF ACTION: Gerlach/Zadjelovich Two lot Subdivision with associated Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits

DESCRIPTION OF ACTION: The proposed action is a two-lot subdivision to consist of creation of one 3.0047 Acre Building Lot and one 96.9953 Acre Lot to remain undisturbed (Tax Lot 26.11-1-1) located on Granite Springs Road. The lot being subdivided is located in an R120 Residence District and is part of the larger property also known as Stuart Farm. Stuart Farm is part of a New York State designated agricultural district subject to the regulations of the New York State

Agriculture and Markets Law 305-a for which an Agricultural Data Statement and Control Form has been submitted.

LOCATION: The subject property is located on Granite Springs Road - Tax Lot 26.11-1-1

SUPPLEMENTAL INFORMATION: Part I of a Full Environmental Assessment Form (EAF) has been prepared for the Proposed Action. This form and copies of the proposed subdivision are being distributed to all involved and interested Agencies (see attached list), and this information is also available for review in the Planning and Engineering office at the Town House and on the Town's web site.

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

Telephone: 914-277-5366

Date of this Notice: January 15, 2015

C-
PB
TP
CTE
Applicant

OPEN SPACE COMMITTEE

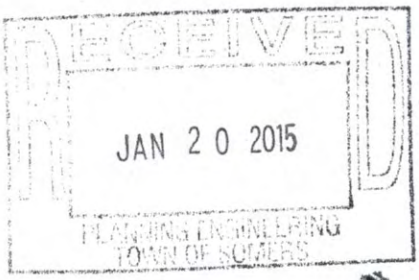
Town of Somers

WESTCHESTER COUNTY, N.Y.

Telephone
(914) 277-5582
Fax
(914) 277-3790

MICHAEL BARNHART
CHAIRMAN

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589



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MEMO TO: Planning and Engineering Department

FROM: Open Space Committee

RE: Gerlach/Zadjelovich Subdivision (Stuart's Farm)

DATE: January 20, 2015

At our monthly meeting on January 15, 2015, the Committee reviewed and discussed The Preliminary Construction Plan for Gerlach/Zadjelovich. There were no issues or concerns.

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MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: February 2, 2015
RE: Mitchell Subdivision
Final Subdivision Plat Approval, Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes Protection Permit and Tree Removal Permit.
201 Tomahawk Street
TM: 16.09-1-9, R-40 District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our initial comments related to our review of the Final Subdivision Plat Approval Application that has been submitted for the parcel located at 201 Tomahawk Street. Preliminary Subdivision Plat approval was granted by the Planning Board on November 30, 2011 through Resolution No. 2012-06.

The Application proposes to subdivide the existing residential 7.1 acre parcel to create (5) lots, including (1) conservation lot, planned for future dedication to the Town of Somers. Three new residential lots will be created as a result of the proposed subdivision. The new lots will be served by a common driveway and include new individual groundwater wells and septic systems. Stormwater Management objectives are shown to be addressed by a common infiltration basin located on proposed The existing septic field serving the existing dwelling on Lot No. 1 is shown to be relocated as part of the proposed development activities. The following documents were received during the current review period:

DOCUMENTS RECEIVED

- Cover Letter, by Bibbo Associates, LLP, dated January 21, 2015.
- Town of Somers Planning Board: "Application for Final Approval of Subdivision", by Gary Mitchell, dated January 15, 2015.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 93 "Stormwater Management and Erosion and Sediment Control", by Gary Mitchell, dated January 15, 2015.
- Agreement: "Draft Declaration of Covenants, Conditions, Restrictions and Easements".
- Insurance Title, by Westcor Land Title Insurance Company, signed August 28, 2012.
- Estimate: "Erosion Control and Engineering Inspection Fees", by Bibbo Associates, LLP, dated December 12, 2014.
- SWPPP Approval Letter, by NYC DEP, dated April 29, 2014.
- NYSDOT: Highway Work Permit No. 20140846881, dated December 10, 2014.

- WCDOH: Approval of Individual Wells/Separate Sewage Treatment Systems, dated September 18, 2014.
- "Stormwater Pollution Prevention Plan", prepared by Bibbo Associates, LLP, dated March 14, 2011, last revised April 4, 2014.
- Drawings: "Mitchell Subdivision", Sheets: 1 – 7, prepared by Bibbo Associates, LLP, dated March 14, 2011, last revised December 12, 2014..

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Final Subdivision Plat Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- Town of Somers Fire Department: Approval of Proposed Hydrant Locations
- NYC DEP: Approval of Stormwater Pollution Prevention Plan
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
- NYSDOT: Highway Work Permit
- Westchester County Department of Health (WCDOH): Approval of Water and Sanitary Sewer Systems
- Westchester County Department of Health (WCDOH): Realty Subdivision Approval

DISCUSSION

The Applicant has provided an updated drawing set and Stormwater Pollution Prevention Plan (SWPPP) that describe the proposed subdivision development. While the general layout of the proposed subdivision is largely unchanged, some details of the site stormwater management systems, driveways, grading and site utilities have changed since the time of Preliminary Plat approval. Our office has completed review of the provided documents for all changes from preliminary plat approval and in consideration of all updated codes and regulations.

Our previous review memorandum, dated October 21, 2011, that was provided at the time of Preliminary Subdivision Plat Approval, identified several conditions of approval that were required to be addressed prior to signing of Final Subdivision Plat and release of Bonds for the project. Due to changes in the proposed development, some of these comments are no longer applicable for the project. Review of these conditions was completed as part of the current application review and the updated status of all previous conditions is provided below under the section titled: "Review of Conditions from Memorandum dated October 21, 2011".

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The following is a summary of our comments at this time. The current status of all previously identified comments is shown in **Bold Type.** It should be noted that further comments may be issued following the review of future submittals.

1. The proposed subdivision development is identified to disturb approximately 3.2 acres of land area and requires the development of a Stormwater Pollution Prevention Plan (SWPPP) including post-construction stormwater controls in accordance with the SPDES General Permit (No. GP-0-15-002) and Chapter 93 of Town Code. In addition, the SWPPP approval by the NYC DEP is required and was obtained by the Applicant as documented, April 29, 2014.

   It should be noted that the proposed project stormwater management systems have changed from what was previously proposed at the time of Preliminary Subdivision Plat approval. Individual rain gardens and porous pavement for lot driveways have been eliminated on the current plan set. Lot stormwater runoff is now shown to be collected and into the common driveway pipe conveyance network and routed to the common infiltration basin on proposed Subdivision Lot No. 4.

   The following comments relate to our review of the project SWPPP and general Stormwater Management Practices:

   a. The NYSDEC has updated rainfall depths for design storm events as specified by the Stormwater Management Design Manual, dated January 2015. The Applicant shall update the HydroCAD stormwater analysis to utilize the current rainfall data.

   b. The Applicant has provided document of NYC DEP approval of the project SWPPP, dated April 2014. The Applicant shall gain concurrence from the DEP on any changes to the stormwater system necessitated from review by the Town based the updated 2015 Stormwater Management Design manual.

   c. The proposed slope of pipe between structures "DMH-1" and "CB-4" is identified on drawing sheet "D-1" as 12.0%. In addition, the provided Pipe Sizing Calculation Worksheet contained in Appendix G of the SWPPP identifies these pipe segments as 15.8% and 14.1% respectively. These slopes pose risk of supercritical flow in pipes. Pipe slopes should be reduced to a maximum of 10.0%. The Applicant shall revise both the profile and sizing worksheet to reflect the correct intended design.

   d. Provided sizing data for rip-rap apron 'R.O.P No. 2" appears to be sized considering stormwater flow resulting from the 10 year design storm. The Applicant shall update the sizing to consider peak flows discharged from the 100 year rainfall event.

   e. The Application proposes to construct a stormwater infiltration basin on proposed Lot No. 4 to address stormwater quality and peak flow attenuation requirements. The basin will be accessed and maintained through easement and a common maintenance agreement. The following technical comments relate to our review of the proposed basin:

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i. Identify how inspection and maintenance access to the proposed basin will be provided.

ii. Update the SWPPP to reference required maintenance procedures for Infiltration Basins, as referenced by Chapter 10 of the NYSDEC Stormwater Management Design Manual.

iii. Update the SWPPP to indicate that the proposed Infiltration Basin will be constructed in accordance with Appendix C Construction Specifications of the NYSDEC Stormwater Management Design manual.

f. The Applicant shall update the SWPPP and erosion control drawing "EC-1" to correctly reference the recommended inspection and maintenance procedures for the Hydrodynamic Separator structure, as specified by the system Operations and Maintenance manual.

g. The Applicant has prepared a draft Stormwater Maintenance Agreement contained as part of the Declaration of Covenants, Restrictions and Easements, for review and acceptance by the Consulting Town Engineer and Town Attorney. The provided draft must be updated to include stipulations for inspection, reporting and Town access and repairs, consistent with the NYSDEC template. Comments on the Stormwater Maintenance Agreement will be provided directly to the Applicant's Engineer.

2. The Application proposes to construct a new common driveway to serve the 3 new dwelling lots. While the general layout of the driveway remains the same as was contemplated during Preliminary Plat approval, some design changes have been incorporated. Maximum slope of driveway has been reduced to 12.0% as allowed by Town Code and has incorporated a pull-off for firefighting apparatus at approximate station STA 4+50. The following sub-comments relate to our review of the proposed driveway:

   a. The Applicant shall provide documentation of Town of Somers Fire Department approval for the proposed common driveway access and pull-off area.

   b. A construction performance bond is required for the construction of common infrastructure within the development. The Applicant shall update construction cost estimate to include a breakdown of costs associated for the proposed common driveway and update to include costs for erosion and sediment control devices (i.e., stabilized construction entrance, silt fence, sediment trap), pipe end sections and basin rip-rap stone, for use in determination the bond amount.

3. The Applicant proposes to install flowering hydrangea for screening along the border of Lot #4 and the neighboring parcel to the north. This low-level seasonal landscape is not typically used for screening and will have limited benefit to screen the neighboring lot. The Planning Board should consider whether the proposed level of landscape screening is appropriate and the Applicant must make any changes requested to accommodate the Planning Boar requests. In any case, the landscaping shall be presented on a landscaping plan.

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4. The provided plans identify existing trees within the proposed development, but do not indicate which trees are proposed to be removed as a result of construction activities. The Applicant shall update the plan to identify all existing trees to be removed and/or protected during construction.
5. The Applicant shall update the Final Subdivision Plat drawing to identify any existing roadway monuments located in Tomahawk Street, consistent with §150-30(G) of Town Code.
6. The Applicant is required to satisfy Town of Somers Fire Department requirements for the construction of firefighting design considerations within the proposed subdivision development. The Applicant shall provide final documentation of Fire Department approval of the proposed driveway layout and truck pull-off locations.
7. The Applicant shall provide an estimate of project earthwork, summarized as cut-fill volume in cubic-feet. It shall be noted that all imported fill soil (if proposed) must demonstrate compliance with NYSDEC DER-10 and CP-51 guidance document standards.
8. The Applicant shall prepare a rock removal plan to describe rock excavation activities during construction. The rock removal plan shall estimate rock removal quantities based upon the revised development layout and shall describe the limits of and methodology intended to be used for rock excavation.
9. The Application proposes to construct individual septic fields to provide for wastewater treatment on each proposed lot. WCDOH approval of individual separate sewage treatment systems was granted September 18, 2014. The following comments relate to our review of the proposed wastewater systems:
    a. The Applicant shall update the plan to show silt protective fencing/markers surrounding septic absorption field area to prevent over-compaction during construction.
    b. Update the plans to show proposed septic tanks and effluent sewer pipe connections to the proposed septic fields.
10. The provided plans show that retaining walls are proposed to be constructed on proposed Subdivision Lot No. 2 and No. 3. The Applicant shall update the plan to identify the Top of Wall and Bottom of Wall elevations along the length of each proposed wall segment. It shall be noted that signed and sealed structural design calculations shall be required for retaining walls greater than 4 feet in exposed height.
11. The Applicant shall update the plans to show the proposed electrical service layout to all proposed lots in the subdivision.

CONDITIONS REVIEW FROM MEMORANDUM DATED OCTOBER 21, 2011.

1. Although it is noted that calculations of Runoff Reduction Volume (RRv), appear correct, soils remain incorrectly identified as HSG B on the most recently provided SWPPP. Please revise

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calculation worksheets on pages 70-73 of the SWPPP to list proper HSG identifications. **Addressed.**

2. The septic systems for Lots 3 and 4 are greater than 25 feet but less than 100 feet from proposed Infiltration Basin. Although this meets NYSDEC and WCDOH minimum setbacks, it is in conflict with Subchapter §18-39 (c) (4) of the NYC DEP Rules and Regulations, April 2010 edition. The Applicant shall provide documentation from the NYC DEP confirming the currently proposed location of Infiltration Basin is acceptable. **Addressed. NYC DEP SWPPP Approval obtained April 29, 2014.**
3. Provided hydrological calculations used to size stormwater conveyance pipe flows do not provide sufficient detail to identify contributing drainage area to each inlet structure. Proposed Bioretention Areas located on Lots 1 and 3 are depicted to discharge to the stormwater pipe system. The Applicant shall demonstrate that stormwater pipes have been sized to accommodate inflow from Bioretention Areas as well as all applicable drainage area. **Addressed. Bioretention Area are no longer proposed as part of the development.**
4. To install stormwater pipe, as shown on most recent provided drawings, will require excavation of as much as 15 foot depth within 20 feet of an existing dwelling on the adjacent parcel. Drawings shall be modified to include a construction sequence that is protective of the adjoining residence, detailing how pipes will be installed and how the house will be protected. The Applicant shall also define the subsurface soils/rock that will be encountered during stormwater pipe trenching and consider these materials in developing the construction sequence plan. **Comment No Longer Applicable. Maximum trench depth has been reduced to approximately 8 feet on the revised plans and the pipe layout has been shifted to provide greater separation to the dwelling on the neighboring lot.**
5. Common Driveway Profile as provided on most recently revised Drawing Sheet No. "D-1" depicts proposed driveway grades of 13.53 percent between stations 3+50 and 5+50. The maximum allowable driveway grade is specified as 12 percent by Chapter 170 of Town Code. The Applicant shall revise proposed driveway profile to be consistent with Town Code requirements. **Addressed. Maximum 12% grades are provided on the revised driveway profile.**
6. The Applicant shall add a note to Site plan drawings which states, "Prior to release of Bonds, the Applicant shall confirm sight distances at Common Driveway entrance on Tomahawk Street, based upon the constructed condition." **Addressed.**

The following additional conditions, as enumerated below, must be satisfied Prior to the signing of Final Subdivision Plat:

1. The Applicant shall obtain "Stormwater Pollution Plan" approval by New York City Department of Environmental Protection. **Addressed. Approval granted April 29, 2014.**
2. The Applicant must file a "Notice of Intent" as required by the New York State Department of Environmental Conservation SPDES Permit for General Construction Activity. **Not Addressed. The NYSDEC has issued updated permit No. GP-0-15-002 effective January**

28, 2015. The Applicant must submit an updated Notice of Intent form for coverage under the current permit.

3. The Applicant shall obtain "Curb Cut Permit" approval by the New York State Department of Transportation. **Addressed. Highway Work Permit granted December 10, 2014.**

Prior to the release of Bonds posted by the Applicant for common infrastructure (Common Driveway and Stormwater Systems), the following condition must be satisfied. This condition is in addition to those other requirements for Bond release enumerated in Town Code:

1. The Applicant shall confirm Site distances at common driveway entrance on Tomahawk Street are provided based upon the constructed conditions. **Addressed.**

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

Sincerely,

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

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: February 3, 2015

RE:

Project:	Mitchell 4-Lot Conservation Subdivision
Applicant:	Gary & Ann Mitchell.
Location:	197 Tomahawk Street (Route 118) (Section 16.09 Block 1 Lot9)
Zoning:	R40 Residence District
Actions:	Request for Final Subdivision Approval

Application Request and Background:

The applicant's cover letter of January 21, 2015 indicates a request for final subdivision approval for the 4-Lot Conservation Subdivision located on Tomahawk Street adjacent to Koegel Park to the south. Documents provided in support of this application include the following:

- Cover letter from Bibbo Associates, L.L.P. dated January 21, 2015
- Final Subdivision Application dated 01/15/15
- Chapter 93 "Stormwater Management and Erosion and Sediment Control Permit" Application
- Chapter 67 "Application Processing Restrictive Law" Certification
- List of Adjoining Lots
- Draft Declaration of Covenants, Conditions, Restriction and Easement
- Proof of Taxes Paid
- Affidavit of Ownership Property Title
- Erosion Control and Engineering Inspection Fees.
- NYCDEP Approval Letter dated April 29, 2014

- NYSDOT Approval Letter dated 10/31/2015
- WCHD Approval on Plat dated 9/18/14

Conservation Parcel and Recreation Fees

Since issuance of my comment memorandum of January 30, 2015, I have had an opportunity to discuss the issue of the potential addition of the conservation parcel to Koegel Park with Steve Ralston and to review documents approving the conservation subdivision by the Town Board.

The Town Board did receive the memorandum from the Planning Board of June 30, 2010 indicating that the applicant had stated to the Planning Board that it would donate the western portion of the property as an extension of Koegel Park. Subsequently, on November 18, 2010, the Town Board voted to amend Section 170-13.2 Article IIIA Conservation Zoning for the Mitchell Subdivision and passed Local Law No.6 of 2010. The Preliminary Subdivision Approval Resolution, as re-stated in the re-granting Resolution #2012-06 by the Planning Board, indicated that the applicant was to "convey the deed restricted conservation parcel to the Town of Somers and, if not accepted by the Town, that the applicant would work with a conservation association to ensure that the deed restricted parcel is maintained and managed".

As discussed with Steve Ralston, Superintendent of Parks and Recreation, before the Planning Board makes any final determinations on the final subdivision application regarding the conservation parcel, the Town Board should place this issue as an item on a Town Board agenda, at which time it will refer it to the Parks Board for its opinion regarding whether this conservation parcel should be incorporated as part of Koegel Park.

Separately, the Town Board will need to decide and can ask for input from the Parks Board, as to whether this parcel, should it approve of its addition to Koegel Park, have any impact on the recreation fees that would otherwise be owed for a four lot subdivision, namely $46,000 if all lots are considered, or $34,500 if one lot is already considered as an existing lot.

The Planning Board should indicate at its meeting of February 11, 2015 that the Director of Planning (who will not be present at that meeting) should inform the Town Board of the steps it should be taking and to put it on its next available agenda.

Cc: Tim Allen
Roland Baroni
Joe Barbagallo
Steve Ralston
Town Board

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Steven Woelfle
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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: January 30, 2015

RE:

Project:	Mitchell 4-Lot Conservation Subdivision
Applicant:	Gary & Ann Mitchell.
Location:	197 Tomahawk Street (Route 118) (Section 16.09 Block 1 Lot9)
Zoning:	R40 Residence District
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- NYSDOT Approval Letter dated 10/31/2015
- WCHD Approval on Plat dated 9/18/14

A conditional reapproval and re-granting of the preliminary conservation subdivision application was granted by Resolution No. 2012-06 on September 12, 2012 since the prior approval had expired and approval had not been extended within the required time frame. Since the re-approval, four re-approval extensions have been filed, the fourth and last which is to expire April 13, 2015. Therefore, the request for final subdivision approval has been made within the 180-day required time frame prior to expiration of the extension in accordance with Section 150-12-N of the Code of the Town of Somers.

The conditions of the re-granting resolution have been identified in the Bibbo cover letter of January 21, 2014 as largely having been met. The following are items that I believe need further clarification:

Condition 5 - Relative to driveways, while the grades are identified as having been adjusted to comply with Town Requirements, it appears that language on the preliminary plat stating that the stucco shed located within the access, grading utilities and drainage easement is "to be removed", has been omitted from the final plat and needs to be included.

Condition 16 of the Resolution indicates the following is to happen: "Submission of information that separately quantifies the proposed number of trees (12"dbh or greater) to be removed for the development of each individual lot, the common driveway, utility easement and stormwater practices for Lot #2, Lot #3 and Lot #4. Such information shall be noted on the Plans". This information has not been provided. The applicant can meet with Steve Woelfle, but will still have to provide the information in the format required and then identify it on the plans.

Conditions 7 and 8: Easement document for the common driveway and general utility easement and the conservation easement document have been identified as being provided as part of the Draft Legal Documents. Please verify that the Draft document provided covers both of these issues. These documents must be reviewed for compliance by the Town Attorney.

With regard to the conservation easement, the Resolution indicated that the applicant was to convey the deed restricted conservation parcel to the Town of Somers and, if not accepted by the Town, that the applicant would work with a conservation association to ensure that the deed restricted parcel is maintained and managed. As part of the Ridgeview Builder final approval, however, it was determined that the Town did not want to accept the conservation parcel and that there was no land trust that was interested in accepting such parcel. Since the parcel is adjacent to Koegel Park, the applicant may want to approach the Town and Parks Board to see if it has any interest in accepting this parcel. If the Town is interested, those arrangements must be worked out, similar to the Windsor Farms approval. If the Town is not interested, as in the case of Ridgeview

Builders, the homeowner's association would own and maintain the Conservation parcel and enforce the covenants and restrictions relative to such parcels.

Request to Waive Recreation Fee

The cover letter of January 21, 2015 requests the Planning Board to waive the recreation fees in consideration of the donation of 2.48 acres as the conservation easement that is indicated "to be attached to Koegel Park". Although the resolution identifies that on June 30, 2010, the Planning Board recommended to the Town Board that the subdivision be treated as a Conservation Subdivision (see attached memorandum) due to several unique benefits available with the application, one of them being: "1. The Applicant has agreed to dedicate the western portion of the property to the Town as an extension of Koegel Park". The steps that would lead to this are not clear and, as stated above, need to be explored prior to determination of how this parcel is to be treated on the final subdivision plat. This relates directly to the applicant's request that recreation fees be waived, a determination that is only within the purview of the Town Board.

Stockade Fence

A comment in the resolution that did not become a condition of the preliminary subdivision approval was a request by the Historic Properties Board that a six foot high cedar stockade fence be placed on the property along the church and cemetery cleared area at the southern property boundary, the fence to be maintained by the homeowners association. The fence was also requested to be screened with tall thin plantings such as evergreens. The status of this request needs to be determined by the Planning Board since it does not appear on the preliminary approval or final subdivision approval drawings.

Affordable Housing Unit

The Letter of January 21, 2015 requests that the house on Lot 1 which was identified as being affordable as part of the preliminary subdivision approval, be reconsidered as a market rate unit as part of the final subdivision approval. It is not, however, only in the preliminary subdivision approval that this was a consideration. The letter of June 30, 2010 from the Planning Board to the Town Board asking the Town Board to consider this application as a conservation subdivision stated: "The existing home would remain and the Applicant has agreed to restrict the existing house as an affordable house". The Planning Board needs to verify with the Town Board that it still wants to accept this house as an affordable unit and do what is necessary to sell or rent it as such.

Attach.
Cc: Tim Allen
Roland Baroni
Joe Barbagallo
Steve Ralston
Town Board

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PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

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TO: Somers Town Board

FROM: Somers Planning Board *by*

DATE: June 30, 2010

SUBJECT: **MITCHELL SUBDIVISION [TM:16.09-1-9}**

The Somers Planning Board has been reviewing the above referenced subdivision application. The original project consists of a proposal to subdivide a 7.1 acre parcel of land into four (4) lots- three of which would be new building lots and one is an existing lot. Each lot is to be served by individual wells and septic systems.

The subject property is located west of Tomahawk Street, Route 118 in the residential R-40 zoning district. The property is bound by Tomahawk Chapel and Koegel Park to the South, and several lots south of the entrance to Green Tree Road. The lot itself is approximately 1,200ft long (east/west) by 275ft wide, at its widest (North/South). Road frontage along Tomahawk Street is approximately 210ft. The property width of 210 ft is maintained for approximately 330ft. traveling west into the property. Westerly, from Tomahawk Street, the property is generally flat and starts to gently slope downhill to a wetland located on the northern portion of proposed lot 4. The southwesterly portion of proposed lot 4 slopes towards the north and into the wetland.

The Applicant would like to cluster the four homes, to be accessed by a common driveway, towards the eastern portion of the property, away from the environmentally sensitive features of the property. Unfortunately, the size of the property (7.1 acres where a minimum of 12 acres are needed) does not allow the application of the Towns' Conservation Subdivision regulations (§170-13 of the Code of the Town of Somers). The Town's Conservation Subdivision provisions mirror, in many respects, the goals of New York State's Town Law Sec. 278, which authorizes and encourages "Cluster developments." The primary difference between the Somers Code and the Town Law in this respect is the minimum lot size, which is not required by Town Law, and which is the only hurdle to the Mitchell Subdivision proposal yielding the many benefits set forth

below. As such, the Planning Board is referring this project to you for consideration of the adoption of a *one-time* only local law or ordinance which allows the Planning Board to consider *only* this application pursuant to the Town Law, an action specifically authorized by New York State Town Law.

Clustering this proposed 4 lot subdivision would result in the following benefits:

1. If a cluster subdivision is approved, the Applicant has agreed to dedicate the western portion of the property to the Town as an extension of Koegel Park;
2. If a cluster subdivision is approved and the existing home remains, the Applicant has agreed to restrict the existing house as an affordable house;
3. Creation of a common driveway, rather than a town road has the following benefits:
    a. Reduction of roadway length resulting in less impervious surface;
    b. Roadway does not have to be publically owned or maintained;
    c. The amount of land disturbance for the driveway is less than that for a town road;
4. Creation of a cluster subdivision would result in a reduction of total vegetation that would be disturbed / removed if a conventional subdivision was to be constructed;
5. Creation of a cluster subdivision would result in a reduction of total land disturbance;
6. Creation of cluster subdivision would result in a reduction of impervious surface as that compared to a conventional subdivision;
7. The erosion potential to steep slopes would be eliminated due to the clustering of the lots;
8. The disturbance to steep slopes would be minimized due to the clustering of the lots;
9. There would be an improvement in stormwater treatment and overall water quality if clustering of the lots were to occur.

The Applicant has demonstrated that a conventional four lot subdivision can be constructed on the subject property. As demonstrated above, there are several unique benefits to clustering this proposed subdivision.

As such, the Planning Board recommends that the Town Board adopt a *one-time* local law or ordinance by which it specifically authorizes the Planning Board to review and approve the proposed subdivision as a cluster subdivision pursuant to New York State Town Law Sec. 278(2)(a). We note that the Town Board's action merely allows consideration of this important planning tool by the Planning Board, and does not curtail the level of review and environmental analysis afforded the project. Nor does it, in itself, act as an approval of the subdivision. It does, however, allow the many benefits of a cluster development to be considered by the Planning Board and incorporated into a subdivision plan for the benefit of the Town.

ecc: Town Clerk, Town Attorney, Town Planner, Consulting Town Engineer,
Tim Allen, P.E., G. Mitchell, Applicant