Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD
AGENDA
FEBRUARY 12, 2014
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for December 9, 2013

TIME-EXTENSION

1. **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. FINAL CONSERVATION SUBDIVISION APPROVAL [TM: 16.12-1-41 & 42]**
   Application of Susan Haft and Ridgeview Designer Builders, Inc. for Final Conservation Subdivision Approval, Stormwater Management and Erosion and Sediment Control, Steep Slopes and a Tree Removal Permit. Request for a 90-day time-extension of Final Approval from February 18, 2014 to and including May 19, 2014 in accordance with §150-13.M. of the Code of the Town of Somers. This is the thirteenth request for an extension of Final Subdivision Approval.

PROJECT REVIEW

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

INFORMAL APPEARANCE WITH SKETCH PLAN

3. **DC FASTCHARGE ELECTRIC VEHICLE CHARGING STATION**
   Application for Informal Appearance with Sketch Plan by IPP Solar (owner) and Maziar Dalaeli (applicant's representative) for a charging station for electric vehicles for a single parking spot at Somers Commons Shopping Center.

Next Planning Board Meeting, March 12, 2014
Agenda information is also available at www.somersny.com

C-
PB
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
OF COUNSEL

January 10, 2014

RECEIVED
JAN 13 2014
PLANNING ENGINEERING
TOWN OF SOMERS

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

619

Re: Final Subdivision Plat Approval Issued to
Susan F. Haft and Ridgeview Designer Builders, Inc.
Lovell Street, Town of Somers
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42
Thirteenth Request for Extension of Time to May 19, 2014

Dear Chairman Currie and Members of the Planning Board:

At its meeting on November 13, 2013, the Planning Board granted its twelfth extension of Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to and including February 18, 2014. We are writing to request an additional 90-day extension of Final Approval to and including May 19, 2014. This is our thirteenth request for an extension of Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Since the last extension, our clients completed installation of the utilities (which have been backfilled), laid the item 4 base in the bed of the common driveway, and placed the shoulders. These installations will settle over the winter months and, in the spring, our client will move ahead with installing the Belgium Block curb and the pervious and impervious blacktop where required. Clearly, the balance of the infrastructure work will not be completed prior to the February 18, 2014 expiration date. Therefore, our clients seek a further extension of Final Approval to and including May 19, 2014.

We understand from Mr. Eric Moss that the site is clean and stable with no erosion or runoff and that the ponds, which are on-line, continue to function properly. We further understand that Mr. Steve Woelfle has continued to make periodic inspections and is aware of the status of the site work.

Kindly schedule this request for consideration and action at the Board's the next available meeting prior to the expiration date, and let us know if an appearance is required.

Thank you for your courtesy in this matter.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: _____
Geraldine N. Tortorella

GNT:mc
cc: *(via electronic mail)*
Syrette Dym, AICP
Roland Baroni, Esq.
Joseph P. Eriole, Esq.
Mr. Steve Woelfle
Timothy Allen, P.E.
Mr. Matt Gironda
Ms. Susan F. Haft
Mr. Eric Moss

S:\# MATTERS\Moss 0056\Somers Subdiv 001\Letters\Currie 1-10-14 Thirteenth Extension Request.wpd

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

DATE: January 13, 2014

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Susan Haft/Ridgeview Designer Builders, Inc. Subdivision Thirteenth Time-Extension

---

On January 10, 2014, a request for a thirteenth 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On February 18, 2014, the previously granted time extension for the final subdivision approval will expire. The requested time extension, if granted would extend a 90 day approval up to and including May 19, 2014.

The Applicant has provided an explanation regarding the status of work on the project and the need for further subdivision approval extension for consideration by the Planning Board.

Steve Woelfle has confirmed that, as stated in the letter, the site is clean and stable with no erosion or runoff and that the ponds continue to function properly. He continues to make periodic site inspections. I have no issues with the Planning Board granting a further time extension for this project.

If you have any questions, please do not hesitate to contact me.

cc: Geraldine Tortorella, Esq.
Susan Haft

Z:\PE\Subdivision files\EricMossRidgeview\Time Extensions\13th time extension.doc

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

January 29, 2014

RECEIVED
JAN 29 2014
PLANNING ENGINEERING
TOWN OF SOMERS

Town of Somers Planning Board
335 Route 202
Somers, N.Y. 10589

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

Dear Chairman Currie and Members of the Board:

Enclosed please find the following items in support of the subject applications and permits for Hidden Meadow at Somers:

- Site Plan Set (10 sheets), last revised January 29, 2014.
- Full Environmental Assessment Form, last revised January 29, 2014.
- Stormwater Pollution Prevention Plan, dated January 29, 2014 (3 copies only).
- Phosphorus Loading Analysis, dated January 29, 2014.
- Drawing A-1, prepared by Coppola Associates, dated January 16, 2014.
- Narrative from Housing Action Council dated January 29, 2014.
- Fiscal Analysis, prepared by Tim Miller Associates, dated January 27, 2014.
- Memorandum prepared by Maser Consulting PA, dated January 24, 2014.
- Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report, by Ecological Solutions LLC, dated January 22, 2014.

Sixteen hardcopies of the above referenced items are being delivered to the Town for distribution to the Planning Board (7 copies), Town Board (6 copies), Town Attorney (1 copy). Town Planner (1 copy) and Town Engineer (1 copy). In addition to the hardcopies, twenty-four (24) CD's, with a corresponding letter of transmittal, containing the above referenced items are also enclosed. The CD's are provided for distribution to the interested and involved agencies under SERQA.

With respect to the comments offered by the Town Planner and Consulting Town Engineer we offer the following:

Town Planner Memorandum dated January 2, 2014:

Full EAF – Part 1:

1. The wetland permit has been added to *B. Government Approvals* as requested.
2. The minimum and maximum lot sizes presented in section *D.1.d.iv* have been revised to show the minimum lot size for the affordable lots and market rate lots as requested. In addition the maximum size lot was revised to represent the remaining HOA lot.
3. As requested, the text "to create a left turning lane" was added to section *D.2b.iv. 3rd bullet.*
4. Section *D.2c.iv. 2nd bullet* was revised to specify the Town of Somers Annual Water Quality Report was used.

5. Section *D.2.j "Will the proposed action result in substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?"* is still checked no. However, the questions within this section were answered as requested. The new NYSDEC Full EAF Workbook considers projects that generate over 100 peak hour vehicle trips to be the types of projects that will result in a substantial increase in traffic. This project is not close to that threshold, generating a maximum of 26 peak hour trips. The Traffic Reports have been prepared to address the project's impact in relation to existing traffic concerns along US Route 6. As indicated by the NYSDOT in their correspondence to the Town of Somers this project is not anticipated to have a significant impact on traffic. Therefore in using the Full EAF to evaluate potentially significant impacts, it is not appropriate to answer yes to *D.2.j* because this project will not result in a substantial increase in traffic or generate a substantial new demand for transportation facilities.

Additional information that needs to be provided:

1. There is no rock removal anticipated (i.e. blasting or rock hammering that needs to occur onsite). There are surface boulders visible on the ground surface. These boulders are easily excavated with standard excavation equipment (bulldozers and hydraulic excavators) and will either be used onsite in constructing the fill pad; processed onsite for use as rip rap, item 4, etc.; or removed from the site.
2. A potential recreation area in conformance with the zoning code, Section 170-13.A.(14)(a), has been illustrated for the project. A 1,400 s.f. playground and gazebo is proposed at the end of Road "A," and 7,300 s.f. of recreational field and sports court have been shown in the location of the currently proposed Road "B." As discussed at the last Planning Board meeting the 7,300 s.f. potential area is not intended to be constructed based upon improvements being offered on the adjacent Town property, but illustrated to demonstrate conformance with the Zoning Code.
3. Architectural floor plans have been submitted for the Planning Board's review. In addition, the preliminary plat has been revised to illustrate the proposed lot sizes.
4. Refer to the letter prepared by the Housing Action Council for information on the affordable housing initial, and long term, market plan and eligibility.
5. A response to this comment, as well as the requested cross sections will be provided in future submissions.
6. Tim Miller Associates is currently working with the Town of Somers to generate the number of units and number of school children within the Willows Development.

Compliance with Zoning:

1. Lot sizes have been provided on the Preliminary Plat as requested.
2. It is acknowledged that the comment correctly indicates the proposed project complies with the density requirements of the MFR-BP zone.
3. The reference to Central Hudson Gas and Electric has been clarified to "N/F Schwartz" as requested.
4. Woodard and Curran has reviewed and provided comments regarding the Water and Sewer reports. Responses to their comments are provided below.
5. Woodard and Curran has reviewed and provided comments regarding the Stormwater Pollution Prevention Plan. Responses to their comments are provided below.
6. General Note #6 has been added to the drawings. The HOA will contract with a private waste hauler. Curbside pickup of garbage pales will be provided. It is anticipated

garbage pales will be stored in the garages of the market rate units. The garbage pales will be stored on the porches of the affordable units and screened with landscaping.

7. Refer to the comments / responses to the Woodard and Curran memorandum below for any comments regarding the underground utilities.
8. On January 8, 2014 this office met with the Bureau of Fire Prevention. They requested a fire hydrant be added to the drawings. The enclosed drawings have been revised to include the additional fire hydrant.
9. The Parking Requirements Table on Drawing SP-1 has been revised to more clearly indicate how the provided parking is calculated. In addition, 23 visitor spaces (previously 15) have been provided as requested.
10. Detailed responses regarding the project's recreation requirements are provided below (refer to the responses to the January 7, 2014 Town Planner memorandum).
11. Of the other requirements it is acknowledged all units have individual access and central antenna service is not required. Regarding the gross floor area requirements and the number of full bathrooms in the three bedroom units, please refer to the attached architectural drawings. All two bedroom units are over 700 square feet, and all three bedroom units are over 900 square feet and have two full bathrooms. All one bedroom units are over 500 square feet.

Town Planner Memorandum dated January 6, 2014:

The requested multipliers for school age children have been presented in the Fiscal Analysis by Tim Miller Associates. In addition, the analysis also includes the multipliers based upon the project sales price. Tim Miller Associates is currently working with the Town of Somers to develop the unit count and number of school age children at the Willows Development.

Town Planner Memorandum dated January 7, 2014:

The enclosed site plans have been revised to illustrate a potential recreation area satisfying the requirements of 300 square feet per density unit. As the Planning Board is aware the applicant is currently working with the Town to provide access to the neighboring Town Park property. Should the Town Park property be developed it is anticipated the onsite recreation requirement will be waived by the Town Board as a result of the applicant's assistance in developing the neighboring Town property. However, in the event the neighboring Town property is not developed the onsite recreation can be constructed.

Town Planner Memorandum dated January 16, 2014:

Recreation Fee:

1. The recreation fees calculated by the Town Planner range from $425,000 to $517,500. As correctly indicated in the memorandum, the Town Board can adjust these values based upon the provision of affordable housing, and improvements associated with the neighboring Town Park parcel.

Other Comments by Planning Board members to be Address by Applicant Team:

1. A Fiscal Analysis has been prepared by Tim Miller Associates and is enclosed. The Fiscal analysis identifies the existing taxes generated, estimates of future anticipated taxes, anticipated costs per child to be paid from local taxes in affected Somers Central School District, identification of anticipated Town and school district fiscal obligations, and project future tax revenues versus anticipated costs.
2. The project description of the EAF has been revised to discuss the application of the MFR-BP Floating Overlay Zone.

3. Additional Comments of Town Director of Planning Prior to Receipt of Revised Submission Materials:

   a. The revised estimates for the school children and the requested narrative are attached as requested.

   b. A school bus waiting area has been illustrated on the plans as requested. It is currently proposed to be 200 square feet in size with a minimum dimension of 10 feet.

   c. As discussed at the January 8, 2014 Planning Board meeting this application is proposing a private road to be located within an easement, as opposed to dedicating the road to the Town. One of the roads will provide access to the adjacent Town Park. Should the access road to the Town Park be placed in a dedicated Right-of-Way, the front yard setback will be moved farther into the site. This will result in the project not being able to meet the required Front Yard Setback of the MFR-BP zone. Therefore the applicant prefers to maintain ownership of the underlying property, and is willing to place the access roads in an easement. The language, restrictions, maintenance requirements, etc., of the easement can be drafted to afford the Town as much control over the access road as desired. The following table serves to compare the options of a Town road versus an easement

Town Road	Easement
1. Convey ownership to Town (creates further subdivision and zoning issues). 2. Town Road A specifications required unless waived by the Planning Board. 3. Town performs all maintenance (year round) and in perpetuity. 4. Town roads are not typically a driveway to a park (i.e. Koegel Park, Upper Reis Park are not located in Town Roads).	1. The easement can be established so the Town has the same rights conveyed as if the access drive were a Town road. 2. Fee interest stays with the owner. 3. No further subdivision or zoning issues are created. 4. The easement can be established so there is shared maintenance for shared areas of the access roads.

<u>Woodard and Curran Memorandum dated January 3, 2014</u>

1. Responses to the NYCDEP comments were previously provided to the Planning Board via our January 3, 2014 letter.

2. As discussed at the January 8, 2014 Planning Board meeting, phosphorus loading calculations are not required for this project. Notwithstanding, a phosphorus loading analysis has been provided to show potential impacts have been mitigated. The analysis uses the latest loading rates accepted by the NYSDEC and East of Hudson Watershed Corporation (EOHWC). The EOHWC (of which the Town of Somers is a member) is charged with implementing stormwater retrofit projects to bring its member MS4's in compliance with the SPDES *General Permit for Stormwater Discharges from MS4's, General Permit GP-0-10-002*. This is one of the primary programs the TMDL Implementation Plan focuses on for achieving phosphorus reductions. The enclosed phosphorus loading analysis demonstrates the project as proposed will not increase phosphorus above existing levels.

3. Regarding the project Stormwater Pollution Prevention Plan (SWPPP) we offer the following:

a. The water quality volume calculations as previously presented are based upon the 1-year, 24-hour design storm volume. The GIP by area calculations have been revised. This resulted in an increase in the sand filter size.

b. The final project SWPPP will contain the required collection system sizing calculations. As required by Town of Somers code, the collection system will be sized for the 10-year design storm, with overland failure modes for larger storm events. Where an overland failure mode does not exist, the collection system will be sized for the 100-year design storm as requested.

c. Future submissions will include rim and invert elevations as requested.

d. An underdrain detail has been added to the drawings as requested.

e. Regarding the pocket wetland design we offer the following:

   i. Future submission will include the wetland planting plan as requested.

   ii. Appendix H and Table 2.3.4 have been added to the SWPPP and document the forebay sizing.

   iii. Future submission will include profiles of the proposed stormwater management practices.

f. Regarding the proposed sand filter design we offer the following:

   i. The soil testing data performed to date has been added to the drawings as requested. Additional testing will be provided and included on future submissions.

   ii. Table 2.3.1. and 2.3.2 in the SWPPP provide the sand filter sizing calculations.

   iii. The HydroCAD analysis has been revised as requested. In addition, the sand filter design has been revised to include an underdrain.

   iv. Table 2.3.3. has been added to the project SWPPP and provides the hydrodynamic separator sizing calculation. A detail for the hydrodynamic separator will be provided in future submissions.

g. Regarding the proposed porous pavement design we offer the following:

   i. Future submissions will include the construction detail for the proposed porous pavement.

   ii. Future submissions will include the required geotechnical testing. Based upon preliminary soil testing, suitable soils, and the required separation to groundwater and rock, can be provided in all areas where porous pavement are proposed.

   iii. Future submissions will contain the required sizing calculations for the porous pavement stone reservoir.

h. Future submissions will include the requested swale sizing calculations.

i. The proposed level spreaders have been detailed and included in the HydroCAD routings. The level spreader will discharge the 100-year storm event at non-erosive velocities. Further it is proposed to stabilize the existing eroded channel located along the toe of slope of US Route 6.

j. A sample Stormwater Maintenance Agreement has been included in Appendix J of the project SWPPP.

4. With respect to the proposed access roads, they are proposed to be kept private, and an easement provided to the Town. Refer to the response to the Town Planner's January 16, 2014 memorandum above. With respect to comments a, b, and c, we offer the following:
    a. As requested road profiles have been provided.
    b. It is proposed to modify the grades within 60 feet of an intersection to 5%. This is requested in order to limit the amount of earthwork and excess cut at the site. It is our understanding 5% at intersections has been permitted in other applications reviewed by the Town.
    c. A guide rail has been added to the lower access driveway as requested.
5. Temporary soil stockpile areas have been shown as requested.
6. The requested modifications have been made to the catch basin detail.
7. The requested modifications have been made to the drainage manhole detail.
8. A phasing plan and construction sequence will be provided in future submissions.
9. Regarding the proposed earthwork we offer the following:
    a. A proposed earthwork plan will be included in future submissions.
    b. The results of the preliminary testing have been included on the drawing. Based upon the results of the preliminary testing rock and groundwater is not anticipated to be encountered within the development pad.
    c. Dewatering is not anticipated to be necessary for the establishment of the development pad. In addition, the cuts that will be developed as part of the mass earthwork for the site do not require temporary excavation bracing.
    d. A rock removal plan will not be prepared as rock blasting or hammering is not required.
10. Future submission will include a proposed photometric plan.
11. Refer to the *Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report* prepared by Ecological Solutions LLC for a discussion on the Long Eared Bat, and other potential species identified by the US Fish and Wildlife Service.
12. Refer to the *Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report* prepared by Ecological Solutions LLC for a wetland impact analysis.
13. Regarding the proposed wastewater, water and utility plan designs we offer the following:
    a. Westchester County recommends using the design flows published in the NYSDEC *Design of Intermediate Sized Sewerage Facilities 1988* for this type of project. Based upon preliminary conversations with the Assistant Consulting Town Engineer it appears the correct values were used in the preliminary report.
    b. As requested, and where appropriate, wastewater facilities will be designed per the peak hourly flow.
    c. As noted, future submissions will include design calculations for the pump station and forcemain discharge.
    d. Future submissions will include a design for the pump station system controls and emergency power.
    e. Westchester County recommends using the design flows published in the NYSDEC *Design of Intermediate Sized Sewerage Facilities 1988* for this type of project. Based

upon preliminary conversations with the Assistant Consulting Town Engineer it appears the correct values were used in the preliminary report.

f. As requested, and where appropriate, the water distribution system will be designed on the peak hourly flow or fire flow demands.

g. Future submissions will include additional information on the pressure tests provided by the Town of Somers.

h. It is acknowledged that additional review will be required when the project's fire flow demands are assessed.

i. All portions of the water and sewer main have been checked and maintain the required 10-foot separation.

j. Additional area and an access have been provided around the proposed pump station.

k. The plans and notes have been reviewed and corrected for consistency.

l. Future submissions will include the requested utility profiles.

14. Once a preliminary layout for the Town Park Parcel is provided it will be determined if a chain link fence is appropriate.

15. The anticipated electric and gas service line locations have been illustrated on the drawings. With respect to the provision of the utilities, the gas and electric company cannot deny service to a property. Instead any system upgrades that may be necessary by a project are typically required to be bonded by the project owner / applicant until the project construction is complete. This ensures utility service will be provided to the site.

16. The owner / applicant of this project is in continued discussions with the Town regarding the development of the adjacent park property. It is our understanding a conceptual park plan is currently being prepared by the Consulting Town Engineer. Preliminary traffic information has been provided to the Consulting Town Engineer for his use in developing a conceptual Town Park on the adjacent property.

17. A tree removal plan will be provided in future submissions.

We trust you will find the enclosed information in order, and respectfully request this item be placed on the February 12, 2014 agenda for discussion with the Board.

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

Very truly yours,

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

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

RDW/amh

cc: K. Kearney, The Kearney Realty and Development Group, Inc., w/enclosures
R. Noonan, Housing Action Council, Inc., w/enclosures

Insite File No. 13155.100

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

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: January 16, 2014

RE:

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

Response to Planning Board Comments at Meeting of January 8, 2014

1. **Recreation Fees** - Nancy Gerbino asked what the overall recreation fees would be for the project. It was determined that Section 170-13.A.(14)(a), which specifies that an amount of on-site recreation area with facilities be provided to serve project residents, must be met even while other options and code waivers are being pursued with the Town Board. Therefore, the subdivision/site plan will need to identify a required recreation area and facility that will meet this requirement. In addition to the on-site recreation requirement of the MFR-BP zone, the project is subject to the provision of Town Code Section 55 that establishes recreation fees for subdivisions and site plans. Since the project is providing townhouses on fee simple lots, it is appropriate to apply the fees based on Section 55-2 that states: "Pursuant to Town Law Section 277 and Town Code Section 150-24A, the Town Board of the Town of Somers hereby increases the Town of Somers residential subdivision recreation fee to $11,500 per newly

created residential building lot". In addition, Section 55-5 states that "....the Town Board may, in its discretion, waive, in whole or in part, the payment of a recreation fee otherwise required to be paid, upon a finding that such waiver is necessary or desirable to facilitate the development of affordable dwelling units as defined in Section 170-3 of the Code of the Town of Somers".

Based on the above, there are a total of 45 building lots of which eight are affordable. If all 45 lots paid the full fee of $11,500, the total recreation fee would be $517,500. Assuming only 37 market rate lots, the fee would be, $425,500. So it can be assumed that the range of the recreation fees to be paid by the project to the Town could be in the range of $425,500 to $517,500. Adjustments to this range could be made at the discretion of the Town Board related to several factors, including the provision of eight additional affordable rental units and potential provision of other enhancements such as access to the adjacent park land and financing of a conceptual plan for its use.

Other Comments by Planning Board Members to be Addressed by Applicant Team

1. **Tax Assessment Basis.** There was a question regarding the basis for assessments of properties for future tax purposes. To answer this question, the applicant should identify the following fiscal information and impacts of the project:
    a. Existing taxes generated by taxing jurisdiction
    b. Identification of future anticipated taxes based on estimated sales price/estimated assessed value of individual units by taxing jurisdiction.
    c. Identification of anticipated costs per child to be paid from local taxes in affected Somers Central School District. Identification of anticipated Town and school district fiscal obligations; i.e., roads, etc.
    d. Projected future tax revenues by jurisdiction compared with anticipated costs.
2. **EAF Revision**
    a. Revise EAF to reflect modified description of proposed action that includes application of the MFR-BP overlay zone to the site.
2. **Additional Comments by Town Director of Planning Prior to Receipt of Revised Submission Material**
    a. *Revised School Generation Figures* - The revised school generation figures provided to the Town Director of Planning appear to be correct and should be provided to the Planning Board. Along with these figures, the Applicant should provide a narrative identifying the existing and projected capacity of Somers schools and how these would be impacted by projected children to be generated.
    b. *Address Requirement of Town Code Section 150-22D(7)* – This section of the Code requires the provision of an adequate and safe area for utilization by children waiting for school buses when a subdivision road intersects with major or collector streets. The plan will need to identify an area that meets the minimum requirements of this section (at least 10 square feet for each lot but no less than 100 feet square or more than 200 feet square or

less than 10 feet in any direction), its location and configuration to be reviewed by the traffic engineer to be retained by the Planning Board.

c. *Description of Reason for requesting Placement of Proposed Park Access Road in an Easement as Opposed to Provision as a Town Road.* The applicant's representative indicated the need to place the proposed park access road within an easement rather than providing it as a Town Road due to the inability to meet certain zoning requirements. A narrative should be provided explaining these comments and identifying the positives and negatives of an easement versus a Town Road.

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

Z:\PE\Subdivision files\Hidden Meadow\Town Comments\Subidivsison-Site Plan Application\Planner's Comments 1-16-14.doc

C PB
TP
CTE
applicant

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

MICHAEL BARNHART
CHAIRMAN

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

RECEIVED
JAN 30 2014
PLANNING ENGINEERING
TOWN OF SOMERS

625

MEMO TO: Supervisor Morrissey, Somers Town Board

FROM: Open Space Committee

RE: Hidden Meadow – 16 Route 6

DATE: January 28, 2014

The Open Space Committee reviewed Insite Engineering's January 6 response to the Open Space Committee's November 27 memo concerning the proposed Hidden Meadow subdivision at our January meeting. We propose the following:

We understand the interest in extending the MFR-BP zone to the Hidden Meadow property and taking advantage of sewer and water connections in the vicinity. We also understand the Town's interest in promoting affordable housing. We still believe avoiding the precedent of overextension of overlay zones. We would like some assurance that the proposed extension of this zone will be firmly anchored to Route 6 and that properties not adjacent to the road will not qualify for inclusion should the zone be extended.

We also stand by our original concern for the rural character of Route 6 corridor in the area between the Yorktown border and Mahopac Avenue. Should this proposal be approved and built we would like to see the adjacent properties remain in as natural a state as possible. We understand that the Town is considering development of the adjoining Windsor Farms property for ballfields in conjunction with the Hidden Meadow project. We believe this is undesirable given the sensitivity of the southern Windsor Farm parcel and the overall character of the corridor. To build both Hidden Meadow and ballfields, we believe, will create a large area of human impact substantially reducing the value of the corridor's upland areas for wildlife.

We understand the desirability of additional ballfields, but the northern Windsor Farm parcel has old-field areas that are relatively flat and could be utilized for this purpose.

Given the presence of other development in this location and road access that does not involve entrance and exit from heavily trafficked Route 6, we believe that this would be a far better location for any recreational facilities.

Removal of ballfields from the overall plans for the area around Hidden Meadow would also offer mitigating environmental benefits. The proposed access road from Hidden Meadow to the Windsor Farms property would no longer be needed. This would leave intact a larger area of habitat that could screen the development and provide greater permeability for wildlife. Maintaining the functionality of the uplands beyond Hidden Meadow would also eliminate the risk of increased stormwater flow from the ballfields into the subdivision and its stormwater infrastructure.

cc: Town Planner
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 6, 2014

RE:

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

Application Request:

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

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

Background

Preliminary Application for MFR-BP Overlay District and Town Board Actions

At the Town Board meeting of October 10, 2013, the Town Board reviewed the Applicant's preliminary development concept plan and submission letter. After review and discussion regarding the proposal, the Town Board indicated its opinion that the MFR-BP Floating Zone could be applied to this site, but that this opinion was not binding and was subject to all future analyses and studies.

The Town Board decided that the Planning Board was best suited to carry out the SEQR environmental review process. Therefore, the Town Board referred the application to the Planning Board for its review under the procedures of Section 170-13C and, asked the Planning Board to act as lead agency as part of a coordinated review under SEQR (6 NYCRR Part 617).

The additional actions undertaken by the Town Board under Section 170-13C. (1)(a)[5][f] at its meeting of October 10, 2013 included the establishment of an application fee and escrow fee.

Preliminary Actions by Planning Board

Planning Board Meeting of November 13, 2013

- Planning Board declared its intent to establish itself as Lead Agency
- Planning Board determined the Proposed Action to be a Type I Action
- Notice of intent was sent to all involved agencies; responses required by December 19, 2013
- Planning Board in receipt of correspondence indicating no objection to Planning Board as lead agency from:
    - NYC DEP(12-18-13), NYS DEC Ret.3 Division of Environmental Permits (11-25-13),
    - NYS Affordable Housing Corporation (12-3-13),
    - NYS Office of Parks, Recreation & Historic Preservation (12-6-13;11-25-13)
    - Westchester County (11-25-13)

Planning Board Meeting of January 8, 2014

- Planning Board accepts lead agency status

- Receipt of correspondence from Open Space Committee dated November 27, 2013

Basis of Comments

Preliminary Application for MFR-BP Overlay District to Town Board

Eight copies of application package referred to Planning Board (and Open Space Committee) as per Town of Somers Town Code Section170-13C. (1)(b)

- Application for Approval of the MFR-BP Zone – Letter dated September 27, 2013 to Town Board
- Full EAF – Part 1
- Following Drawings –
    - SP- 1 – Layout Plan dated 9-10-13, Insite Engineering
    - SP- 2 – Grading Plan dated 9-10-13, Insite Engineering
    - A-1 – Typical Front Elevation dated 9-26-13, Coppola Associates
- Letter from Insite Engineering dated October 11, 2013 – Clarification of bedroom count in affordable units

Preliminary Subdivision, Site Plan and Environmental Permit Applications to Planning Board- Considered at Planning Board Meeting of January 8, 2014

Thirty-eight copies of the application package were sent to all involved and interested agencies. These included sixteen hardcopies of the below referenced items for the Planning Board (7 copies), Town Board (6 copies), Town Attorney (1 copy). Town Director of Planning (1 copy) and Town Engineer (1 copy). Twenty-two (22) CD's were provided for distribution to the interested and involved agencies under SERQA.

The submission included the following items:

Reports, Applications, Letters

- Cover Letter from Insite Engineering, dated December 20, 2013
- Preliminary Subdivision Application, dated December 18, 2013
- .Application for Site Plan Approval dated December 18, 2013
- Application Processing Restrictive Law Certification dated December 19, 2013
- Applicant Acknowledgement dated December 18, 2013
- Affidavit to be completed by Owner December 19, 2013
- Application for Environmental Permit – Steep Slope, dated December 18, 2013
- Application for Environmental Permit – Wetland and Watercourse Protection, dated December 18, 2013
- Application for Environmental Permit - Stormwater Management and Erosion and Sediment Control dated December 18, 2013
- Letter from Receiver of Taxes dated December 18, 2013
- Full Environmental Assessment Form – Part 1, dated December 20, 2013
- Letter report from Maser Consulting, dated December 19, 2013 and associated Traffic Impact Study

- Memorandum from Ecological Solutions, LLC., dated December 19, 2013 regarding wetland functions and description of vegetative cover of regulated area
- Preliminary Water Engineering Report, dated December 20, 2013 from Insite Engineering
- Preliminary Wastewater Engineering Report, dated December 20, 2013 from Insite Engineering
- Preliminary Stormwater Pollution Prevention Plan, dated December 20, 2013 from Insite Engineering
- Preliminary Subdivision Plat, dated December 20, 2013

Plans

- Site Plan Set (7 sheets), **dated December 20, 2013**
    - EX-1 - Existing Conditions Plan, 12-20-13
    - SP-1 – Layout and Landscape Plan, 9-10-13
    - SP-2 – Grading & Utilities Plan – 9-10-13
    - SP-3 – Erosion & Sediment Control Plan – 9-10-13
    - D-1 – Details – 12-20-13
    - D-2 – Details – 12-20-13
    - D-3 – Details – 12-20-13
- Constraints Map, dated September 20, 2013
- Soils Map, dated December 20, 2013
- Conceptual Architectural Drawing, dated September 26, 2013

Other

- Check #3514 in the amount of $44,225.00 for the application fee

Submission for Consideration at Planning Board Meeting of February 12, 2014

- Site Plan Set (10 sheets), last revised January 29, 2014.
- Full Environmental Assessment Form, last revised January 29, 2014.
- Stormwater Pollution Prevention Plan, dated January 29, 2014 (3 copies only).
- Phosphorus Loading Analysis, dated January 29, 2014.
- Drawing A-1, prepared by Coppola Associates, dated January 16, 2014.
- Narrative from Housing Action Council dated January 29, 2014.
- Fiscal Analysis, prepared by Tim Miller Associates, dated January 27, 2014.
- Memorandum prepared by Maser Consulting PA, dated January 24, 2014.
- Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report, by Ecological Solutions LLC, dated January 22, 2014.

Sixteen hardcopies of the above referenced items are being delivered to the Town for distribution to the Planning Board (7 copies), Town Board (6 copies), Town Attorney (1 copy). Town Planner (1 copy) and Town Engineer (1 copy). In addition to the hardcopies, twenty-four (24) CD's, with a corresponding letter of transmittal, containing the above referenced items are also enclosed. The CD's are provided for distribution to the interested and involved agencies under SERQA.

Plans

- Site Plan Set (10 sheets), **dated January 29, 2014 – Insite Engineering**
    - EX-1 - Existing Conditions Plan, 1-29-14
    - SP-1 – Layout and Landscape Plan, 1-29-14
    - SP-2 – Grading Plan – 1-29-14
    - SP-3 – Utilities Plan – 1-29-14
    - SP-4 – Erosion & Sediment Control Plan – 1-29-14
    - PR-1 – Road Profiles – 1-29-14
    - D-1 – Details – 1-29-14
    - D-2 – Details – 1-29-14
    - D-3 – Details – 1-29-14
    - D-4 – Details – 1-29-14
- Preliminary Subdivision Plat – 1-29-14 – Insite Engineering
- Typical Unit Plans – Sheet A1 - Drawing, dated January 16, 2014 – Coppola Associates

Other

Open Space Committee Correspondence dated January 28, 2014

Main Issues for Planning Board Meeting of February 12, 2014

SEQR –

The Planning Board, its staff and consultants continue to review studies and information provided by the applicant regarding potential impacts to be generated by the project. The Planning Board needs to determine what potential areas of impact are still to be addressed or need further clarification and study based on its own knowledge and the input of professionals.

Additional comments from interested and involved agencies may still be forthcoming based on distribution of the last set of materials prepared by the applicant. A call to the Town Director of Planning from the Watershed Inspector General of the Office of the Attorney General Philip Bein on February4, 2014, indicated that additional comments will be forthcoming later in February. Mr. Bein expressed particular concerns regarding the phosphorous calculations provided by the applicant. He also wanted to make sure that, since it appeared there was no positive declaration at this time (i.e., that the Applicant was pursuing a Negative Declaration and the Planning Board was moving in that direction), there were no specified time frames as there would be in the DEIS process, they would continue to have ample opportunity to comment on the project.

Determination of Treatment of Adjacent Park and Obligations of the Applicant

A clearer understanding of the feasibility of developing an active recreation program for the adjacent town property and the ensuing traffic impacts and solutions needs to be developed. Contributions of the applicant to this program and the potential need for modified legislation or variances to achieve such goal need to be fully vetted.

Applicant's Responses to Comments – Insite Engineering Cover Letter for Submission for Planning Board Meeting of February 12, 2014

Town Director of Planning Memorandum dated January 2, 2014

Full EAF – Part 1

B. Government Approvals – Page 2- b. Wetland Permit needs to be added to the second column. –D. Project Details - **Addressed**

D.1.d. iv. Minimum and maximum lot sizes. The minimum lot size is identified as 2,184 sf. Examination of the site plan and preliminary subdivision plat indicate that individual residential lot sizes appear to vary and that those containing affordable units are smaller than those containing market rate units. Provide the minimum affordable and market rate size and then the minimum lot size containing all non-individual fee simple lots. The figure of 16.58 acres, when subtracted from total lot size of 16.77 acres, would make the non-individual lot area 0.19 acres. This figure needs to be corrected. - **Addressed**

D.2b.iv. 3rd bullet – add: "Expansion of State Highway *to create a left turning lane*.- **Addressed**

D.2c.iv. 2nd bullet identify 2012 Annual Water Quality Report *by whom*? - **Addressed**

D.2.j. Since there will be new demand for transportation facilities (i.e. road modifications), the yes box should be checked. Under v. describe road modifications and refer to traffic impact study attached. – **Whereas the answer given is correct based on new SEQR thresholds established for the Long Form EAF, the issue of traffic impacts is not completely resolved. As indicated by the Applicant's traffic engineer in their letter of January 24, 2014, the proposed access road to the adjacent Town property necessary for its development with active recreation is likely only able to handle traffic generated by one new ball field. Continued discussions regarding optimum future development of the park and participation by the application are ongoing with the Town.**

The adequacy of the reports submitted will require review by the Town Engineering Consultant and Director of Planning. Review of the Traffic Impact study and proposed mid modifications to Route 6 will require the services of a consulting traffic engineer.

Additional information that needs to be provided includes the following:

1. Rock Removal – While it is indicated that no blasting will occur, there appears to be a significant amount of rock removal to take place on the site. The method of this removal and its duration needs to be detailed. – **Addressed**
2. As will be seen under zoning requirements, there is no on site- provision of recreational opportunities. This needs to be addressed. **Partially addressed. While the comment is addressed, details regarding provision of on-site versus off-site recreational improvements by the applicant and obligations of the code are yet to be resolved.**
3. Information regarding lot size and size of units. There needs to be detailed information about the range of sizes of the fee simple lots. There also needs to be information regarding unit sizes for market rate and owner and rental affordable units. Interior amenity treatment of affordable units versus those of market rate units needs to be provided. Floor plans of market rate and owner and rental

affordable units should be provided. **Partially addressed – Interior amenity treatment still needs to be addressed.**

4. Affordable housing initial and long term market plan and eligibility. Details regarding the marketing and cost structure and long term regulations securing affordability of designated units needs to be detailed. **- Addressed**
5. Tree Survey and Landscape Plan –Once the tree survey and tree removal plan is complete, the applicant should prepare several sections showing the visual impact of the proposed plan on views from Route 6. A Visual Impact Addendum sheet should be prepared and submitted. – **Not Addressed – Needs to be submitted with future submissions.**
6. School Children Generation– In addition to identification of the number of school children generated as identified by the Rutgers study, the applicant should identify the number of school age children generated by the Willows development, identifying total number of units and bedroom type, as a local comparison of school generation rates for townhouses. – **Not addressed. Information from the Assessor's office has been provided to the Applicant to aid them in addressing this question.**

The Planning Board needs to identify additional information it may require, if any, prior to making a determination of significance.

Compliance with Zoning

Conformance with Section 170-13.A.

1. Minimum Site Area. – Tract 16.77 acres meets minimum requirement of 10 acres. No minimum is required for each individual building lot, however, lot sizes shall be provided for informational purposes. **- Addressed**
2. (2) Development Density. A maximum permitted density is based on a defined term "density units". Defined in Section 170-12D(1)(a), a density unit is identified as relating more to numbers of persons in units rather than just number of units. Thus, the number of bedrooms per unit rules where each three-bedroom dwelling unit equals 1.5 density units, two-bedroom dwelling units equal 2.0 density units and one bedroom dwelling units equal 2.5 density units. Overall gross density in an MFR-BP district shall not exceed three density units per acre of net land area. With net land area of 15.67 acres, base average density is 47 density units. Since 8 affordable units are provided and only 7 are required as per 170-13A.(2)(a) stating that at least 15% of the basic permitted density shall consist of affordable dwelling units, this requirement is met. One additional incentive density unit is permitted for a total of 48 permitted density units. Of the 53 dwelling units provided based on bedrooms a total of 29 density units are provided. As shown on drawing SP-1 Layout and Landscape Plan, under Development Density units (DU) Calculations, of 48 Density units permitted, 29 density units are provided. As seen in the Dwelling Unit Summary table, this translates into the 53 proposed dwelling units. Therefore, unit count complies with the requirements of the MFR-BP zoning district. A condition of approval based on the zoning requirements as stated in Section 170-12D. (1)(a), stating density units "are subject to agreements, covenants and/or other permanent restrictions of record which effectively act to preclude the owners of such units

from making alterations or additions which would increase such number of bedrooms" will have to be fashioned as part of the final resolution of approval. - **Addressed**

3. Coverage – For both building and combined building and paving coverage the proposed project at 7.5% versus 20% and 18% versus 40% respectively is well under permitted coverage. Proposed building height at 22 feet is lower than the permitted height of 30 feet. Building setbacks from the street line at 179feet are significantly greater than required at 75 ft. and equal the required 50 feet from other lot lines. The only area where setbacks are less than required is in areas where the project abuts parcels in single family resident districts and has less than the required 100 foot setback. This occurs to the west of the site where it abuts Town of Somers conservation easement land and building setbacks are 50 feet and to the south where it abuts property identified as owned by Barry Schwartz as identified on the location map, although the large scale SP-1 Layout and Landscape Plan map identifies this land as that of Central Hudson Gas and Electric. The ownership of this abutting property with reduced setback needs to be clarified and clearly identified on the maps. Section 170-13A. (6) (a) permits the Planning Board to reduce such setback requirements where it determines that the objectives of such setbacks can be met with lesser distance taking into consideration the nature of neighboring land uses. For this reason, the adjacent land use and ownership needs to be clarified. The buffer area setback for residential adjacency also needs to be 30 feet as per Section 170.13A. (6)(b) but will have greater disturbance with only 10 feet undisturbed. Therefore, there needs to be a modification approved by the Planning Board for this disturbance on the area adjacent to the Town park land. **Partially addressed. The lot ownership as shown on the drawings has been clarified. There still needs to be approval by the Planning Board for this disturbance as part of the project approval.**
4. (7) Traffic – Adequacy to be determined after review of Traffic Impact Study. **Relationship to accessway to adjacent park and facilities still to be determined.**
5. (8) Water and Sewerage facilities – Adequacy to be determined based on review by Woodard & Curran. **TBD by W&C**

(9)Drainage – Adequacy to be determined after review by Woodard & Curran. **TBD by W&C.**

6. (10)Refuse Collection – No information has been provided regarding storage of waste and location of trash barrels. Information needs to be provided for single family and two family units regarding how and where receptacles will be stored and accessed. **Partially addressed. Please provide a concept plan for location of garbage cans and screening for affordable units.**
7. (11) Underground Utilities - Adequacy to be determined by Woodard & Curran **TBD by W&C.**

9.(12) Fire Protection – Adequacy of access for firefighting equipment to be reviewed as part of traffic engineering circulation assessment and by Fire Prevention Bureau and Woodard & Curran. **TBD by W&C.**

8. (13) Off Street Parking. It is not clear that the special standards of this section relative to MFR districts have been met. Parking must be met in accordance with SectIon170-12D(5).The 113 spaces provided is not detailed but should be detailed and identified as follows:
    a. 45 spaces in enclosed garages
    b. 45 spaces on individual townhouse pads
    c. 8 spaces outdoor surface parking spaces, one each adjacent to each one bedroom affordable unit, and 15 scattered spaces throughout the development. Special parking conditions specify that at last 20% of spaces or 22 spaces must be designed and reserved for the use of visitors and guests. As currently laid out, it would appear that only 15 spaces could meet this requirement. This needs to be addressed. It would also appear that some of the assumed 45 pad parking spaces may not be of adequate length to park a standard vehicle and would extend into the interior travel way. This needs to be verified. **Addressed**
9. (14) Recreation area and open space. The requirement that each MFR district shall have a recreation area designed, improved and maintained for the use of the residents of the development and their guests has not been provided on site. How this requirement relates to provision of recreation fees under Section 55 of the Town Code needs to be discussed with input from the Town Attorney. Whereas the Applicant is proposing to provide access to the adjacent Town owned parcel designated for open space and recreation use as part of the Windsor Farm development approval and its relationship to these fess and requirements needs to be determined. In addition, any proposed development of recreation facilities for townwide use on the adjacent parcel must be assessed against the MFR requirement that required recreation uses serve the residents of the development. The open and recreation space must be preserved in a manner deemed adequate by the Town. **See response to January 7, 2014 memorandum.**
10. Other requirements:
    a. All units have individual access as required.
    b. Central antenna service. Not applicable.
    c. Minimum gross floor area. Once information about individual units is supplied, it can be determined if minimum gross floor areas are met, and whether all three bedroom units, including those affordable, have two full baths. **Addressed**

<u>Town Director of Planning Memorandum dated January 6, 2014</u>
<u>Additional Comment Regarding School Children</u>

Planner's Comments

Further review of Population projections and school generation numbers as part of the submitted EAF indicated that revisions to the numbers provided are needed due to utilization of incorrect multipliers.

Although the Rutgers University, Center for Urban Policy Research Residential Demographic Multipliers, June 2006 were utilized, the categories of multipliers selected were not correct. For a projection of Total Persons and Persons By Age, correct multiplier categories should be Single-Family Attached, 2 BR. All Values at 2.16 for 20 units and Single-Family Attached, 3 BR, All Values at 3.08 for 25 units. For Apartments 2-4 Units, 1BR, All Values at 2.20 should be used for 8 apartment units.

For school age children, a range of children can be projected utilizing School-Age Children (SAC) and School-Age Children in Public School (PSAC), where SAC accounts for children attending public and private schools. In each case, the multipliers that should be used should be based on Single-Family Attached 2 BR, All Values at 0.22 and 0.17, Single-Family Attached, 3 BR, All Values at 0.62 and 0.52, for SAC and PSAC respectively. For Apartments 2-4 Units 1 BR, All Values at 0.30 and 0.27should be used, respectively.

Again, these should be compared with child generation rates from The Willows.

Applicant's Response – School Children Generation

Table 2 in the Fiscal Analysis dated January 28, 2014 prepared by Tim Miller Associates, Inc. requires some adjustment. Whereas the number of units identified as 2-bedroom units and their multiplier is correct based on housing price, there needs to be an adjustment for three bedroom units to account for different sales prices between market rate and the affordable units. Instead of 25 3-bedroom units being calculated with multipliers for population and school children based on a cost of more than $329,500, 8 units should be calculated based on the cost to the affordable housing purchaser of $235,000. For example, for the public school age children multipliers, the market rate multiplier would be .28 and the affordable multiplier would be .54.

It also needs to be noted that the Typical Unit Plans provided by Coppola indicate that the only difference between the 2-bedroom market rate and three-bedroom market rate unit is that the second floor den in the 2-bedroom unit does not show a finished closet. All other square footages and configurations are the same. Once the school generation rates of The Willows development are known, it may provide some guidance regarding what might be expected in terms of additional child generation from the 20 2-bedroom units. For example, if 10 of those units were to be occupied as if they were 3-bedroom units, there could be an additional three public school age children generated by the project based on the Rutgers multipliers.

Town Director of Planning Memorandum dated January 7, 2014 - Additional Comment Regarding Recreation Area Requirement of Multifamily Residence MFR Districts Based on Phone Conversation with Town Attorney – 1/7/14 Regarding School Children

As I indicated in my memorandum of January 2, 2014, page 7 item 10. (14), the requirement of Section170-13.A.(14)(a) Recreation area and its relation to required Town recreation fees needed input from the Town Attorney. Based on my conversation with Town Attorney Roland Baroni of today, January 7, 2014, on his return from holiday, I have the following comments.

Section170-13.A(14) (a) indicates that: "Each multifamily development shall include a recreation area which is designed, improved and maintained for the use of the residents of the development and their guests on a not-for-profit basis. The creation area shall contain at least 300 square feet of lot area per density unit and provide common active recreation facilities, such as swimming pools, playing courts (tennis, basketball, and volleyball), playground equipment, etc. The plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units."

Based on this requirement and the provision of 29 density units as per the proposed preliminary subdivision plan, there would be a required on-site minimum recreation area of 8,700 square feet (29DU X 300sf/DU)) with facilities to be approved by the Planning Board.

The plan does not currently identify any such on site recreation area. There have been some preliminary discussions and thinking on the part of the Town that the applicant would provide the access road to the adjacent Town owned parcel and perhaps be involved in preliminary conceptual planning of townwide park facilities that are feasible on this adjacent town owned property. There is some preliminary thought that these contributions by the applicant toward accessing and planning for the adjacent parcel would meet its recreation obligations for the site.

Town Law Section 274-a and Town Code Section 150-3 and 170-114D specify that parkland be set aside for subdivisions and site plans, fees specified in Town Code Section 55 are to be paid in lieu of provision of on-site facilities. Although Section 150-7 allow for Adjustment of regulations, these relate only to the subdivision regulations, not the regulation of Section 1170-13.

Therefore, based on discussion with the Town Attorney, it appears that the applicant would have to provide onsite facilities as specified in the MFR regulations even if related Town park contributions were substituted in some part for regularly required recreation fees. In any case, either a variance for the requirements of Section 170-13-A. (14)(a) would be required to be obtained or a waiver provision amendment would need to be crafted and adopted by the Town Board.

It is the opinion of the Town Attorney and Town Director of Planning that a waiver amendment is the preferable option. Should the Planning Board agree, it should vote to forward this opinion to the Town Board for its consideration.

Partially addressed. While the letter of the requirement is addressed, the utility of the proposed improvements for the resident population needs to be determined. A final determination regarding use of adjacent Town land needs to be made prior to acceptance of these or modified on-site recreational amenities since they would preclude the possibility of future access to the adjacent parcel through this site.

This issue was a topic of discussion at a meeting of February 6, 2014 attended by the Applicant, his representatives, the Town Supervisor, Town Director of Parks and Recreation, Town Director of Planning, Town Chairman of Parks and Recreation Committee and the Town Consulting Engineer. Various alternatives regarding provision of a mix of recreation amenities that meet the obligation of the Town Code and provide opportunities for future development of an adjacent Town active recreation park were discussed. The main issue was how to develop a package of amenities provided by the applicant that would provide the information and improvements necessary for a future phased park development without triggering SEQR segmentation issues and other issues relative to the parkland development that would preclude approval and development of the Hidden Meadow project on its own merits. Among many suggestions, it was suggested that there be a joint meeting between the Planning Board and Parks and Recreation Committee to address some of these issues and alternatives.

Town Director of Planning Memorandum dated January 16, 2014
Response to Planning Board Comments at Meeting of January 8, 2014

1. **Recreation Fees** – Issues of the range of recreation fees and the ability to vary them due to inclusion of affordable housing is **Addressed. Other Comments by Planning Board Members to be Addressed by Applicant Team**

1. **Tax Assessment Basis.** There was a question regarding the basis for assessments of properties for future tax purposes. To answer this question, the applicant should identify the following fiscal information and impacts of the project:
    a. Existing taxes generated by taxing jurisdiction – **Addressed**
    b. Identification of future anticipated taxes based on estimated sales price/estimated assessed value of individual units by taxing jurisdiction.- Partially addressed. As previously indicated, adjust tables 21 and 2 to reflect affordable townhouses.- **Not fully addressed Please provide a breakdown of how future market value was calculated. Utilizing the anticipated sales prices provided, I cannot get a total that matches the $16,936,140 identified in Table 4. If there is any change, please make the appropriate corrections in the remainder of the fiscal impact document.**
    c. Identification of anticipated costs per child to be paid from local taxes in affected Somers Central School District. Identification of anticipated Town and school district fiscal obligations; i.e., roads, etc. **Partially addressed. A Districtwide Projected Enrollment table is provided that shows an anticipated reduction in enrollment at all schools in the**

district by the 2015-16 school year. What is not addressed and needs to be, is the capacity of each school relative to the existing and projected enrollment figures shown. In that way, the Planning Board and Town Board can have a sense of the potential cumulative impacts of several projects under consideration by the Town on school capacity and enrollments districtwide.

d. Projected future tax revenues by jurisdiction compared with anticipated. **Addressed**

2. **EAF Revision**
   - **a.** Revise EAF to reflect modified description of proposed action that includes application of the MFR-BP overlay zone to the site. – **Addressed**
3. **Additional Comments by Town Director of Planning Prior to Receipt of Revised Submission Material**
   - **a.** *Revised School Generation Figures* – **Addressed**
   - **b.** *Address Requirement of Town Code Section 150-22D(7)* – This section of the Code requires the provision of an adequate and safe area for utilization by children waiting for school buses when a subdivision road intersects with major or collector streets. The plan will need to identify an area that meets the minimum requirements of this section (at least 10 square feet for each lot but no less than 100 feet square or more than 200 feet square or less than 10 feet in any direction), its location and configuration to be reviewed by the traffic engineer to be retained by the Planning Board. – **Partially addressed. The area has been provided. The impact of its location at the exit onto Route 6 needs to be addressed by a traffic engineer. There also appears to be pedestrian access provided by a sidewalk to the area. The sidewalk however, needs to be extended to the right side of the bus where children will enter and exit the bus should it remain at this location.**
   - c. *Description of Reason for requesting Placement of Proposed Park Access Road in an Easement as Opposed to Provision as a Town Road.* The applicant's representative indicated the need to place the proposed park access road within an easement rather than providing it as a Town Road due to the inability to meet certain zoning requirements. A narrative should be provided explaining these comments and identifying the positives and negatives of an easement versus a Town Road. - **Addressed**

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

Z:\PE\Subdivision files\Hidden Meadow\Town Comments\Subidivsison-Site Plan Application\Planner's Comments 02-06-14.docx

IPPsolar

RECEIVED
JAN 31 2014
PLANNING ENGINEERING
TOWN OF SOMERS

New York, January 29th 2014

Attention: Planning Board, Town of Somers

Re: DC Fastcharge station for electric vehicles (EVs) at Somers Common Shopping Center

Dear Planning Board Members,

We are pleased to submit here a proposal to install a DC Fastcharge station (DCFC) for EVs at the Somers Common Shopping Center.

We believe that the DCFC will add great value to the Town of Somers because many town citizens will have the opportunity to purchase an electric car and make a more intensive use of it without range anxiety. Thus, they will reduce carbon emissions and their gas bill.

Please note that the DCFC project comes as a continuation of green initiatives at the shopping center. Indeed, in 2013 IPPsolar installed two solar photovoltaic systems at the shopping center. One system is on the roof of the NY Sports Club and the second system is on the roof Goodwill.

A combination of solar systems with DCFC infrastructure will make electric cars run with zero emissions. Please note that this project comes in the context of a larger project to install 30 other DCFC stations in NY, NJ and CT.

We look forward to a positive response and remain at your disposal to explain the project in more detail.

Sincerely,

Maziar Dalaeli

IPPsolar LLC, 394 Broadway, New York, NY 10013
Main: (212)791-2100 Fax: (646)536-3190 URL: www.IPPsolar.com