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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
John Keane

**SOMERS PLANNING BOARD
AGENDA
MARCH 13, 2013
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for December 12, 2012 and December 19, 2012.

DECISION

- 1. NEW CINGULAR WIRELESS PCS, LLC (AT&T)
AMENDED SITE PLAN AND AMENDED SPECIAL USE PERMIT
[TM: 16.15-1-1.1]**
Application of New Cingular Wireless for Amended Site Plan Approval and Special Use Permit for modifications to existing approved Facility located at 115 Route 202-Lincoln Hall Property.
Consideration of a Draft Conditional Amended Special Use Permit and Amended Site Plan Approval.
Last discussed at the February 13, 2013 Planning Board meeting.
- 2. NEW CINGULAR WIRELESS PCS, LLC (AT&T)
AMENDED SITE PLAN AND AMENDED SPECIAL USE PERMIT
[TM: 38.17-1-5]**
Application of New Cingular Wireless for Amended Site Plan Approval and Special Use Permit for modifications to existing approved Facility located at 121 Route 100 Amato Property.
Consideration of a Draft Conditional Amended Special Use Permit and Amended Site Plan Approval.
Last discussed at the February 13, 2013 Planning Board meeting.

DECISION (CONTINUED)

**3. NEW CINGULAR WIRELESS PCS, LLC (AT&T)
AMENDED SITE PLAN AND AMENDED SPECIAL USE PERMIT
[TM: 28.10-1-6.1]**

Application of New Cingular Wireless for Amended Site Plan Approval and Special Use Permit for modifications to existing approved Facility located at 243 Route 100 Majestech Corporation Property. Consideration of a Draft Conditional Amended Special Use Permit and Amended Site Plan Approval.
Last discussed at the February 13, 2013 Planning Board meeting.

INFORMAL APPEARANCE

4. JOHN CASSABOON

Application of John Cassaboon for informal appearance before the Planning Board for property located at 26 Chalmers Blvd. and Lakeview Terrace for a possible lot line connection between Lot 36.08-1-49 and Lot 36.08-1-64 to include a 6,482 SF mapped but unbuilt portion of Lakeview Terrace.
Last discussed at the November 14, 2012 Planning Board meeting.

PROJECT REVIEW

**5. BBS SUBDIVISION [FORMERLY STEVENS SUBDIVISION]
APPLICATION FOR PRELIMINARY SUBDIVISION APPROVAL,
STEEP SLOPES, WETLAND, TREE REMOVAL AND STORMWATER
MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS
[TM: 15.12-2-1]**

Application of T. Boniello, M. Barile and N. Stern for a three-lot subdivision on a 9.8 acre parcel located in an R-80 Zone. The parcel is accessed through the Green Tree Road right-of-way and crosses the North County Trailway ROW.

**6. NEW YORK STATE SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS APPLICATION FOR SITE PLAN
APPROVAL AND SPECIAL USE PERMIT [TM: 38.17-1-5]**

Application of NY SMSA Limited Partnership for Site Plan Approval and Special Use Permit to co-locate a wireless telecommunications facility on the property known as 121 Route 100 (Amato). The facility consists of antennas camouflaged within the branches of the existing stealth monopole, together with related equipment.

DISCUSSION

7. COMPLETE STREETS

Recommendation to Town Board on the adoption of a Complete Street Policy.

PROJECT REVIEW

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

Application of National Golfworx/Rick Van Benschoten (owner) for a mixed-use development consisting of four buildings with a combination of retail and residential uses. The site is proposed to be serviced by public sewer and water. The application was last discussed at the February 13, 2013 Planning Board meeting.

Next Planning Board Meeting, April 10, 2013

Agenda information is also available at www.somersny.com

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2

**SOMERS PLANNING BOARD MINUTES
DECEMBER 12, 2012**

ROLL:

PLANNING BOARD

MEMBERS PRESENT:

Chair Currie, Mrs. DeLucia, Mr. Keane, Ms. Gerbino, Mr. Goldenberg, Mr. Foley and Ms. Gannon

ALSO PRESENT:

Town Planner Syrette Dym
Town Consultant Planner Meder
Consultant Engineer Joseph Barbagallo
Town Attorney Joseph Eriole
Planning Board Secretary Murphy

The meeting commenced at 7:35 p.m. Planning Board Secretary Marilyn Murphy called the roll and noted that a required quorum of four members was present in order to conduct the business of the Board.

TIME-EXTENSION

**MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL
[TM: 5.20-1-1]**

Chairman Currie said that this time-extension request relates to the application of Merritt Park Estates Final Subdivision Approval. He noted that the request is for a 90-day time-extension of Final Subdivision Approval

1 from January 7, 2013 to and including April 4, 2013. Chair Currie
2 mentioned that this is the tenth request for a time-extension.

3
4 The Chair acknowledged a letter dated December 3, 2012 from Geraldine
5 Tortorella, the applicant's attorney, requesting the time-extension.

6
7 The Chair asked if there were any comments or questions from members of
8 the Board and no one replied.

9
10 On motion by Mrs. DeLucia, seconded by Ms. Gannon, and unanimously
11 carried, the Board moved to grant a 90-day tenth time-extension to Merritt
12 Park Estates to the period of Conditional Final Subdivision Approval from
13 January 7, 2013 to and including April 4, 2013 in accordance with
14 §150-13-M of the Code of the Town of Somers.

15
16 **PUBLIC HEARING**

17
18 **BOCKHAUS WETLAND AND TREE REMOVAL PERMIT**
19 **[TM: 16.06-2-46]**

20
21 Chairman Currie noted that this is the Public Hearing on the application of
22 George Bockhaus for a Wetland and Tree Removal Permit for property
23 located at 23 Cypress Lane for an addition with a loft to an existing
24 residence.

25
26 The Chair asked the applicant's representative to give a brief presentation
27 regarding this application.

28
29 John Di Vernieri, the applicant's representative, said that the applicant is
30 looking to build a 25X40' addition for storage. He noted that there was a
31 site walk on Saturday, December 1, 2012. Mr. Di Vernieri stated that he
32 addressed all Consultant Engineer Barbagallo's comments.

33
34 The Chair asked Consultant Engineer Barbagallo to review his memo
35 for the benefit of the public.

36
37 Consultant Engineer Barbagallo indicated that all his comments have been
38 addressed but he had a question on the test pit that was dug in the area of
39 the proposed storm water drainage system and to verify that the Cultec
40 900HD chamber would not be placed beneath the groundwater table. He

1 asked the applicant if the water in the pit was 14" deep from the bottom or
2 top of the trench.

3
4 Mr. Di Vernieri indicated that the water level was from the bottom of the
5 trench with the water line 58" below the soil surface. He noted that a trench
6 along the side of the building can be done so a smaller version of the
7 Cultec unit can be used. He said that another option is to raise the grade
8 by a foot.

9
10 The Chair then commenced with the Public Hearing and asked the
11 Planning Board Secretary Murphy if prior to this Public Hearing had the
12 legal notice been published and the adjoining property owners notified of
13 the Public Hearing. Planning Board Secretary Murphy stated that the legal
14 notice was published in the Journal News on December 2, 2012, the
15 adjoining property owners were notified via mail on November 30, 2012.

16
17 Consultant Engineer Barbagallo said that he had no objection to the
18 Planning Board proceeding with a Conditional Resolution of Approval
19 providing the outstanding comments are addressed as conditions of
20 approval.

21
22 The Chair asked if anyone from the public would like to be heard on this
23 application and no one replied.

24
25 On motion by Ms. Gerbino, seconded by Mr. Goldenberg, and unanimously
26 carried, the Board moved to close the Public Hearing on the application of
27 the Bockhaus Wetland and Tree Removal Permit.

28
29 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously
30 carried, staff was directed to prepare a Resolution of Approval for the
31 Bockhaus Wetland and Tree Removal Permit for the Chairman's signature.

32
33 **SOMERS REALTY PLANNED HAMLET**
34 **PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE;**
35 **WETLAND, TREE PRESERVATION AND STORMWATER**
36 **MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS**
37 **[TM: 4.20-1-15, 18]**

38

PLANNING BOARD MINUTES

DECEMBER 12, 2012

1 Chairman Currie said that this is the project review of the Somers Realty
2 Planned Hamlet for Preliminary Subdivision Approval, Lot Line Change and
3 related permits.

4
5 The Chair asked the applicant's representative to give a brief presentation
6 regarding this application.

7
8 Linda Whitehead, the applicant's attorney, indicated that she provided
9 comments on the draft Negative Declaration and draft Resolution. She said
10 that the Stormwater Pollution Prevention Plan (SPPP) is finalized and will
11 be sent to the Consulting Town Engineer.

12
13 The Chair asked Town Planner Dym to review the draft Negative
14 Declaration with the Board.

15
16 Town Planner Dym opined that the Negative Declaration is in good shape
17 except for a few items. She mentioned that the Landscape Plan has to be
18 provided. Town Planner Dym said that the Planning Board just received the
19 Negative Declaration and needs time to review before they make a
20 decision.

21
22 Attorney Whitehead made a change under *Impact on Wetlands* to read
23 *This activity can be authorized under Nationwide Permit #18, which allows*
24 *up to 0.1 acre of wetland disturbance with a preconstruction notification,*
25 *even in the watershed. Since the disturbance is well below this threshold,*
26 *the disturbance qualifies for the NWP#18 and a pre-construction*
27 *notification will be required to be prepared by the Applicant and submitted*
28 *to the Army Corps of Engineers with a copy provided to the Town.*

29
30 Town Planner Dym explained that she submitted a revised timeline. She
31 mentioned that in order for the Site Plan to proceed all actions on
32 Preliminary and Final Subdivision Approval must be completed. She
33 indicated that there has been discussion on additional special meetings.

34
35 Town Planner Dym indicated that she prepared a draft Resolution for
36 Conditional Preliminary Subdivision #2 for Somers Realty Corp. for the
37 Somers Realty Planned Hamlet Master Plan. She mentioned that the Board
38 has just received the resolution and needs time to review the document.
39 Town Planner Dym noted that the Board should focus on Page 5 and make
40 sure they agree on all the modifications to the Planned Hamlet.

1 She said the Board should also focus on Page 8 on the Conditions that
2 have already been met and the Conditional items that have to be met on
3 Pages 13 through 16.
4

5 Town Planner Dym said in order to give the Board time to review the Draft
6 Negative Declaration and Draft Resolution of Approval the Board should
7 schedule a special meeting for December 19, 2012.
8

9 Mrs. DeLucia read the conclusion from the Negative Declaration, *The*
10 *Somers Planning Board, acting as Lead Agency having thoroughly*
11 *reviewed the proposed project action and proposed modifications to the*
12 *prior approved Planned Hamlet Master Plan, and having compared the*
13 *impacts with those identified in the Environmental Findings of February 10,*
14 *2009, determines that the proposed Master Plan modifications and further*
15 *subdivision of Lot 2 and minor lot line change to the previously created*
16 *Sewer Pump Station Parcel will have no greater impact on the environment*
17 *than those impacts originally identified and mitigated in the Environmental*
18 *Findings and, therefore, will have no significant adverse impact on the*
19 *environment.*
20

21 Mr. Keane opined that there should be a linkage between the conclusions
22 and facts that support those conclusions. He mentioned if there are no
23 significant environmental impacts the Board can support a Negative
24 Declaration.
25

26 The Chair asked Consultant Engineer Barbagallo if he had anything he
27 wanted to discuss with the Board.
28

29 Consultant Engineer Barbagallo explained that on December 7, 2012 he
30 met with the applicant's engineer and the Water Superintendent to review
31 the sewer pump station configuration and progress was made. He noted
32 that this project will interface with The Green project as it relates to the
33 sewer and forcemain. Consultant Engineer Barbagallo indicated that the
34 pump station will serve as a terminal pump station for the future demands
35 coming out of Shenorock and the Shopping Center.
36

37 Chair Currie said that it was the consensus of the Board to take time to
38 review the draft Negative Declaration and draft Resolution of Approval and
39 continue the discussion at the December 19, 2012 special meeting.
40

1 THE MEWS AT BALDWIN PLACE PHASE 2 SITE PLAN APPROVAL,
2 WETLANDS, STEEP SLOPES, TREE PRESERVATION AND
3 STORMWATER MANAGEMENT AND EROSION AND SEDIMENT
4 CONTROL PERMITS

5 [TM: 4.20-1-15]
6

7 The Chair asked the applicant's representative to give a brief summary of
8 The Mews at Baldwin Place Phase 2 Site Plan Approval, Wetlands, Steep
9 Slopes, Tree Preservation and Stormwater Management and Erosion and
10 Sediment Control Permits.

11
12 Richard Williams, the applicant's engineer, noted that revised drawings in
13 response to staff's comments have been submitted and all engineering
14 comments have been addressed. He noted that he has one concern in the
15 Resolution as it states that a building permit cannot be obtained until
16 sewers are constructed and he suggested that the condition say the
17 Clayton Boulevard sewer extension and pump station installed as part of
18 the Somers Realty Corp. subdivision work shall be completed and
19 accepted by the Town of Somers prior to issuance of a Certificate of
20 Occupancy.

21
22 Consultant Engineer Barbagallo said that he supports the change
23 suggested by Engineer Williams and is ready to move forward on the
24 Resolution if the Board is.

25
26 Mr. Goldenberg asked about the December 2012 letter from the NYC
27 Department of Environmental Protection (DEP) stating that the application
28 was incomplete.

29
30 Engineer Williams explained that until the SEQRA determination from the
31 Lead Agency is submitted the application is deemed incomplete. He said
32 that the comments are minor in nature and are easily addressable and
33 revised plans will be submitted to the DEP next week. Engineer Williams
34 mentioned that the DEP requires a completed NOI for stormwater
35 discharges from construction activity which must be accepted by
36 Consultant Engineer Barbagallo before sending it to the Department of
37 Environmental Conservation for the SPDES General Permit.

38
39 Ms. Gerbino asked about the cottonwood trees that were removed and if
40 the landscape buffer is sufficient.

1 Engineer Williams said that in reference to the vegetated landscape buffer
2 along Route 6 it is substantial but three deciduous trees have been added.

3
4 Town Planner Dym noted that the Board at the December 19, 2012 special
5 meeting will be reviewing the draft Negative Declaration and draft
6 Conditional Resolution of Approval.

7
8 *At this point Town Planner Dym excused herself from the rest of the*
9 *meeting.*

10
11 **PROJECT REVIEW**

12
13 **THE GREEN AT SOMERS AMENDED SITE PLAN, WETLAND,**
14 **STEEP SLOPES AND STORMWATER MANAGEMENT AND EROSION**
15 **AND SEDIMENT CONTROL PERMITS [TM: 4.20-1-3.1]**

16
17 Chairman Currie noted that this is the application of National Golfworx/Rick
18 Van Benschoten, owner, for a mixed-use development consisting of four
19 buildings with a combination of retail and residential uses. He said that this
20 site is proposed to be serviced by public sewer and water.

21
22 The Chair asked the applicant's representative to update the Board on the
23 project.

24
25 Linda Whitehead, applicant's attorney, said that the last meeting where The
26 Green was discussed was at the joint meeting with the Town Board in
27 September. She indicated that the Town Board reviewed the new concept
28 plan that has four two-story buildings. She explained that three buildings at
29 the back of the site are all residential and the building at the front of the site
30 will have 8,000 SF of non-residential floor area with residential units on the
31 top floor.

32
33 Attorney Whitehead said that she asked the Town Board to schedule a
34 Public Hearing on the proposed adoption of a local law concerning the
35 zoning text amendment. She opined that the Town Board was generally
36 supportive of the proposed development concept but needed more
37 information before scheduling a Public Hearing. Attorney Whitehead
38 indicated that she provided the Town Board with information addressing
39 areas of concern such as taxes, recreation fees and the sewer process.

1 She mentioned that The Green is scheduled on the Town Board agenda for
 2 tomorrow evening and hopefully the Board will schedule the Public Hearing
 3 on the zoning text amendment. She said that she welcomes any Planning
 4 Board members who can attend the Town Board meeting.

5
 6 Attorney Whitehead said that the applicant submitted a more detailed Site
 7 Plan, Landscape Plan and a Wetland Mitigation Planting Plan that
 8 addresses comments. She noted that most of the comments from Town
 9 Consultant Engineer Barbagallo that have not been addressed relate to the
 10 Stormwater Pollution Prevention Plan (SWPPP). Attorney Whitehead
 11 noted that the design of The Green Sewer Pump Station will have to be
 12 coordinated with the Somers Realty Pump Station and the overall sewer
 13 district.

14
 15 Consultant Engineer Barbagallo said that he expects to provide comments
 16 on the SWPPP for the next Planning Board meeting. He explained to the
 17 Board the options on moving forward with the sewer district on the north
 18 side of Route 6 that will drain to The Green Sewer Pump Station.

19 Consultant Engineer Barbagallo said that one option is that the pump
 20 station will drain into the forcemain and discharge into the gravity location
 21 in Yorktown and then flow to Peekskill. He explained that Somers Realty
 22 will pump into the 8" line and the Green project will pump into the 6" line
 23 and will run parallel over the hill. He said by doing it this way there are two
 24 pump stations to service the area. Consultant Engineer Barbagallo said
 25 that the second option is to pump into the Somers Realty Pump Station and
 26 have all the flow go by gravity to the location in Yorktown. He stated that
 27 this will depend on whether the Somers Commons Shopping Center
 28 commits to going to a gravity system. Consultant Engineer Barbagallo
 29 indicated that after meetings with the applicant's engineer and the Somers
 30 Realty engineer he will be able to update the Board on the status of the
 31 pump stations.

32
 33 *At this point Consultant Planner Meder joined the meeting.*

34
 35 Mr. Foley said with the new proposal there are apartments over
 36 apartments. He said with the proposed Code changes there is nothing
 37 specifically authorizing apartments over apartments and that is a problem.
 38 He mentioned that the proposal allows the Planning Board to have
 39 apartments on the first floor.

1 Attorney Whitehead stated that the listed use is residential apartments over
2 stores and "stores" is being changed to "non-residential uses." She
3 explained that one of the other Code changes will allow the Planning Board
4 to determine that the non-residential use is not needed on the first floor.
5 She said that the proposed Code provision has to be further clarified to
6 address Mr. Foley's observation.
7

8 Mr. Foley said that the Code change allows discretion by the Planning
9 Board but he feels there is no direction. He opined that the Board needs
10 discretion on what should be exercised.
11

12 Attorney Whitehead said that the Planning Board can make a finding that
13 non-residential uses in the rear portion of the site *will* not be marketable.
14 She noted that it can say that the Board *shall* upon making a finding that
15 the rear portion of the site will not be marketable.
16

17 Town Attorney Eriole said that the decision the Board would make, even if
18 that language does not change, would have to be reasonably supported on
19 the record as the law will impose some standards.
20

21 Town Consultant Planner Joanne Meder of F. P. Clark stated that the Town
22 Board will ultimately decide what the language will be. She said that a
23 standard should be incorporated into the Resolution. She mentioned that
24 the proportion of floor area devoted to retail use as part of an affordable
25 housing development cannot be higher than 15% according to the
26 developer. Consultant Planner Meder noted that the Planning Board may
27 wish to convey its thoughts on the draft Code changes to the Town Board
28 rather than try to draft a law that the Town Board has to adopt.
29

30 Attorney Whitehead said that she is going to suggest some modified
31 language to the Town Board based on discussion this evening.
32

33 The Chair asked Consultant Planner Meder to summarize her memo dated
34 December 11, 2012.
35

36 Consultant Planner Meder said that the first comment is a carryover from
37 an earlier report when Frederick P. Clark recommended that the applicant
38 supply a written narrative describing how the proposal addresses the
39 design guidelines of the Neighborhood Shopping (NS) District. She noted
40 that if such a narrative is prepared, it will easier to confirm that the each of

1 the design guidelines have been embraced. Consultant Planner Meder
2 indicated that the Planning Board should provide additional direction on this
3 matter and determine if such a narrative summary should be submitted as
4 the applicant will only provide the summary at the Planning Board's
5 direction.

6
7 Chair Currie indicated that it was the consensus of the Board not to request
8 the narrative summary on the design guidelines of the NS District at this
9 time. The Board will reevaluate the need to provide such a summary after
10 the applicant has submitted additional information on proposed building
11 elevations and the site plan has been updated to the point where it is less
12 likely to change in any major way.

13
14 Mr. Keane said that the visual impact was addressed by reducing the
15 buildings from three stories to two and the reduction in impervious surface.

16
17 Attorney Whitehead commented that she is trying to get the Board to a
18 point where it can make a Determination of Significance.

19
20 Town Planner Meder explained that the applicant is hoping that built into
21 the Proposed Action is all the mitigation that would be required to reduce a
22 potential significant impact to one that the Board could accept.

23
24 Mr. Foley said that he is reserving his decision on a Positive Declaration.

25
26 Mr. Keane noted that if the applicant wants a Negative Declaration, it will
27 be necessary to submit an application with mitigation built into it so that
28 potential impacts will be reduced below the level of significance.

29
30 Town Attorney Eriole stated that the concept is called mitigation by design.
31 He indicated that the Planning Board's decision will be discretionary based
32 on the record.

33
34 Mr. Foley asked what action can be taken to change the classification of
35 the proposed action from Unlisted to Type 1. He stressed that the Town
36 Code states that in almost every instance, a Type 1 Action will have a
37 significant effect on the environment. He mentioned that there are triggers
38 that effect a Positive Declaration such as the encouragement or attraction
39 of a large number of people to a place or places for more than a few days

1 relative to the number of people who would come in such place absent the
2 action.

3
4 Attorney Whitehead noted that under the Town's Environmental Quality
5 Review Act the action is a Type 1. She explained that does not change the
6 process of making a Determination of Significance. Attorney Whitehead
7 said that the attraction of a large number of people to a place means a
8 concert or a big shopping center and not 72 residents.

9
10 Attorney Whitehead said that hopefully the application reaches the level
11 where a majority of the Planning Board can determine that the impacts are
12 not potentially significant based on the modifications that have been
13 incorporate into the plan as the process has evolved.

14
15 Consultant Planner Meder said that the applicant indicated that revised
16 building elevations are being prepared and the Planning Board should
17 reconfirm that building elevations are being prepared for all facades of
18 Building 4 in addition to the other three proposed buildings. She
19 recommended that buildings on adjacent property be identified. Town
20 Consultant Planner Meder explained that the location map just identifies
21 the street network surrounding the property. She noted that the zoning
22 districts have to be added with lot lines and building locations.

23
24 Attorney Whitehead stated that the building elevations will be provided for
25 the next meeting.

26
27 Consultant Planner Meder explained that the Planning Board had
28 previously reviewed the application as far as it could go without input from
29 the Town Board. She noted that the new concept plan was fine-tuned so
30 the Planning Board could comfortably go to the Town Board and engage in
31 the joint discussion. Consultant Planner Meder noted that a continued
32 review of all requirements that must be satisfied under the Town Code and
33 SEQRA was previously put on the back burner. She said that she is trying
34 to get the Planning Board process back on track now and is not starting the
35 review process all over again but is resuming discussion of items that still
36 need to be examined.

37
38 Attorney Whitehead noted that the issue is visual impact and the Planning
39 Board spent a lot of time on that concern.

40

1 Mr. Keane suggested that the Board start the process of considering a
2 determination of significance by reviewing the Environmental Assessment
3 Form (EAF) which will help the Board make a decision. He asked how
4 many significant impacts the Board is likely to be looking at.
5

6 Consultant Planner Meder mentioned that the proposed wetland buffer
7 disturbance is an impact.
8

9 Mr. Keane said that he believes the wetland is a habitat wetland and
10 Wetland B buffer disturbance needs a wetlands permit.
11

12 Attorney Whitehead said that she wants all disturbance to be outside of the
13 Wetland A buffer so a NYS Department of Environmental Conservation
14 (NYSDEC) Permit will not be necessary.
15

16 Consultant Engineer Barbagallo mentioned that the focus of the Board is
17 on the viewshed from Route 6.
18

19 Attorney Whitehead said that the view from Route 6 is directly into the site.
20

21 Consultant Planner Meder mentioned that Building 4 is proposed to be
22 located up near Route 6.
23

24 Attorney Whitehead indicated that the Board and staff wanted Building 4 up
25 near Route 6. She questioned if this is a visual impact.
26

27 Consultant Planner Meder commented that it is an impact but may not be
28 an adverse impact.
29

30 Chair Currie said after the photographs are reviewed that will help the
31 Board decide if Building 4 would create any adverse visual impact.
32

33 Consultant Planner Meder noted that a feature of the Site Plan that is not
34 resolved yet pertains to the width of the outer loop circulation drive
35 where the applicant is proposing perpendicular parking spaces in several
36 locations behind or adjacent to Buildings 2 and 3. She mentioned that F.P.
37 Clark previously commented that an 18-foot wide travel lane along the
38 perpendicular parking spaces is not sufficient. Consultant Planner Meder
39 mentioned two options, one, widen the outer loop drive to 24 feet in the
40 area where parking is perpendicular to it but there should not be too many

1 transitions between 18 and 24 feet if this is the preferred solution; or two,
2 use 60-degree angled parking along the outer loop drive but this would
3 reduce the total number of parking spaces that could be accommodated
4 along the loop drive.

5
6 Attorney Whitehead said that angled parking can be reviewed. She stated
7 that a full 24-foot aisle width is not necessary.

8
9 Consultant Planner Meder stated that Town Code and Traffic Engineering
10 Manuals say the aisle width has to be 24-feet when perpendicular parking
11 is shown along the outer loop drive. She stressed that this issue has to be
12 addressed.

13
14 Attorney Whitehead agreed to review the aisle width and the angled
15 parking. She noted that some compact spaces which are shorter can be
16 used.

17
18 Consultant Planner Meder mentioned the plans that depict proposed future
19 conditions on the site now include a new feature "potential future driveway
20 extension" in dashed lines that is presumably intended to accommodate a
21 potential future vehicular connection between the applicant's site and the
22 adjacent property to the east at a location where the proposed outer loop
23 drive comes close to the neighboring property line. She noted that the
24 outer loop road is intended to be one-way counter-clockwise and F. P.
25 Clark's suggestion is that it be changed to two-way in the area where the
26 proposed vehicular connection with the neighboring property would be
27 made. Consultant Planner Meder said if this potential vehicular connection
28 is to be shown on the plan more information is needed on how it will be
29 developed in the future.

30
31 Attorney Whitehead said although the potential future driveway extension is
32 good planning, if it is an issue it will be taken off the plan.

33
34 Engineer Holt explained that he is not planning on redirecting or changing
35 the flow patterns around the property but only in one section that will be
36 two-way with no change to the outer loop road.

37
38 Consultant Planner Meder mentioned open space and recreation and said
39 that the proposed site plan contains a relatively small amount of open
40 space that can be used for recreational purposes with the exception of the

1 Green in the central portion of the site and the walking paths that are
2 proposed to cross through the adjacent bio-retention area and a small area
3 outside of the wetland buffer. She said that the applicant had previously
4 indicated that it would be seeking a partial waiver of at least 50% of the
5 normally applicable recreation fee from the Town Board.
6

7 Attorney Whitehead said that there have been discussions with the
8 Supervisor on the Town's desire to build a Senior Center with contributions
9 from recreation fees.
10

11 Ms. Gannon mentioned that Councilman Clinchy had previously asked
12 about a walking path around the outer loop road and Engineer Holt replied
13 that can be done and will count toward recreation.
14

15 Consultant Planner Meder said that she would like to talk about steps that
16 the Planning Board can take to change the classification of the proposed
17 Action from "Unlisted" to "Type 1." She noted that if the Planning Board
18 determines that it wants to formally change the classification of the
19 proposed action she can prepare a letter to the Involved and Interested
20 Agencies notifying them of the Planning Board's decision. That letter will
21 also point out that the Planning Board originally followed all the procedures
22 that would have applied to Type 1 Actions, even though the Proposed
23 Action was originally classified as "Unlisted."
24

25 On motion by Mr. Foley, seconded by Ms. Gannon, and unanimously
26 carried, the Board moved to reclassify the proposal for The Green at
27 Somers as a Type 1 Action under the Town's Environmental Quality
28 Review Law and to so notify the Involved and Interested Agencies.
29

30 Consultant Planner Meder noted the locations of pedestrian crosswalks
31 and the direction of travel in the inside loop which is clockwise and is the
32 reverse of what it should be according to commonly accepted site planning
33 principles. She said that passengers would be dropped off in the travel
34 lane instead of on the side of the road where there would be more direct
35 access to the buildings. Consultant Planner Meder said that F. P. Clark
36 feels that the direction of flow could be reversed and one currently
37 identified feature of the pedestrian circulation system could be eliminated.
38 She said that this is shown on a sketch at the back of the F. P. Clark
39 memo. Consultant Planner Meder indicated that there is a pedestrian
40 walkway that is sitting on top of the median separating the ingress and

1 egress lanes. She opined that this is not a good place for a pedestrian
2 connection. Consultant Planner Meder said that the traffic circulation and
3 pedestrian paths suggested in the alternative sketch would eliminate a
4 crosswalk between Buildings 3 and 4 that would otherwise route pedestrian
5 onto a traffic median within the site's main access drive, thereby improving
6 pedestrian safety. She said that the modified direction of parking along the
7 inner loop drive and in the angled parking lot closest to the bio-retention
8 basin would required that the connection between the outer and inner loop
9 drives be changed to a two-way connection. She opined that her office
10 believes that this is a feasible alternative.

11
12 Attorney Whitehead opined that the location of the pedestrian crosswalks
13 and the direction of travel in the inside loop drive is not a significant issue
14 as there would not be a lot of traffic.

15
16 Engineer Holt said that he has a concern when coming off the back of the
17 interior loop drive as there is an 8% grade and that is where the new
18 driveway connection off the interior parking loop will be and this is not an
19 ideal situation. He indicated that the suggested circulation revisions will not
20 make it better because it will add more impervious surface and will
21 separate the parking areas.

22
23 Consultant Planner Meder said that the basic principle of good site
24 planning is not to have clockwise one-way circulation along the inner loop
25 drive.

26
27 Chair Currie asked if there were any comments from the Board.

28
29 Ms. Gannon asked if there will be a landscaping guarantee.

30
31 Consultant Planner Meder said that there will be a perpetual landscaping
32 guarantee in relation to any planting that is proposed for functional
33 purposes, such as that required for wetlands mitigation or water quality
34 purposes as part of an approved SWPPP (as contrasted with purely
35 aesthetic purposes).

36
37 Ms. Gannon mentioned a SEQRA issue in F. P. Clark's memo, *As*
38 *requested in the former Town Planner's memo dated March 9, 2012,*
39 *documentation should be provided as part of the response verifying that the*
40 *project is not located in the 100-year flood plain. Since this request was*

1 *made multiple times, it is recommended that the applicant also identify the*
2 *elevations of the nearest 100-year and 500-year floodplains and indicate if*
3 *any portions of those floodplains are located on the site.*
4

5 Consultant Planner Meder explained that there was a map attached to a
6 previously submitted EAF, but that EAF has now been superseded and she
7 is asking that the revised map be attached to the current EAF.
8

9 Attorney Whitehead said that all the previous Town Planner's comments
10 had been addressed when she previously circulated the EAF (Part 1) to
11 Involved and Interested Agencies.
12

13 Consultant Planner Meder said that an updated Part 1 of the EAF should
14 be submitted before the Board completes Part 2 of the EAF.
15

16 Mr. Keane said that the applicant has to provide all the information that is
17 necessary to make a Determination of Significance. He noted that the
18 Board should review Part 2 of the EAF at the next meeting.
19

20 Ms. Gannon asked if the zoning text amendment has to be included in the
21 EAF as part of the action.
22

23 Town Attorney Eriole said that the specific zoning text amendment to be
24 adopted does not have to be in the EAF. He said that changes in the
25 project are part of the process.
26

27 Attorney Whitehead said that she will provide an updated EAF which will
28 help with the preparation of Part 2. She mentioned that Engineer Holt met
29 with the Fire Prevention Bureau and was advised that it only requested one
30 more hydrant and was happy with the on-site circulation.
31

32 There being no further business, on motion by Chair Currie, seconded by
33 Mrs. DeLucia, and unanimously carried, the meeting adjourned at 11:00
34 P.M. and the Chair noted that the next Planning Board meeting will be a
35 Special Meeting held on Wednesday, December 19, 2012 at 7:30 P. M. at
36 the Somers Town House.
37

38
39 Respectfully submitted,
40

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**Marilyn Murphy
Planning Board Secretary**

DRAFT

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PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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



2

3

4

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6

7

ROLL:

8

9

PLANNING BOARD

10

MEMBERS PRESENT:

Chair Currie, Mrs. DeLucia,
Mr. Keane, Ms. Gerbino, Mr. Goldenberg,
Mr. Foley and Ms. Gannon

11

12

13

14

ALSO PRESENT:

Town Planner Syrette Dym
Consultant Engineer Joseph Barbagallo
Town Attorney Baroni
Planning Board Secretary Murphy

15

16

17

18

19

20

Chair Currie offered a moment of silence for the residents of Connecticut in light of the school tragedy.

21

22

23

Chair Currie explained that this is a special meeting of the Somers Planning Board.

24

25

26

Planning Board Secretary Marilyn Murphy called the roll. She noted that a required quorum of four members was present in order to conduct the business of the Board.

27

28

29

30

31

1 **APPROVAL OF OCTOBER 10, 2012 MINUTES**

2
3 Chair Currie noted that Planning Board Secretary Marilyn Murphy prepared
4 and submitted for the Board's consideration approval of the draft minutes of
5 the Planning Board meeting held on October 10, 2012.

6
7 The Chair asked the Board if there were any comments or questions from
8 the minutes of October 10, 2012.

9
10 Ms. Gannon noted that the word *familial* was misspelled on Page 2, Line 5.

11
12 On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously
13 carried, the minutes of October 10, 2012, were approved.

14
15 **RECOMMENDATION TO TOWN BOARD**

16
17 **SOMERS ESTATES SUBDIVISION**
18 **PERFORMANCE BOND REDUCTION**

19
20 Chairman Currie noted that this is a request for a second bond reduction of
21 the Performance Bond for the roadway improvements of the extension of
22 Florence Drive and the installation of two private common driveways and
23 associated infrastructure. He said that the request is to reduce the current
24 performance bond held in the amount of \$695,540 by \$206,826 to
25 \$488,714 for remaining work related to the road extension.

26
27 The Chair asked the applicant's representative to explain the performance
28 bond reduction.

29
30 Timothy Allen, the applicant's engineer, noted that when speaking to
31 Consultant Engineer Barbagallo, he was informed by Consultant Engineer
32 Barbagallo he had not reviewed the request for the bond reduction. He
33 explained that Principal Engineering Technician Woelfle has been
34 reviewing the work related to the roadway improvements and the
35 installation of the two common driveways for over a year. Engineer Allen
36 said that the work has been done to his and Mr. Woelfle's satisfaction. He
37 asked the Board to consider the reduction on condition of Consultant
38 Engineer Barbagallo's satisfaction. Engineer Allen said that he is
39 concerned because there is a timing issue as the recommendation from the
40 Planning Board has to be sent to the Town Board for their approval.

1 Consultant Engineer Barbagallo noted that he spoke to Engineering
2 Technician Woelfle and he is satisfied that the work has been completed
3 successfully but his review will make sure that the items to be addressed
4 have been completed in accordance with the original approval.
5 He indicated that he will issue a memo to the Planning Board on his
6 findings. Consultant Engineer Barbagallo said that he can work with Chair
7 Currie on his recommendation or the Board can work on this issue at the
8 next meeting in January.

9

10 Mr. Keane stated that the Board has to follow the Code and the Town has
11 to conduct the process according to Town Code. He noted that the Board
12 should not be put in the position of making a decision when the Code has
13 not been followed. He opined that the Code does not reference
14 Engineering Technician Woelfle as the person to determine the work has
15 been done in accordance with the Code. Mr. Keane noted that if
16 Consultant Engineer Barbagallo hasn't reviewed the project he has not
17 followed the Code.

18

19 Mr. Foley explained that the Board is required by Code to make a
20 recommendation on the bond reduction to the Town Board but to do as
21 Engineer Allen is suggesting is to cede that authority to the Consultant
22 Town Engineer and the Chairman.

23

24 Ms. Gerbino commented that the Town Board decided not to have a
25 full-time Town Engineer and Town Planner. She opined that this would not
26 be a problem if we had full-time staff.

27

28 Ms. Gannon opined if the Board goes along with Engineer Allen's
29 suggestion the Board would preempt their opportunity for discussion and
30 that is not good for the Planning Board and the Town. She said that she
31 values the opinion of the Consultant Engineer. She said that the bond
32 reduction should be held over to the next meeting when Consultant
33 Engineer Barbagallo can review the issue and consult with Engineering
34 Technician Woelfle.

35

36 Engineer Allen opined that Engineering Technician Woelfle is a vital part of
37 this Town. He does all the day to day inspections and is the go-between
38 the engineers and applicants in Town.

39

1 Consultant Engineer Barbagallo said that in previous instances when the
 2 Town had a full time Engineer the role of the Engineering Technician has
 3 remained the same. He noted that Mr. Woelfle was the one collecting all
 4 the data and preparing the recommendation for the Town Engineer's
 5 approval.

6
 7 Mr. Keane stated that this is an internal issue that has to be resolved by
 8 whoever is managing the administrative people.

9
 10 The Chair directed that the bond reduction be carried over to the next
 11 meeting.

12
 13 Engineer Allen said if the Board at their next meeting agrees to the bond
 14 reduction that the memo can be delivered the next day for the Town
 15 Board's meeting.

16
 17 **PROJECT REVIEW**

18
 19 **SOMERS REALTY PLANNED HAMLET**
 20 **PRELIMINARY SUBDIVISION APPROVAL AND LOT LINE CHANGE;**
 21 **WETLAND, TREE PRESERVATION AND STORMWATER**
 22 **MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS**
 23 **[TM: 4.20-1-15, 18]**

24
 25 Chairman Currie said that this is the project review of the Somers Realty
 26 Planned Hamlet for Preliminary Subdivision Approval, Lot Line Change and
 27 related permits. He explained that the Board will be considering a Negative
 28 Declaration and draft Resolution of Approval.

29
 30 The Chair asked the applicant's representative if she had any comments on
 31 the Negative Declaration and draft Resolution of Approval.

32
 33 Linda Whitehead, the applicant's attorney, asked about condition No. 22 in
 34 the Resolution, *The applicant shall provide an updated Master Plan*
 35 *Conformance drawing prior to Final Subdivision Plat approval.*

36
 37 Attorney Whitehead said that the Master Plan Conformance drawing has
 38 already been updated and she just wants to make sure everyone looks at it
 39 the same way.

1 Peter Gregory, the applicant's engineer, said that with the first and second
2 phase of the Mews he was asked to demonstrate what was being proposed
3 is in conformance with the Master Plan. He noted that his drawing shows
4 water use, sewage, parking spaces, stormwater and impervious surfaces.
5 He explained that this has been updated as changes were made and is
6 more of tabulation than a plan.

7
8 The Chair asked Consultant Engineer Barbagallo for his comments.

9
10 Consultant Engineer Barbagallo said that he received an updated
11 Stormwater Pollution Prevention Plan (SPPP). He noted that the final item
12 that has to be addressed is related to the construction sequence and the 5
13 acre maximum exposure rule. Consultant Engineer Barbagallo indicated
14 that the plans for the sewer have not been received. He mentioned that the
15 Resolution includes a pull off along Route 6 to offload the chemicals into
16 the pump station and the access issue will be discussed at a meeting with
17 the Department of Protection (DEP) to resolve that issue.

18
19 Consultant Engineer Barbagallo stated that he is comfortable with the
20 Resolution and Negative Declaration.

21
22 The Chair asked Town Planner Dym to review the Resolution and Negative
23 Declaration with the Board and the applicant.

24
25 Town Planner Dym noted that she provided the Board with the redlined and
26 final version of the draft Negative Declaration and the Resolution. She
27 explained that a check was received from the applicant for the Stormwater
28 Management and Erosion and Sediment Control application therefore that
29 condition is eliminated.

30
31 The Chair asked the Board for their comments.

32
33 Chair Currie acknowledged receipt of a letter from the NYS Department of
34 Transportation (DOT) dated December 17, 2012.

35
36 Town Attorney Roland Baroni explained that the letter from the DOT relates
37 to permitting factors but does not change the Board issuing a Negative
38 Declaration.

39

1 Mrs. De Lucia noted that the reference throughout the Negative Declaration
2 should be Somers Realty Corp., not Somers Realty Corporation.

3
4 Mr. Foley said that the reference throughout the documents should be
5 Housing Action Council, Inc. and the Kearney Realty & Development
6 Group, Inc.

7
8 On motion by Mrs. DeLucia, seconded by Mr. Goldenberg, (Mr. Keane
9 voting nay) and carried, the Planning Board of the Town of Somers moved
10 to approve and adopt a Negative Declaration for the Subdivision #2 for
11 Somers Realty Corp., for the Somers Realty Planned Hamlet Master Plan,
12 dated February 10, 2009, including amendment to the Somers Realty
13 Planned Hamlet Master Plan, further subdivision of prior created Lot 2 and
14 minor lot line change to previously created Sewer Pump Station Parcel with
15 related permits and having reviewed all applicable plans and submissions
16 determined that the Proposed Action will not have a significant adverse
17 effect on the environment.

18
19 On motion by Mr. Foley, seconded by Mr. Goldenberg, and unanimously
20 carried, the Board moved to amend the Negative Declaration in
21 reference to the wording *additional* adverse impacts to read *there will be no*
22 *significant adverse impacts*, wherever that appears in the document.

23
24 The Chair asked the Board if they have any comments or questions on the
25 Resolution.

26
27 Mr. Foley suggested changing the last paragraph on Page 12 by
28 eliminating the words *has determined that these modifications* to read *this*
29 *modification will not result* in any significant adverse environmental impacts
30 not previously addressed and mitigated *as described in greater detail* by a
31 Negative Declaration.

32
33 Mr. Foley noted that on Page 8 reference should be that 4 trees should be
34 removed not 1 tree.

35
36 Mrs. DeLucia suggested changing the word *extra* meeting to *special*
37 meeting in the Certification on the last page of the Resolution and change
38 the wording to *granting of Conditional Final Subdivision Plat Approval to*
39 *Somers Realty Corp. for the Somers Realty Planned Hamlet*.

40

1 On motion by Mr. Goldenberg, seconded by Ms. Gannon, (Mr. Keane
2 voting nay) and carried, the Planning Board of the Town of Somers moved
3 to grant Conditional Preliminary Subdivision Plat Approval by Resolution
4 No. 2012-08 pursuant to Chapter 150 Subdivision of Land of the Code of
5 the Town of Somers for the further subdivision of prior created Lot 2, Sheet
6 4.20, Block 1, Lot 15, into a 7.7139 acre parcel from 70.7108 acres, minor
7 lot line change to previously created Sewer Pump Station Parcel, Creation
8 of a Roadway Extension Parcel and Modification of the Somers Realty
9 Planned Hamlet Master Plan, having adopted a Negative Declaration under
10 SEQRA Part 617.7, holding and closing a Public Hearing, considered all
11 plans and submissions and identifying conditions to be met prior to Final
12 Subdivision Plat Approval.

13

14 Attorney Whitehead reminded the Board that they did not wait until Final
15 Subdivision Approval was granted and the plat filed before The Mews was
16 granted Site Plan Approval for The Mews Phase 1. She requested that the
17 Board treat The Mews Phase 2 the same as the past practice.

18

19 Town Attorney Baroni advised the Board that just because that was
20 handled that way with The Mews Phase 1 doesn't mean the Board should
21 make a habit of granting approvals that way. He said that he preferred that
22 the Board handle the approvals the more ordinary way but he noted that
23 the Board, as Attorney Whitehead suggested, can approve a Conditional
24 Final Subdivision Approval conditioned on the Health Department, DEP
25 and DOT Approvals.

26

27 Attorney Whitehead stated that the Resolution requires that if DEP makes
28 changes to the plan, the applicant has to return to the Planning Board.
29 She said that the maintenance agreement should refer to and incorporate
30 the SPPP.

31

32 The Chair directed the applicant to submit Conditional Final Subdivision
33 Approval in January.

34

35 Mrs. DeLucia asked if there is a deadline for approval of The Mews Phase
36 2.

37

38 Rose Noonan, executive director of the Housing Action Council, thanked
39 the Board for the scheduling of the special meetings. She noted that the
40 need for the special meetings is because of the funding. Ms. Noonan

1 explained that if the Board grants the Negative Declaration she can go to
2 the County Planning Board in January. She said that the next step would
3 be the Board of Legislators which is a two to three month process. Ms.
4 Noonan noted that she cannot go to the County Board until she has
5 Conditional Site Plan Approval. She mentioned that funding is expected to
6 be approved by the end of March or beginning of April and close at that
7 time. She stressed that if the Site Plan Approval is not granted in January
8 the funding could be in jeopardy.

9
10 The Chair directed that The Mews Phase 2 be scheduled for the January
11 17, 2013 Planning Board meeting.

12
13 **THE MEWS AT BALDWIN PLACE PHASE 2 SITE PLAN APPROVAL,**
14 **WETLANDS, STEEP SLOPES, TREE PRESERVATION AND**
15 **STORMWATER MANAGEMENT AND EROSION AND SEDIMENT**
16 **CONTROL PERMITS [TM: 4.20-1-15]**

17
18 Chairman Currie noted that the Site Plan application is for the construction
19 of 75 units of senior affordable housing which will be serviced by public
20 water and sewer. He mentioned that the Board will be reviewing the
21 Negative Declaration.

22
23 Consultant Engineer Barbagallo indicated that the applicant has addressed
24 most of his comments and there will be conditions that will be carried
25 forward in the Resolution.

26
27 Consultant Engineer Barbagallo said that Ms. Gannon brought to his
28 attention the discussion that took place at the October 10, 2012 Planning
29 Board meeting where Town Attorney Eriele said *that if it is defined as a*
30 *driveway the Board can waive the 6% grade but can only go up to 8%. He*
31 *said that he will review the issue and determine if a variance is necessary.*
32 He explained that at that time the Board was looking at an 11% grade and
33 that has now been reduced to the 8% grade. He noted that the allowing of
34 the 8% grade falls within the purview of the Planning Board. Consultant
35 Engineer Barbagallo supports the Board in approving the 8% grade. He
36 explained that it is not the main drive but a connecting road.

37
38 Attorney Whitehead asked that the word *generic* be removed from Page 2
39 of the Negative Declaration under *Reasons Supporting the Determination.*

1 She asked that the paragraph on Page 8 in reference to sewer and water
2 be eliminated as it is not applicable to the Site Plan.

3
4 The Chair asked if the applicant's representative had any comments on the
5 Negative Declaration.

6
7 Richard Williams, the applicant's engineer, said that he had no corrections
8 on the Negative Declaration.

9
10 Mr. Keane said if the Stormwater Pollution Prevention Plan (SPPP) meets
11 the requirements of the Stormwater Manual no other language is necessary
12 under *Impact on Water Resources*.

13
14 Consultant Engineer Barbagallo suggested the language read *Treatment of*
15 *the stormwater system on this parcel will be no less protective of the*
16 *environment than that previously approved and, due to more stringent*
17 *regulations which were adopted after the approval of the Master Plan, will*
18 *in fact, be more protective of the environment.*

19
20 Mr. Foley asked that the word *additional* be eliminated in the last sentence
21 on Page 4 and will now read; *Therefore, there will be no significant adverse*
22 *environmental impacts.*

23
24 Mr. Keane said that the word *additional* when relating to significant adverse
25 environmental impacts be deleted throughout the document. He also
26 suggested the wording on *Impact on Wetlands* to read *There are no*
27 *significant adverse environmental impacts to wetlands.*

28
29 On motion by Chair Currie, seconded by Ms. Gannon, (Mr. Keane voting
30 nay) and carried, the Board moved as Lead Agency under SEQR to
31 approve and adopt a Negative Declaration, as amended, for The Mews at
32 Baldwin Place Phase 2 for the construction of 75 units of senior affordable
33 housing on a newly created 7.7139 acre subdivided lot by The Housing
34 Action Council, Inc. and The Kearney Realty & Development Group, Inc.
35 having reviewed all applicable plans and submissions and having
36 determined that the Proposed Action will not have a significant adverse
37 effect on the environment.

38
39 Ms. Gerbino asked about the location of the cottonwood trees because she
40 read that they are detrimental to sewer lines.

1 Engineer Williams indicted that the eastern cottonwood trees are not in a
2 location or vicinity of the water and sewer line.

3

4 There being no further business, on motion by Chair Currie, seconded by
5 Mrs. DeLucia, and unanimously carried, the meeting adjourned at 9:50
6 P.M. and the Chair noted that the next Planning Board meetings will be on
7 Wednesday, January 9, 2013 and Wednesday, January 17, 2013 at 7:30
8 P. M. at the Somers Town House.

9

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Respectfully submitted,

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Marilyn Murphy
Planning Board Secretary

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PLANNING AND ENGINEERING DEPARTMENTS

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Principal Engineering Technician
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Syrette Dym, AICP
Town Planner
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Planning Board Meeting Date of March 13, 2013

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2013-03
Granting of Conditional Amended Special Permit Approval and Amended Site Plan Approval to

NEW CINGULAR WIRELESS PCS LLC (AT&T)
for
MODIFICATION OF EXISTING APPROVED AT&T WIRELESS FACILITY CO-LOCATED WITH VERIZON WIRELESS, NEXTEL COMMUNICATIONS/SPRINT PCS AND T-MOBILE
at
115 Route 202 (a/k/a 87 Route 202) LINCOLN HALL SCHOOL
Town Tax Number: Section 16.15, Block 1, Lot 1.1

WHEREAS, a formal application by New Cingular Wireless PCS, LLC ("AT&T") (Applicant), dated January 20, 2013, for Amended Special Permit Approval pursuant to Sections 170-129 and 170-114 and Amended Site Plan Approval pursuant to Chapter 144 of the *Code of the Town of Somers*, was received on January 31, 2013 consisting of the following plans and supporting materials:

1. Application for Site Plan Approval, dated January 24, 2013; and
2. A Structural Analysis, prepared by Paul J. Ford & Company Structural Engineers, dated August 21, 2012, certifying that the proposed

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modifications to the existing wireless facility comply with the requirements of TIA/EIA-222-F standards; and

3. A Radio Frequency Exposure Analysis, dated January 18, 2013, prepared by Senior RF Engineer Bernard Morgan of Bechtel Communications, concluding that the site complies with all applicable emissions standards promulgated by Federal and State Law. Per the methodology, established in FCC Bulletin OET 65, the percentage of cumulative MPE is less than 1.25%, which is below the FCC limits; and
4. Photographs of the Existing Conditions at this co-located wireless facility of AT&T's proposed modifications identifying their location within the fenced compound and their relation relative to internal existing antennas, hangars, cables and mounts; and
5. Copies of prior land use and building department approvals issued by the Planning Board and Building Department relative to this wireless facility; and
6. A Short Environmental Assessment Form (EAF) prepared in accordance with the New York State Environmental Quality Review Act identifying that this Action is Type II exempt; and
7. A copy of the FCC's January 25, 2013 Statement relative to Interpreting Section 6409; and
8. Site Plans prepared by Bechtel Associates, PC, dated December 6, 2012, consisting of:
 - a. Title Sheet
 - b. Compound Plan, Antenna Plan & General Notes
 - c. Equipment Plan & Notes
 - d. Monopole Elevation & Details
 - e. Remote Radio Head (RRH) Mounting, GPS Unit Mounting, DC6 Exception Box & Fiber Management Box Details
 - f. DC Power Surge Protection & DC Power (OVP) Pole Mounting & LTE Conductor Size Details
 - g. Ice Bridge & Purcell Cabinet Details
 - h. System Diagram
 - i. RRH Wiring Diagram
 - j. Electrical, TVSS Notes, Abbrev. & Symbols
 - k. Grounding Notes & Details
 - l. LTE Cross Sector Redundancy Feature (CSRF) Jumper Configuration

1
2
3 **WHEREAS**, the subject application is for the implementation by AT&T of
4 modifications including 4G LTE Upgrades to its existing wireless facility co-
5 located with Verizon Wireless, Nextel of New York, Sprint PCS and T-Mobile on
6 the grounds of the real property located at 115 Route 202 (a/k/a 87 Route 202)
7 more commonly known as the Lincoln Hall property, and
8

9 **WHEREAS**, the subject property consists of a total area of approximately 447
10 acres and are shown on the Town Tax Maps as Section 16.15, Block 1, Lot 1;
11 with the subject lot being Section 16.15, Block 1, Lot 1.1; and
12

13 **WHEREAS**, the subject property is located at 115 Route 202 (a.k.a.87 Route
14 202), within the Plum Brook Drainage Basin within the Residence R120 zoning
15 district in the Town of Somers; and
16

17 **WHEREAS**, the current primary use on the subject property consists of the
18 Lincoln Hall School and related parking areas and access driveways; and
19

20 **WHEREAS**, the Lincoln Hall School is considered a "Low Impact Location" in
21 accordance with §170-129.6A (1) of the *Code of the Town of Somers*; and
22

23 **WHEREAS**, there is an existing wireless monopole with an AT&T facility co-
24 located with Verizon Wireless, Nextel of New York, T-Mobile, Sprint PCS at the
25 subject location and the proposed application seeks to implement modifications
26 including 4G LTE Upgrades to the AT&T existing wireless facility; and
27

28 **WHEREAS**, the Somers Planning Board at their regular meeting of February 13,
29 2013 determined that this action was a Type II Action and is, therefore, exempt
30 pursuant to the New York State Environmental Quality Review Act (SEQRA) and,
31 therefore, no further action under SEQRA would be required as directed by a
32 motion and second unanimously carried by the board; and
33

34 **WHEREAS**, the amended special use permit and amended site plan applications
35 and associated plans, as revised throughout the review process, were circulated
36 to the Town of Somers Open Space Committee, the New York City Department
37 of Environmental Protection, the Somers Architectural Review Board, and the
38 Westchester County Department of Planning and no comments were received
39 by the Planning Board; and
40

41 **WHEREAS**, the Somers Planning Board at their February 13, 2013 meeting
42 determined to waive the site plan public hearing in accordance with §170-

1 114C.(8)(e) and the special permit public hearing in accordance with §170-
2 129.6F; and
3

4 **WHEREAS**, in correspondence of February 7, 2013, the Town Consulting
5 Engineer requested the following information from the Applicant:

- 6 1. Documentation demonstrating that additional electrical service loads
7 required by the new AT&T equipment along with anticipated future co-
8 location electrical loads could be met by existing electrical service to the
9 cell tower site. If additional electrical equipment is required the location of
10 such equipment needed to be shown along with and additional screening
11 measures to be provided.
- 12 2. Confirmation that the additional equipment will not impair the future
13 addition of co-locators on the Tower and at ground level within the existing
14 equipment pad enclosure.
- 15 3. Documentation addressing whether the additional equipment cabinet is
16 located above the height of any existing screening measure surrounding
17 the equipment pad enclosure; and
18

19 **WHEREAS**, the Planning Board and its Consulting Engineer agree with the
20 findings of the Radio Frequency Exposure Analysis, dated October 11, 2012,
21 concluding that the site complies with all applicable emissions standards
22 promulgated by Federal and State Law and that as per the methodology,
23 established in FCC Bulletin OET 65, the percentage of cumulative MPE is less
24 than 1.25%, and is below the FCC limits; and
25

26 **WHEREAS**, the Somers Planning Board discussed the subject application at its
27 meetings of February 13, 2013 and March 13, 2013; and
28

29 **WHEREAS**, the Planning Board has reviewed and is familiar with the project and
30 its surroundings; and
31

32 **NOW, THEREFORE, BE IT RESOLVED**, that the foregoing **WHEREAS** clauses
33 are incorporated herein by reference and are fully adopted as part of this
34 approval; and
35

36 **BE IT FURTHER RESOLVED**, that the application for Amended Special Permit
37 Approval and Amended Site Plan Approval to **New Cingular Wireless PCS LLC**
38 **(AT&T) at Lincoln Hall School** as shown and described by the materials
39 enumerated herein, **IS HEREBY CONDITIONALLY GRANTED** in accordance
40 with the New York State Town Law §276 and §278 and in accordance with §170-
41 114.C.(12) "Planning Board Action" and Article XXIIA (Wireless
42 Telecommunications Facilities) of the *Code of the Town of Somers, New York*,
43 **SUBJECT TO** the following conditions set forth below:
44

1 Conditions Associated with Special Use Permit:

- 2
- 3 1. **Visual Aspects:** It is understood that ground-based equipment, and fencing
- 4 and proposed landscaping is subject to Town review and approval.
- 5
- 6 2. **Maintenance Plan:** The applicant will provide a statement to the Town of
- 7 Somers with regard to commitment and schedule to maintain all new visible
- 8 aspects of the installation resulting from these amended applications.
- 9
- 10 3. **Construction:** The following information, along with any additional items
- 11 required by the Town Building, Planning and Engineering, or other
- 12 Department, and Consulting Town Engineer shall be submitted:
- 13
- 14 i. Actual centerline height of each antenna array.
- 15 ii. Map of all trenches, utility runs, and utility connections
- 16 associated with the facility.
- 17 iii. Documentation that antennas, transformer, generator and all
- 18 other equipment is properly grounded and in compliance with all
- 19 applicable electrical codes.
- 20
- 21 4. **Performance/Removal Bond:** The Applicant shall purchase, renew and
- 22 keep in effect, a performance/removal bond as required by Section 170-
- 23 129.5(K) of the Zoning Code of the Town of Somers in an amount and form
- 24 satisfactory to the Town (and its attorneys and consultants as the case may
- 25 be) to ensure that the facility with the proposed modifications is properly
- 26 maintained and/or removed if abandoned. The amount and sufficiency may
- 27 from time to time, at the Town's discretion, be adjusted to account for
- 28 increased costs of maintenance and/or removal as the case may be.
- 29
- 30 5. **Compliance With Town Code:** The Applicant shall comply with all applicable
- 31 provisions of the Zoning Code of the Town of Somers as set forth in Section
- 32 170-129.4 and such other laws as may be applicable to wireless
- 33 telecommunications facilities.
- 34
- 35 6. **Operations (future):** Operations shall be maintained in accordance with the
- 36 Town's Wireless Ordinance and all other relevant Town codes.
- 37
- 38 7. **Landscaping:** A landscaping warranty (2 year) shall be provided in a form
- 39 acceptable to the Town for any new landscaping to be provided.
- 40
- 41 8. **Permit Term:** The Special Use Permit term shall be five (5) years from
- 42 March 13, 2013, subject to renewal as provided by §170-129.6D of the *Code*
- 43 *of the Town of Somers*. This Special Use Permit may be renewed on

1 application for additional five-year terms, provided the applicant shall
2 demonstrate that the wireless telecommunications facility is and has been in
3 compliance with the requirements of the *Code of the Town of Somers* per
4 §170-129.6G.
5

6 Conditions required prior to signing of Amended Site Plan:
7

8 **9. Utility Infrastructure Analysis:** The Applicant shall provide documentation
9 to demonstrate that additional electrical service loads proposed by new AT&T
10 equipment, along with anticipated future co-location electrical loads may be
11 met by existing electrical service to the cell tower site. If additional electrical
12 equipment is required to be added to accommodate these existing and future
13 loads, the Applicant shall indicate where such equipment will be located and
14 any additional screening measures that will be provided.
15

16 **10. Future Provision of Co-locators:** The Applicant shall confirm that the
17 proposed additional equipment will not impair the future addition of co-
18 locators, both on the Tower and at ground level within the existing equipment
19 pad enclosure.
20

21 **11. Inspection Fee:** An engineering inspection fee for the Site Plan shall be paid
22 by check made payable to the Town of Somers in accordance with the Fee
23 Schedule adopted by the Town Board; the amount of such fee shall be set
24 after submission by the Applicant of estimated costs for required
25 improvements as identified by the Consulting Town Engineer, and upon
26 recommendation of the Consulting Town Engineer.
27

28 **12. Review Fees:** All review fees associated with this application shall be paid
29 by the applicant. The Applicant is to be responsible for the costs of all
30 consulting engineer services and reviews required hereunder.
31

32 On-going Conditions Required After Signing of Site Plan
33

34 **13. Future Ground Disturbance:** If any ground disturbance is required for
35 construction of any improvements, the applicant is required to obtain a
36 Stormwater Sediment and Erosion Control Permit pursuant to Chapter 93 of
37 the Code of the Town of Somers.
38

39 **14. Town Code Compliance:** The Applicant shall comply with all applicable
40 provisions of the *Code of the Town of Somers* as set forth in Section 170-
41 129.4 & 129.5 and such other laws as may be applicable to wireless
42 telecommunications facilities.
43

- 1 **15. Federal Code Compliance:** The wireless telecommunication facility shall
2 comply with any and all applicable laws, rules and regulations, including the
3 provisions of the Code of Federal Regulations pertaining to objects affecting
4 navigable airspace as delineated in Federal Aviation Regulation (FAR) Part
5 77 and the criteria for obstructions to air navigation as established by FAR
6 part 77, Subpart C, Obstruction Standards and the wireless
7 telecommunication facility shall comply at all times to the applicable FCC non-
8 ionizing electrical radiation standards.
9
- 10 **16. Improvements:** All improvements shown on the plans be installed in
11 accordance with the approved plan and construction standards and
12 specifications of the Town.
13
- 14 **17. Satisfaction:** All work associated with this Site Plan application shall be to
15 the satisfaction of the Consulting Town Engineer.
16
- 17 **18. Construction Hours:** Construction activity shall be limited from 7AM to 6PM.
18 No construction activity shall occur on Sundays or legal New York State
19 holidays as specified by §144-7D.(13) of the *Code of the Town of Somers*.
20
- 21 **19. Certification of Operations:** Prior to issuance of a certificate of occupancy,
22 a certification of operations is to be provided in accordance with the provisions
23 of the MRF by Bechtel Communications Inc. dated January 18, 2013, and an
24 operating agreement is to be in place to ensure that maintenance activities
25 are completed in the future.
26
- 27 **20. Certificate of Occupancy:** A certificate of occupancy issued by the Building
28 Inspector must be issued for the modified facility prior to use or operation of
29 such modified facilities.
30
- 31 **21. Best Management Practices:** The Applicant implements and maintains Best
32 Management Practices and erosion control measures during construction.
33
- 34 **BE IT FURTHER RESOLVED,** that upon determination of compliance with the
35 foregoing conditions, the Planning Board Chairman is hereby authorized to
36 endorse Site Plan approval upon all maps and drawings constituting the Site
37 Plan. The Applicant shall provide six (6) prints of each map and drawing to the
38 Planning Board Secretary. No construction or site work is authorized until the
39 Site Plan has been signed by the Chairman and the required copies delivered.
40
- 41 In accordance with §170-114.H, "Time for Signature of Site Plan", and §170-
42 114.K, "Extension", of the Town Code, failure to comply with the above shall
43 result in the expiration of Site Plan approval on March 14, 2014, unless an

1 extension of this time period is requested prior to the expiration date and
2 approved by the Planning Board.

3
4 Site Plan approval and its continued validity are subject to all requirements of
5 Section 170-114, "Site Plan Approval", and Chapter 144, "Site Plan Review", of
6 the Town Code. Approval shall be deemed null and void one (1) year from the
7 date of signing of the Site Plan unless a Building Permit in compliance with the
8 above shall have been obtained and construction progressed as required by
9 §170-114.I, "Time to Obtain Permit and Complete Construction", of the Town
10 Code.

11
12 Before the completion of the improvements shall be approved and the Certificate
13 of Occupancy issued, the Applicant shall submit an as-built plan to the
14 satisfaction of the Consulting Town Engineer.

15
16 The validity of any Certificate of Occupancy shall be subject to continued
17 conformance with the approved Site Plan.

18
19 This resolution shall have an effective date of March 13, 2013.

20
21 **BY ORDER OF THE PLANNING BOARD**
22 **OF THE TOWN OF SOMERS**

23
24
25 _____
26 **John Currie, Chairman** **Date**

27
28 **CERTIFICATION**

29
30 I hereby certify that this is a true and correct copy of Resolution #2013-03
31 adopted by the Town of Somers Planning Board granting an Amended Special
32 Permit Approval and Amended Site Plan Approval to New Cingular Wireless PCS
33 LLC (AT&T) for Modification including 4G LTE Upgrades of existing approved
34 AT&T Wireless Facility Co-located with Verizon Wireless, Nextel
35 Communications/Sprint PCS and T-Mobile AT THE Lincoln Hall site at a regular
36 meeting held on March 13, 2013.

37
38
39 _____
40 **Syrette Dym, AICP** **Date**
41 **Town Planner**

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers
WESTCHESTER COUNTY, N.Y.

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Steven Woelfe
Principal Engineering Technician
swoelfe@somersny.com



Syrette Dym, AICP
Town Planner
sdym@somersny.com

Planning Board Meeting Date of March 13, 2013

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2013-05
*Granting of Conditional Amended Special Permit Approval and Amended Site
Plan Approval to*

NEW CINGULAR WIRELESS PCS LLC (AT&T)
for
MODIFICATION OF EXISTING APPROVED AT&T WIRELESS FACILITY
at
121 ROUTE 100 (AMATO PROPERTY)
Town Tax Number: Section 38.17, Block 1, Lot 5

WHEREAS, a formal application by New Cingular Wireless PCS, LLC ("AT&T") (Applicant), dated January 29, 2013, for Amended Special Permit approval pursuant to Sections 170-129 and 170-114 and Amended Site Plan Approval pursuant to Chapter 144 of the *Code of the Town of Somers*, was received on January 30, 2013 consisting of the following plans and supporting materials:

1. Application for Site Plan Approval, dated January 24, 2013; and
2. A Structural Analysis, prepared by Structural Components LLC, dated September 18, 2012, certifying that the proposed modifications to the existing wireless facility comply with the requirements of TIA/EIA-222-G standards; and

- 1 3. A Radio Frequency Exposure Analysis, dated October 11, 2012, prepared
2 by Senior RF Engineer Bernard Morgan of Bechtel Communications,
3 concluding that the site complies with all applicable emissions standards
4 promulgated by Federal and State Law. Per the methodology, established
5 in FCC Bulletin OET 65, the percentage of cumulative MPE is less than
6 0.22%, which is below the FCC limits; and
7
- 8 4. Photograph of the Existing Conditions at this wireless facility to provide an
9 understanding of AT&T's proposed modifications within the fenced
10 compound and their relation to the monopine design of the existing
11 monopole; and
12
- 13 5. Copies of prior land use and building department approvals issued by the
14 Zoning Board of Appeals, Planning Board and Building Department
15 relative to this wireless facility; and
16
- 17 6. A Short Environmental Assessment Form (EAF) prepared in accordance
18 with the New York State Environmental Quality Review Act identifying that
19 this Action is Type II exempt
20
- 21 7. A copy of the FCC's January 25, 2013 Statement relative to Interpreting
22 Section 6409; and
23
- 24 8. Site Plans prepared by Bechtel Associates, PC, dated November 15,
25 2012, consisting of:
26
- 27 a. Title Sheet
 - 28 b. Compound Plan, Antenna Plan & General Notes
 - 29 c. Equipment Plan & Notes
 - 30 d. Monopole Elevation & Details
 - 31 e. Remote Radio Head (RRH) Mounting, DC6 Exception Box & Fiber
32 Management Box Details
 - 33 f. DC Power Surge Protection & DC Power (OVP) Pole Mounting
34 Details
 - 35 g. GPS Unit Mounting & Ice Bridge Detail
 - 36 h. Purcell Cabinet Detail & LTE Conductor Sizes
 - 37 i. System Diagram
 - 38 j. RRH Wiring Diagram
 - 39 k. Electrical, TVSS Notes, ABBREV. & Symbols
 - 40 l. Grounding Notes & Details
 - 41 m. LTE Cross Sector Redundancy Feature (CSRF) Jumper
42 Configuration
43
44

1 **WHEREAS**, the subject application is located on a 14.47 acre property which is
2 shown on the Town Tax Maps as Section 38.17, Block 1, Lot 5, located on the
3 west side of Route 100, just north of Parent Dr.; and
4

5 **WHEREAS**, the subject property is located in the R80 Residence District as
6 shown on the Town of Somers Zoning map, which is considered to be a "higher
7 impact location" in accordance with §170-129.6(2) of the *Code of the Town of*
8 *Somers*; and
9

10 **WHEREAS**, on March 13, 2009 an application for a special exception use permit,
11 height variances, rear yard variances, and a side yard variance was received by
12 the Town of Somers Zoning Board of Appeals; and
13

14 **WHEREAS**, per resolution BZ04A/09, dated September 21, 2010, the Zoning
15 Board of Appeals resolved that a Special Exception Permit application for the
16 subject application be granted subject to conditions; and
17

18 **WHEREAS**, one of those conditions was that the Applicant was required to
19 obtain site plan approval from the Somers Planning Board; and
20

21 **WHEREAS**, the affected site was the subject of an approved Conditional Site
22 Plan Approval, and Steep Slopes, Wetlands and Stormwater Management and
23 Erosion and Sediment Control Permits by Resolution No. 2010-07 issued on
24 October 13, 2010 to Homeland Towers, LLC, New Cingular Wireless PCS, LLC.
25 ("AT&T") for a wireless telecommunications system that included:
26

- 27 • Construction of a 140' tall monopole to support at least four or five co-
28 locators;
- 29 • Construction of a 3,500 square foot fenced compound with equipment
30 cabinets to be located on a 250 sqft. concrete pad; and
- 31 • A 140' monopole to house 12 small panel antennas. The panel antennas are
32 each 52 inches high, 10.8 inches wide and 5.4 inches deep; and
33

34 **WHEREAS**, such monopole was constructed and is operating as a wireless
35 telecommunications facility in accordance with such approvals; and
36

37 **WHEREAS**, the Applicant made a preliminary presentation to the Planning Board
38 for the Amended Special Permit and Amended Site Plan Application that is the
39 subject of this resolution on February 13, 2013 for the implementation by
40 AT&T of modifications including 4G LTE Upgrades to its existing wireless facility;
41 and
42
43

1 **WHEREAS**, the Somers Planning Board at their February 13, 2013 meeting
2 determined that this action was a Type II Action and is, therefore, exempt from
3 the New York State Environmental Quality Review Act (SEQRA) and, therefore,
4 no further action under SEQRA would be required as directed by a motion and
5 second unanimously carried by the board; and

6
7 **WHEREAS**, the amended special use permit and amended site plan applications
8 and associated plans, as revised throughout the review process, were circulated
9 to the Town of Somers Open Space Committee, the New York City Department
10 of Environmental Protection, the Somers Architectural Review Board, and the
11 Westchester County Department of Planning and no comments were received by
12 the Planning Board; and

13
14 **WHEREAS**, the Somers Planning Board at their February 13, 2013 meeting
15 determined to waive the site plan public hearing in accordance with §170-
16 114C.(8)(e) and the special permit public hearing in accordance with §170-
17 129.6F; and

18
19 **WHEREAS**, the Somers Planning Board discussed the subject application at its
20 meetings of February 13, 2013 and March 13, 2013; and

21
22 **WHEREAS**, the Planning Board and its Consulting Engineer discussed the
23 project and its compliance with Section 170-129.7 Special permit standards for
24 wireless or attached wireless telecommunications facility; and

25
26 **WHEREAS**, the Planning Board identified that an additional photograph was
27 needed to be included in Section D of the application to permit the Planning
28 Board to make a determination regarding compliance with standards of §170-
29 129.7J. Visual mitigation and the Applicant indicated that the additional
30 photograph would be forwarded for review by the Planning Board; and

31
32 **WHEREAS**, such photograph was received by the Planning Board for its review
33 on February 14, 2013; and

34
35 **WHEREAS**, in correspondence of February 7, 2013, the Town Consulting
36 Engineer requested the following information from the Applicant:

- 37 1. Documentation demonstrating that additional electrical service loads
38 required by the new AT&T equipment along with anticipated future co-
39 location electrical loads could be met by existing electrical service to the
40 cell tower site. If additional electrical equipment is required the location of
41 such equipment needed to be shown along with and additional screening
42 measures to be provided.

- 1 2. Confirmation that the additional equipment will not impair the future
2 addition of co-locators on the Tower and at ground level within the existing
3 equipment pad enclosure.
4 3. Documentation addressing whether the additional equipment cabinet is
5 located above the height of any existing screening measure surrounding
6 the equipment pad enclosure; and
7

8 **WHEREAS**, the Planning Board and its Consulting Engineer agree with the
9 findings of the Radio Frequency Exposure Analysis, dated October 11, 2012,
10 concluding that the site complies with all applicable emissions standards
11 promulgated by Federal and State Law and that as per the methodology,
12 established in FCC Bulletin OET 65, the percentage of cumulative MPE is less
13 than 0.22%, and is below the FCC limits; and
14

15 **WHEREAS**, the Planning Board has reviewed and is familiar with the project
16 and its surroundings; and
17

18 **NOW, THEREFORE, BE IT RESOLVED** that the foregoing **WHEREAS** clauses
19 are incorporated herein by reference and are fully adopted as part of this
20 approval; and
21

22 **BE IT FURTHER RESOLVED**, that the application for conditional Amended
23 Special Permit Approval and Amended Site Plan Approval to **New Cingular**
24 **Wireless PCS LLC (AT&T)** as shown and described by the materials
25 enumerated herein, is **HEREBY CONDITIONALLY GRANTED** in accordance
26 with the New York State Town Law §276 and §278 and in accordance with §170-
27 114.C.(12) "Planning Board Action" of the Code of the Town of Somers, New
28 York **SUBJECT TO** the following conditions set forth below:
29

30 Conditions Associated with Special Use Permit:
31

- 32 1. **Visual Aspects:** It is understood that aesthetic aspects of all proposed
33 equipment including but not limited to ground-based equipment, fencing and
34 proposed landscaping is subject to Town review and approval.
35
36 2. **Maintenance Plan:** The applicant will provide a statement to the Town of
37 Somers with regard to commitment and schedule to maintain all new visible
38 aspects of the installation resulting from these amended applications.
39
40 3. **Construction:** The following information, along with any additional items
41 required by the Town Building, Planning and Engineering, or other
42 Department, and the Consulting Town Engineer shall be submitted:
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- i. Actual centerline height of each antenna array.
- ii. Map of all trenches, utility runs, and utility connections associated with the facility.
- iii. Documentation that antennas, transformer, generator and all other equipment is properly grounded and in compliance with all applicable electrical codes.

4. **Performance/Removal Bond:** The Applicant shall purchase, renew and keep in effect, a performance/removal bond as required by Section 170-129.5(K) of the Zoning Code of the Town of Somers in an amount and form satisfactory to the Town (and its attorneys and consultants as the case may be) to ensure that the facility with the proposed modifications is properly maintained and/or removed if abandoned. The amount and sufficiency may from time to time, at the Town's discretion, be adjusted to account for increased costs of maintenance and/or removal as the case may be.

5. **Compliance With Town Code:** The Applicant shall comply with all applicable provisions of the Zoning Code of the Town of Somers as set forth in Section 170-129.4 and such other laws as may be applicable to wireless telecommunications facilities.

6. **Operations (future):** Operations shall be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes.

7. **Landscaping:** A landscaping warranty (2 year) shall be provided in a form acceptable to the Town.

8. **Permit Term:** The Special Use Permit term shall be five (5) years from March 13, 2013, subject to renewal as provided by §170-129.6D of the *Code of the Town of Somers*. This Special Use Permit may be renewed on application for additional five-year terms, provided the applicant shall demonstrate that the wireless telecommunications facility is and has been in compliance with the requirements of the *Code of the Town of Somers* per §170-129.6G.

Conditions required prior to signing of Amended Site Plan:

9. **Utility Infrastructure Analysis:** The Applicant shall provide documentation to demonstrate that additional electrical service loads proposed by new AT&T equipment, along with anticipated future co-location electrical loads may be met by existing electrical service to the cell tower site. If additional electrical equipment is required to be added to accommodate these existing and future

1 loads, the Applicant shall indicate where such equipment will be located and
2 any additional screening measures that will be provided.

3
4 **10. Future Provision of Co-locators:** The Applicant shall confirm that the
5 proposed additional equipment will not impair the future addition of co-
6 locators, both on the Tower and at ground level within the existing equipment
7 pad enclosure.

8
9 **11. Visual Documentation:** Documentation addressing whether the additional
10 equipment cabinet is located above the height of any existing screening
11 measure surrounding the equipment pad enclosure.

12
13 **12. Inspection Fee:** An engineering inspection fee for the Site Plan shall be paid
14 by check made payable to the Town of Somers in accordance with the Fee
15 Schedule adopted by the Town Board; the amount of such fee shall be set
16 after submission by the Applicant of estimated costs for required
17 improvements as identified by the Consulting Town Engineer, and upon
18 recommendation of the Consulting Town Engineer.

19
20 **13. Review Fees:** All review fees associated with this application shall be paid
21 by the applicant. The Applicant is to be responsible for the costs of all
22 consulting engineer services and reviews required hereunder.

23
24 On-going Conditions Required After Signing of Site Plan

25
26 **14. Town Code Compliance:** The Applicant shall comply with all applicable
27 provisions of the *Code of the Town of Somers* as set forth in Section 170-
28 129.4 & 129.5 and such other laws as may be applicable to wireless
29 telecommunications facilities.

30
31 **15. Future Ground Disturbance:** If any ground disturbance is required for
32 construction of any improvements, the applicant is required to obtain a
33 Stormwater Sediment and Erosion Control Permit pursuant to Chapter 93 of
34 the Code of the Town of Somers.

35
36 **16. Federal Code Compliance:** The wireless telecommunication facility shall
37 comply with any and all applicable laws, rules and regulations, including the
38 provisions of the Code of Federal Regulations pertaining to objects affecting
39 navigable airspace as delineated in Federal Aviation Regulation (FAR) Part
40 77 and the criteria for obstructions to air navigation as established by FAR
41 part 77, Subpart C, Obstruction Standards and the wireless
42 telecommunication facility shall comply at all times to the applicable FCC non-
43 ionizing electrical radiation standards.

1
2 **17. Improvements:** All improvements shown on the plans be installed in
3 accordance with the approved plan and construction standards and
4 specifications of the Town.
5

6 **18. Satisfaction:** All work associated with this Site Plan application shall be to
7 the satisfaction of the Consulting Town Engineer.
8

9 **19. Construction Hours:** Construction activity shall be limited from 7AM to 6PM.
10 No construction activity shall occur on Sundays or legal New York State
11 holidays as specified by §144-7D.(13) of the *Code of the Town of Somers*.
12

13 **20. Certification of Operations:** Prior to issuance of a certificate of occupancy, a
14 certification of operations shall be provided in accordance with the provisions
15 of the MRF by Bechtel Communications Inc. dated October 11, 2012, and an
16 operating agreement is to be in place to ensure that maintenance activities
17 are completed in the future.
18

19 **21. Certificate of Occupancy:** A certificate of occupancy issued by the Building
20 Inspector must be issued for the modified facility prior to use or operation of
21 such modified facilities.
22

23 **22. Best Management Practices:** The Applicant implements and maintains Best
24 Management Practices and erosion control measures during construction.
25
26

27 **BE IT FURTHER RESOLVED,** that upon determination of compliance with the
28 foregoing conditions, the Planning Board Chairman is hereby authorized to
29 endorse Site Plan approval upon all maps and drawings constituting the Site
30 Plan. The Applicant shall provide six (6) prints of each map and drawing to the
31 Planning Board Secretary. No construction or site work is authorized until the
32 Site Plan has been signed by the Chairman and the required copies delivered.
33

34 In accordance with §170-114.H, "Time for Signature of Site Plan", and §170-
35 114.K, "Extension", of the Town Code, failure to comply with the above shall
36 result in the expiration of Site Plan approval on March 14, 2014 unless an
37 extension of this time period is requested prior to the expiration date and
38 approved by the Planning Board.
39

40 Site Plan approval and its continued validity are subject to all requirements of
41 Section 170-114, "Site Plan Approval", and Chapter 144, "Site Plan Review", of
42 the Town Code. Approval shall be deemed null and void one (1) year from the
43 date of signing of the Site Plan unless a Building Permit in compliance with the

1 above shall have been obtained and construction progressed as required by
2 §170-114.I, "Time to Obtain Permit and Complete Construction", of the Town
3 Code.
4

5 Before the completion of the improvements shall be approved and the Certificate
6 of Occupancy issued, the Applicant shall submit an as-built plan to the
7 satisfaction of the Consulting Town Engineer.
8

9 The validity of any Certificate of Occupancy shall be subject to continued
10 conformance with the approved Site Plan.
11

12 This resolution shall have an effective date of March 13, 2013.
13

14 **BY ORDER OF THE PLANNING BOARD**
15 **OF THE TOWN OF SOMERS**
16
17
18
19

20 _____
21 **John Currie, Chairman**

_____ **Date**

22
23 **CERTIFICATION**
24

25 I hereby certify that this is a true and correct copy of Resolution No. 2013-05
26 adopted by the Town of Somers Planning Board granting an Amended Special
27 Permit Approval and Amended Site Plan Approval to New Cingular Wireless PCS
28 LLC (AT&T) for modification of existing Approved AT&T wireless facility at 121
29 Route 100 (Amato Property) at a regular meeting held on March 13, 2013.
30
31
32
33
34

35 _____
36 **Syrette Dym, AICP**
37 **Town Planner**

_____ **Date**

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers
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Syrrile Dym, AICP
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1
2
3 Planning Board Meeting Date of March 13, 2013
4

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

7
8 Resolution No. 2013-04
9 *Granting of Conditional Amended Special Permit Approval and Amended Site*
10 *Plan Approval to*

11
12 **NEW CINGULAR WIRELESS PCS LLC (AT&T)**
13 **for**
14 **MODIFICATION OF EXISTING APPROVED AT&T WIRELESS FACILITY**

15
16 **At 243 Route 100 (MAJESTECH CORPORATION PROPERTY)**
17 **Town Tax Number: Section 28.10, Block 1, Lot 6.1**

18
19 **WHEREAS**, a formal application by New Cingular Wireless PCS, LLC ("AT&T")
20 (Applicant), dated January 31, 2013, for Amended Special Permit Approval
21 pursuant to Sections 170-129 and 170-114 and Amended Site Plan Approval
22 pursuant to Chapter 144 of the *Code of the Town of Somers*, was received on
23 February 1, 2013 consisting of the following plans and supporting materials:

- 24
25 1. Application for Site Plan Approval, dated January 24, 2013; and
26
27 2. A Structural Analysis, prepared by GPD Group, dated December 28,
28 2012, certifying that the proposed modifications to the existing wireless
29 facility comply with the requirements of TIA/EIA-222-F standards; and
30

- 1 3. A Radio Frequency Exposure Analysis, dated October 18, 2012, prepared
2 by Senior RF Engineer Bernard Morgan of Bechtel Communications,
3 concluding that the site complies with all applicable emissions standards
4 promulgated by Federal and State Law. Per the methodology, established
5 in FCC Bulletin OET 65, the percentage of cumulative MPE is less than
6 0.35 %, which is below the FCC limits; and
7
- 8 4. Photographs of the Existing Conditions at this wireless facility of AT&T's
9 proposed modifications identifying their location within the fenced
10 compound and their relation relative to internal existing antennas,
11 hangars, cables and mounts and site landscaping; and
12
- 13 5. Copies of prior land use and building department approvals issued by the
14 Planning Board and Building Department relative to this wireless facility;
15 and
16
- 17 6. A Short Environmental Assessment Form (EAF) prepared in accordance
18 with the New York State Environmental Quality Review Act identifying that
19 this Action is Type II exempt
20
- 21 7. A copy of the FCC's January 25, 2013 Statement relative to Interpreting
22 Section 6409; and
23
- 24 8. Site Plans prepared by Bechtel Associates, PC, dated January 28, 2013
25 consisting of:
26
 - 27 a. Title Sheet
 - 28 b. Compound Plan, Antenna Plan & General Notes
 - 29 c. Equipment Plan & Notes
 - 30 d. Flagpole Elevation & Details
 - 31 e. Remote Radio Head (RRH) Mounting & Fiber Management Box
32 Mounting Details
 - 33 f. Purcell Cabinet, CCI RX-AIT Cabinet Mounting Hole & RXAIT
34 Cabinet Details
 - 35 g. TMA Mounting, GPS Unit Mounting & LTE Conductor Sizes Details
 - 36 h. RX-AIT Outdoor DC Single – Line With Alarm Terminations
 - 37 i. System Diagram
 - 38 j. RRH Wiring Diagram
 - 39 k. Electrical, TVSS Notes, ABBREV. And Symbols
 - 40 l. Grounding Notes & Details

41
42 **WHEREAS**, the subject application is for the implementation by AT&T of
43 modifications including 4G LTE Upgrades to its existing wireless facility at 243

1 Route 100, the Majestech Corporation Property, on property which is shown on
2 the Town Tax Maps as Section 28.01, Block 1, Lot 6.1; and

3
4 **WHEREAS**, the subject lands are owned by Majestech Corporation; and

5
6 **WHEREAS**, the subject lands consist of a total area of approximately 14.51
7 acres and are located on the west side of Route 100, south of Highview Terrace,
8 within the Muscoot Watershed Basin in the Office and Light Industry (OLI) zoning
9 district in the Town of Somers which is considered a "Low Impact Location" in
10 accordance with §170-129.6A(1) of *The Code of the Town of Somers* ; and

11
12 **WHEREAS**, the Town of Somers Planning Board previously granted Conditional
13 Amended Site Plan Approval and Special Exception Use Permit to New Cingular
14 Wireless for location of a wireless communication facility within the Groundwater
15 Protection Overlay District by Resolution #2007-01; and

16
17 **WHEREAS**, such telecommunications facility was constructed and is operating in
18 accordance with such approvals; and

19
20 **WHEREAS**, the current uses on the subject property consist of a two-story office
21 building and a one-story warehouse and associated parking areas and access
22 driveways along with a wireless telecommunications facility; and

23
24 **WHEREAS**, the Applicant made a preliminary presentation to the Planning Board
25 for the Amended Special Permit and Amended Site Plan Application that is the
26 subject of this resolution on February 13, 2013; and

27
28 **WHEREAS**, at its regular meeting February 13, 2013, the Planning Board
29 determined that the proposed action is a Type II Action and is, therefore, exempt
30 from the New York State Environmental Quality Review Act (SEQRA) and,
31 therefore, no further action under SEQRA would be required as directed by a
32 motion and second unanimously carried by the board; and

33
34 **WHEREAS**, the amended special use permit and amended site plan applications
35 and associated plans, as revised throughout the review process, were circulated
36 to the Town of Somers Open Space Committee, the New York City Department
37 of Environmental Protection, the Somers Architectural Review Board, and the
38 Westchester County Department of Planning and no comments were received by
39 the Planning Board; and

40
41 **WHEREAS**, the Somers Planning Board at their February 13, 2013 meeting
42 determined to waive the site plan public hearing in accordance with §170-

1 114C.(8)(e) and the special permit public hearing in accordance with §170-
2 129.6F; and

3
4 **WHEREAS**, the Planning Board and its Consulting Engineer discussed the
5 project and its compliance with Section 170-129.7 Special permit standards for
6 wireless or attached wireless telecommunications facilities; and

7
8 **WHEREAS**, in correspondence of February 7, 2013, the Town Consulting
9 Engineer requested the following information from the Applicant:

- 10 1. Documentation demonstrating that additional electrical service loads
11 required by the new AT&T equipment along with anticipated future co-
12 location electrical loads could be met by existing electrical service to the
13 cell tower site. If additional electrical equipment is required the location of
14 such equipment needed to be shown along with and additional screening
15 measures to be provided.
- 16 2. Confirmation that the additional equipment will not impair the future
17 addition of co-locators on the Tower and at ground level within the existing
18 equipment pad enclosure.
- 19 3. Documentation addressing whether the additional equipment cabinet is
20 located above the height of any existing screening measure surrounding
21 the equipment pad enclosure; and

22
23 **WHEREAS**, the Planning Board and its Consulting Engineer agree with the
24 findings of the Radio Frequency Exposure Analysis, dated October 11, 2012,
25 concluding that the site complies with all applicable emissions standards
26 promulgated by Federal and State Law and that as per the methodology,
27 established in FCC Bulletin OET 65, the percentage of cumulative MPE is less
28 than 0.35 %, and is below the FCC limits; and

29
30 **WHEREAS**, the Planning Board has reviewed and is familiar with the project
31 and its surroundings; and

32
33 **WHEREAS**, the Planning Board has reviewed and is familiar with the project
34 and its surroundings; and

35
36 **NOW, THEREFORE, BE IT**

37
38 **RESOLVED**, that the foregoing **WHEREAS** clauses are incorporated herein by
39 reference and are fully adopted as part of this approval; and

40
41 **BE IT FURTHER RESOLVED**, that the application for Conditional Amended
42 Special Permit Approval and Amended Site Plan Approval, to PCS LLC (AT&T)
43 as shown and described by the materials enumerated herein, is **HEREBY**

1 **CONDITIONALLY GRANTED** in accordance with the New York State Town Law
2 §276 and §278 and in accordance with §170-114.C.(12) "Planning Board Action"
3 of the *Code of the Town of Somers, New York*, SUBJECT TO the following
4 conditions set forth below:
5

6 Conditions Associated with Special Use Permit:
7

- 8 1. **Visual Aspects:** It is understood that proposed landscaping is subject to
9 Town review and approval.
- 10 2. **Maintenance Plan:** The applicant will provide a statement to the Town of
11 Somers with regard to commitment and schedule to maintain all new visible
12 aspects of the installation resulting from these amended applications.
- 13 3. **Construction:** The following information, along with any additional items
14 required by the Consulting Town Building, Engineering, or other Department,
15 shall be submitted:
 - 16 i. Actual centerline height of each antenna array.
 - 17 ii. Map of all trenches, utility runs, and utility connections
18 associated with the facility.
 - 19 iii. Documentation that antennas, transformer, generator and all
20 other equipment is properly grounded and in compliance with all
21 applicable electrical codes.
22
- 23 4. **Performance/Removal Bond:** The Applicant shall purchase, renew and
24 keep in effect, a performance/removal bond as required by Section 170-
25 129.5(K) of the Zoning Code of the Town of Somers in an amount and form
26 satisfactory to the Town (and its attorneys and consultants as the case may
27 be) to ensure that the facility with the proposed modifications is properly
28 maintained and/or removed if abandoned. The amount and sufficiency may
29 from time to time, at the Town's discretion, be adjusted to account for
30 increased costs of maintenance and/or removal as the case may be.
31
- 32 5. **Compliance With Town Code:** The Applicant shall comply with all applicable
33 provisions of the Zoning Code of the Town of Somers as set forth in Section
34 170-129.4 and such other laws as may be applicable to wireless
35 telecommunications facilities.
36
- 37 6. **Operations (future):** Operations shall be maintained in accordance with the
38 Town's Wireless Ordinance and all other relevant Town codes.
39
- 40 7. **Landscaping:** A landscaping warranty (2 year) shall be provided in a form
41 acceptable to the Town. For any new landscaping.
42
43

1 8. **Permit Term:** The Special Use Permit term shall be five (5) years from
2 March 13, 2013, subject to renewal as provided by §170-129.6D of the *Code*
3 *of the Town of Somers*. This Special Use Permit may be renewed on
4 application for additional five-year terms, provided the applicant shall
5 demonstrate that the wireless telecommunications facility is and has been in
6 compliance with the requirements of the *Code of the Town of Somers* per
7 §170-129.6G.

8
9 Conditions required prior to signing of Amended Site Plan:

10
11 9. **Utility Infrastructure Analysis:** The Applicant shall provide documentation
12 to demonstrate that additional electrical service loads proposed by new AT&T
13 equipment, along with anticipated future co-location electrical loads may be
14 met by existing electrical service to the cell tower site. If additional electrical
15 equipment is require to be added to accommodate these existing and future
16 loads, the Applicant shall indicate where such equipment will be located and
17 any additional screening measures that will be provided.

18
19 10. **Future Provision of Co-locators:** The Applicant shall confirm that the
20 proposed additional equipment will not impair the future addition of co-
21 locators, both on the Tower and at ground level within the existing equipment
22 pad enclosure.

23
24 11. **Visual Documentation:** Documentation addressing whether the additional
25 equipment cabinet is located above the height of any existing screening
26 measure surrounding the equipment pad enclosure.

27
28 12. **Inspection Fee:** An engineering inspection fee for the Site Plan shall be paid
29 by check made payable to the Town of Somers in accordance with the Fee
30 Schedule adopted by the Town Board; the amount of such fee shall be set
31 after submission by the Applicant of estimated costs for required
32 improvements as identified by the Consulting Town Engineer, and upon
33 recommendation of the Consulting Town Engineer.

34
35 13. **Review Fees:** All review fees associated with this application shall be paid
36 by the applicant. The Applicant is to be responsible for the costs of all
37 consulting engineer services and reviews required hereunder.

38
39 On-going Conditions Required After Signing of Site Plan

40
41 14. **Town Code Compliance:** The Applicant shall comply with all
42 applicable provisions of the *Code of the Town of Somers* as set forth

1 in Section 170-129.4 & 129.5 and such other laws as may be
2 applicable to wireless telecommunications facilities.
3

4 **15. Future Ground Disturbance:** If any ground disturbance is
5 required for construction of any improvements, the applicant is
6 required to obtain a Stormwater Sediment and Erosion Control
7 Permit pursuant to Chapter 93 of the Code of the Town of Somers.
8

9 **16. Federal Code Compliance:** The wireless telecommunication facility
10 shall comply with any and all applicable laws, rules and regulations,
11 including the provisions of the Code of Federal Regulations
12 pertaining to objects affecting navigable airspace as delineated in
13 Federal Aviation Regulation (FAR) Part 77 and the criteria for
14 obstructions to air navigation as established by FAR part 77, Subpart
15 C, Obstruction Standards and the wireless telecommunication facility
16 shall comply at all times to the applicable FCC non-ionizing electrical
17 radiation standards.
18

19 **17. Improvements:** All improvements shown on the plans be installed in
20 accordance with the approved plan and construction standards and
21 specifications of the Town.
22

23 **18. Satisfaction:** All work associated with this Site Plan application shall
24 be to the satisfaction of the Consulting Town Engineer.
25

26 **19. Construction Hours:** Construction activity shall be limited from 7AM
27 to 6PM. No construction activity shall occur on Sundays or legal
28 New York State holidays as specified by §144-7D.(13) of the *Code of*
29 *the Town of Somers.*
30

31 **20. Certification of Operations:** Prior to issuance of a certificate of
32 occupancy, a certification of operations shall be provided in
33 accordance with the provisions of the MRF by Bechtel
34 Communications Inc. dated October 18, 2012, and an operating
35 agreement shall be in place to ensure that maintenance activities are
36 completed in the future
37

38 **21. Certificate of Occupancy:** A certificate of occupancy issued by the
39 Building Inspector must be issued for the modified facility prior to use
40 or operation of such modified facilities.
41

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22. Best Management Practices: The Applicant implements and maintains Best Management Practices and erosion control measures during construction.

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

In accordance with §170-114.H, "Time for Signature of Site Plan", and §170-114.K, "Extension", of the Town Code, failure to comply with the above shall result in the expiration of Site Plan approval on **March 14, 2014** unless an extension of this time period is requested prior to the expiration date and approved by the Planning Board.

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

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

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

This resolution shall have an effective date of March 13, 2013.

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

John Currie, Chairman

Date

1 **CERTIFICATION**

2

3 I hereby certify that this is a true and correct copy of Resolution #2013-04
4 adopted by the Town of Somers Planning Board granting an Amended Special
5 Permit and Amended Site Plan Approval, subject to the modifications stated
6 herein, to New Cingular Wireless PCS LLC (AT&T) at Majestech Corporation Site
7 at a regular meeting held on March 13, 1013.

8

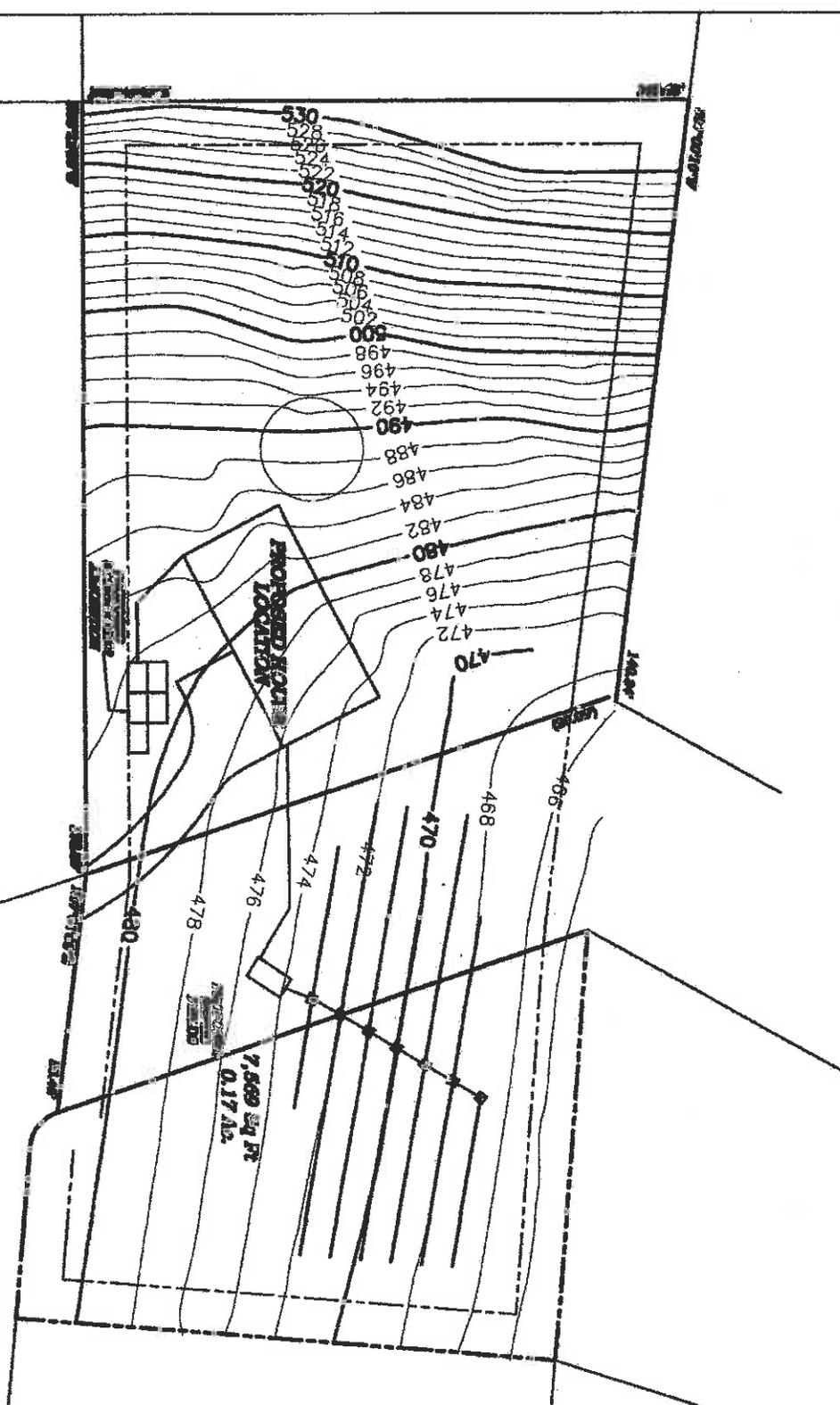
9

10

11 _____
12 **Syrette Dym, AICP**
13 **Town Planner**

_____ **Date**

John Cassa Boon



LAKEVIEW
TERRACE

(50.0' R.O.F.)

CHALMERS BLVD.

IAROPOLI ASSOCI
74 MOSEMAN AV
KATONAH NY
914.832.5439
F.914.558.8485

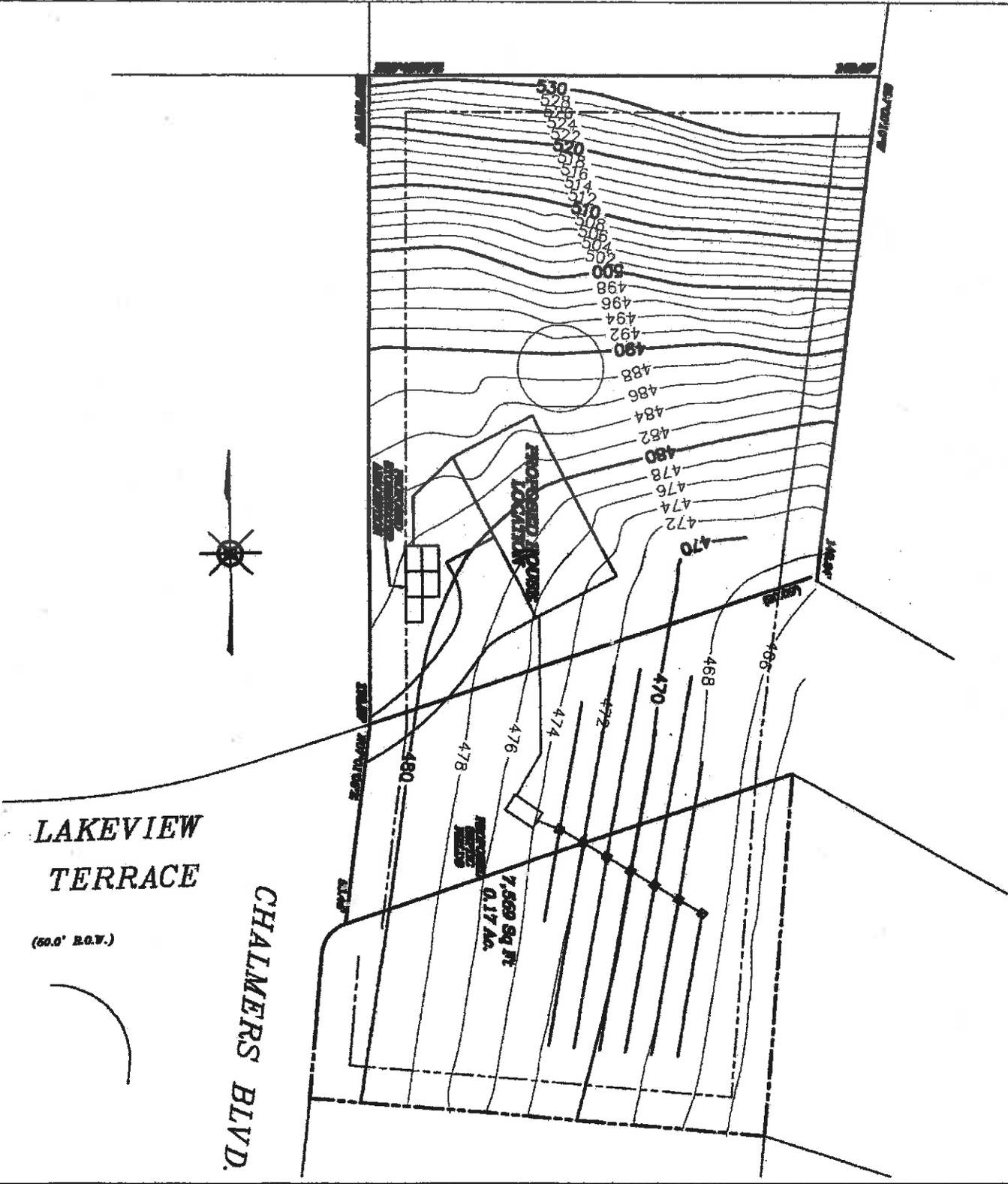
CHALMERS ROY
SOMERS NEW YC
PROPOSED HOUSE W
SEPTIC AND STORMW
LOCATION

BASED ON ASSUMED
MINIM PERG RATE @ 2
250 LF REQ. 278 PROV

JOSEPH J. IAROPOLI,
SCALE:

1-40

John Cassa Boon



LAKEVIEW
TERRACE

(50.0' R.O.V.)

CHALMERS BLVD.

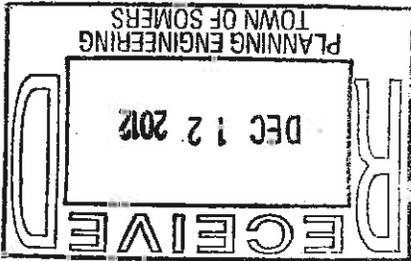
7,569 Sq. Ft.
0.17 Ac.

LAROPOLI ASSOCI
74 MOSEMAN AV
KATONAH NY
 914.962.5439
 F.914.558.8485

CHALMERS RD
SOMERS NEW YC
 PROPOSED HOUSE V
 SEPTIC AND STORMW
 LOCATION

BASED ON ASSUMED
 MINIM PERC RATE @ 2
 250 LF REQ. 278 PROV

JOSEPH J. LAROPOLI,
 SCALE :
 1-40



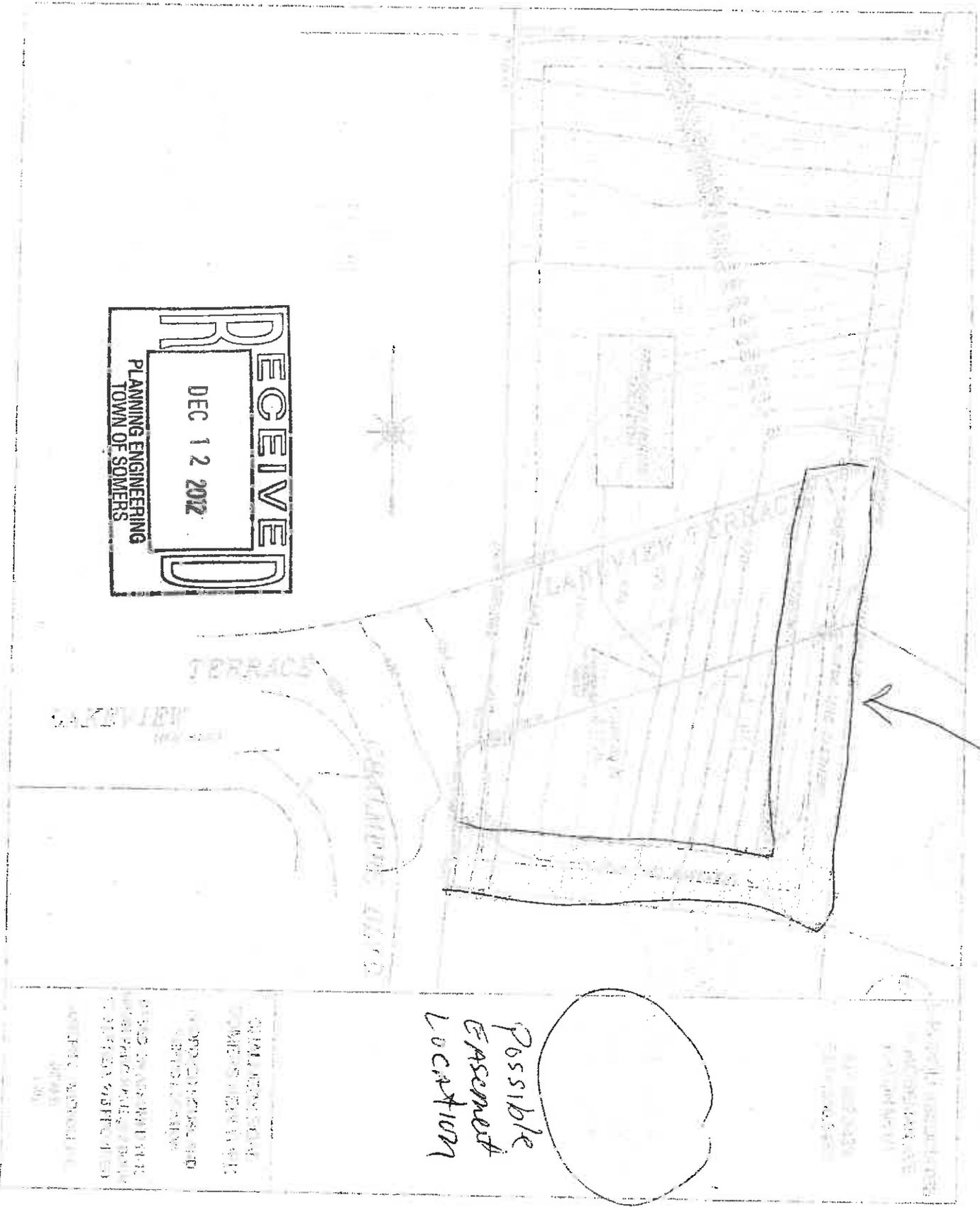
415

John Cassaboon
Sincerely Yours,
John Cassaboon

Good Day, Ms. Dym,
I have enclosed a scan of a proposed route of the easement that was discussed at our meeting with the Somers Planning Board. Would I need to schedule another meeting with the Planning board to discuss? My engineer, Mr. Jaropoli, chose this route as this is where the existing water line is located. We are asking the Planning Board to consider this route because if we leave the easement where it is now. It may be impossible to place a sanitary system on the property. Thank you for your time.

PB
TD
TCE

RECEIVED
DEC 12 2012
PLANNING ENGINEERING
TOWN OF SOMERS



NO 1 - 2012

Possible
Easement
Location

OWNER'S ATTENTION
PLEASE REFER TO THE
PLANNING ENGINEERING
DEPARTMENT FOR
ADDITIONAL INFORMATION
AND TO OBTAIN A
COPY OF THE
PLANNING ENGINEERING
DEPARTMENT'S
RECOMMENDATION
AND TO OBTAIN A
COPY OF THE
PLANNING ENGINEERING
DEPARTMENT'S
RECOMMENDATION

1. In order to undertake the lot line connection/change (a Planning Board action), this paper street portion of Lakeview Terrace would have to be "demapped" from the official Town map (a Town Board action). Prior to determining whether or not to demap a street, it has to be shown that legal access to other properties would not be adversely affected.
2. Looking at the Zoning map and tax map, the two other affected properties are the Maloney (Lot 44) and Danko (L 43) properties straddling the other portion of the

The following are the results of my research on this issue and my recommendation to the Planning Board for handling this request.

Mr. Cassaboon is seeking to merge three parcels he owns at the intersection of Chalmers Blvd. and Lakeview Terrace. Two lots, Lot 36.08-1-49 and Lot 36-08-64 are separated by a 6,482 square foot road parcel of a mapped but unbuilt portion of Lakeview Terrace, i.e., paper street, that he owns. His ownership of the unbuilt street resulted from a former court case.

TO: Town of Somers Planning Board

FROM: Syrette Dym, Town Planner

DATE: October 31, 2012

RE: John Cassaboon Informal Appearance Regarding Possible Lot Line Connection between Lot 36.08-1-49 and Lot 36.08-64 to include a 6,482 Square Foot Mapped but Unbuilt Portion of Lakeview Terrace

Applicant: John Cassaboon

Location: 26 Chalmers Blvd. and Lakeview Terrace

Zoning: R-10 Residence District

Actions: Consideration of Possible Lot Line Change

MEMORANDUM

SOMERS TOWN HOUSE
 835 ROUTE 202
 SOMERS, NY 10589
 WWW.SOMERSNY.COM

Syrette Dym, AICP
 Town Planner
 sdym@somersny.com



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

Steven Woelke
 Principal Engineering Technician
 swoelke@somersny.com

unbuilt Lakeview Terrace. According to papers in the court case file of the Cassaboon property, these two lots have access to Route 202 over NYC DEP property through revocable driveway permits granted from NYC DEP over its property to Route 202 that require renewal and approval from DEP of any lot changes.

3. The Town Assessor indicates there is nothing on the deed of either property that shows any easement over the NYC DEP property. So it would appear these lots have no permanent legal access on any mapped street other than Lakeview Terrace. Lakeview Terrace itself does not appear from these maps to be mapped all the way to Route 202, and instead, stops at the NYCDEP property adjacent to Route 202.

Last July, Steve Woelfle and I examined the property in the field and agree it is not likely that the road would ever feasibly be built. Still, it is on the books as a street providing access to the Danko and Maloney properties. I have spoken to DEP and they indicate these driveway permits are renewable annually and that they are not aware of any driveway permit being denied or discontinued. Still, since they are 'revocable', full legal access for Danko and Maloney is only provided by the mapped but unbuilt portion of Lakeview Terrace that now belongs to Cassaboon and bisects his property. Roland Baroni concurs in this opinion.

4. Roland Baroni suggests that Cassaboon would have to be willing to release rights to access to the two affected lots in order to have it demapped and merged as part of his other two lots. The Planning Board would need to advise the Applicant that he has to provide the Board with proof that some type of acceptable legal access such as that above would be granted to the two affected parcels and, at such time, the Board could accept a full application for a lot line change and consider the merits of such application.
5. It should be noted that in January 2012, the Maloney property sent a letter requesting transfer of half of Lakeview Terrace to its parcel.

Attach.

Attachment A



NO SURVEY
TERLINE

Attachment B

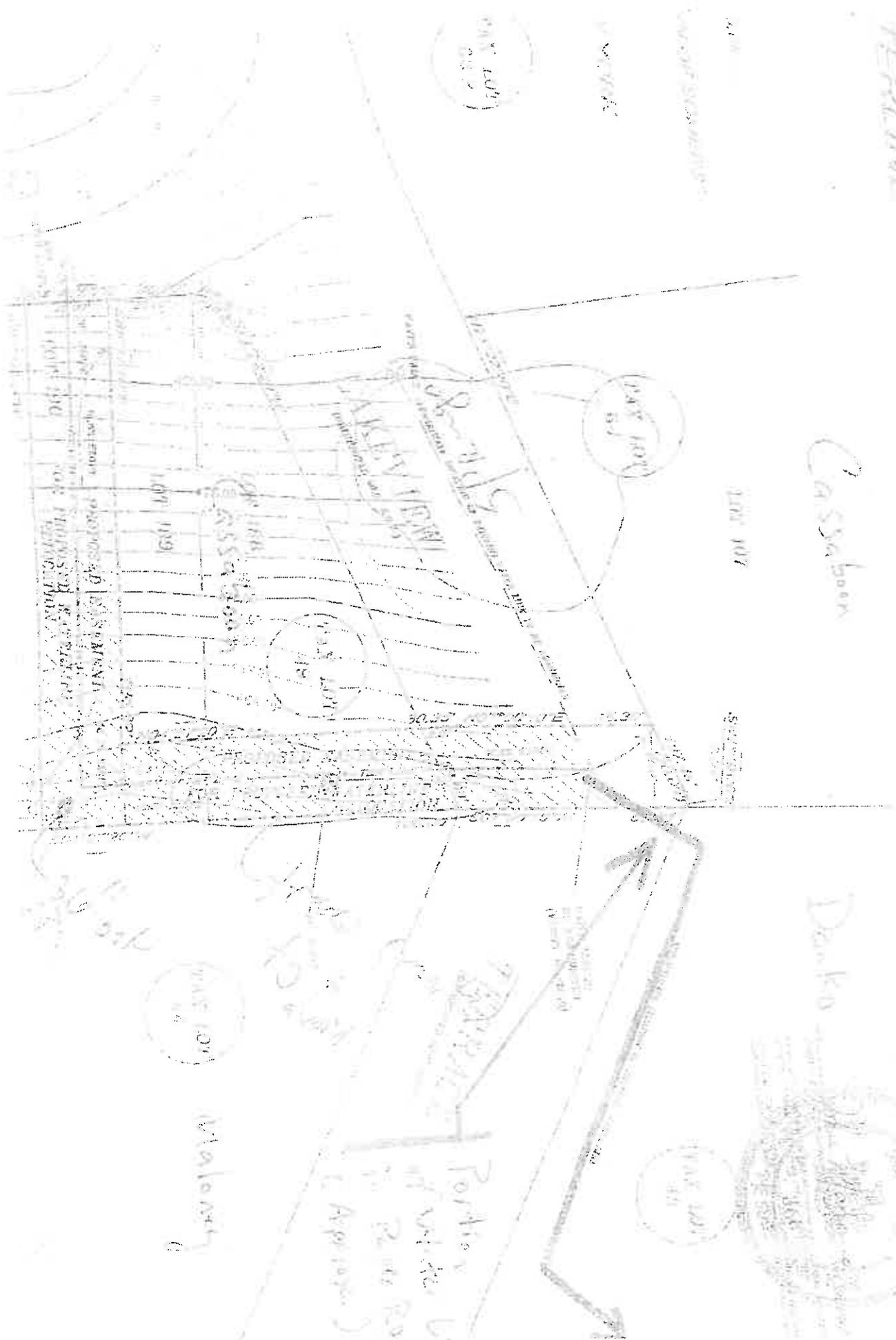
Ca Sa boon

LOT 107

SECTION 10

Den Ko

NO SURVEY
LAND SURVEY
BY AGRICULTURE DEPT
FOR AGRICULTURE
1911



(LOT 107)

(LOT 107)

(LOT 108)

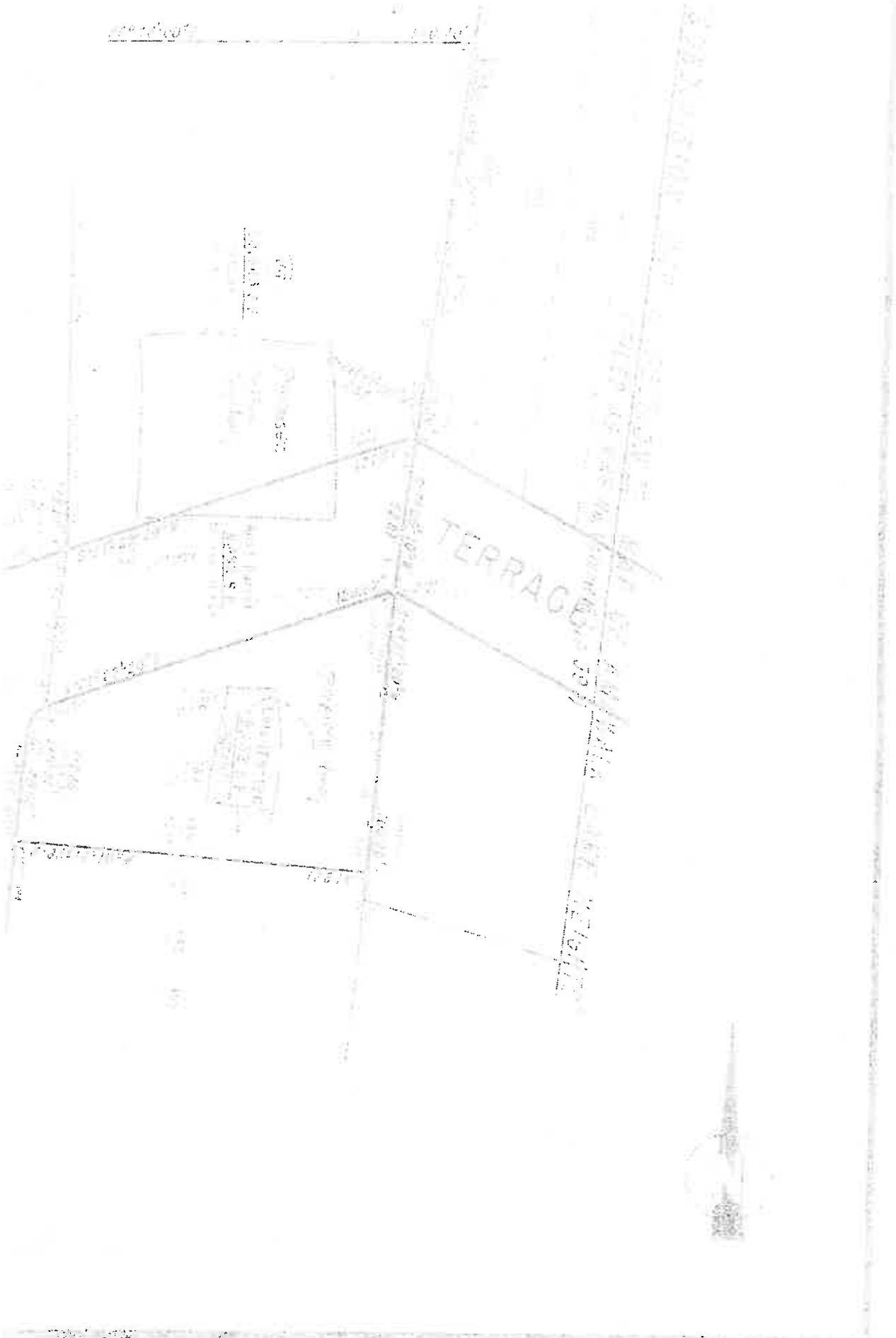
(LOT 109)

(LOT 107)

PORTER'S

WALDOVER

Porter's
of white
2200
(Approx.)



7/06

TOWN OF SOMERS PLANNING BOARD
REQUEST FOR INFORMAL APPEARANCE BEFORE PLANNING BOARD

FEE: \$150 WITHOUT CONCEPTUAL PLAN \$300 WITH SKETCH PLAN REVIEW
Erosion and Sediment Control Application fee: \$100 for disturbances of at least one acre or for the placement or removal of 20 cubic yards of soil, plus \$500 for each additional acre of disturbance.

FEE PAID: \$ 150.00 DATE PAID: _____

I. IDENTIFICATION OF APPLICANT:

A. OWNER: John Cassaboon SUBDIVIDER: _____
ADDRESS: 108 Uncle Venies Rd ADDRESS: _____
Narwich MA 02645
TELE #: 508 432 0806 TELE #: _____
B. SURVEYOR: _____ TELE #: _____
ENGINEER: Joe Taropoli TELE #: 914 962 5439

II. IDENTIFICATION OF PROPERTY:

A. Project Name: N/A
B. Street abutting property: Lakeview Terrace and Chalmers Blvd.
C. Tax Map Design: Sheet: 36.08-1-49 Block: 64 Lot: _____
Zoning District: _____
E. Project (does) (does not) connect directly into (State) (County) highway.
F. Proposed drainage (does) (does not) connect directly into channel lines established by the County Commission of Public Works.
G. Project site (is) (is not) within 500 feet of Town boundary.
H. Proof that taxes have been paid. _____

III. BRIEF DESCRIPTION OF PROJECT PROPOSAL:

I wish to have a lot line connection between lots 36.08-1-49 and lot 64 so I can develop property.

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, Road Specifications, State Environmental Quality Review Act, Wetland and Steep Slope Ordinances, as applicable.

The comprehensiveness of the material submitted will determine the extent of comments that the Planning Board can make on a sketch plan. No materials received after the submission date of this application will be considered by the Board.

Ten (10) copies of all plans and written reports are requested. By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.

The undersigned hereby requests an informal appearance before the Planning Board to discuss the proposed project.

John P. Cassaboon Jr Date: 10/22/12
Applicant

S/A/A Date: _____
Owner

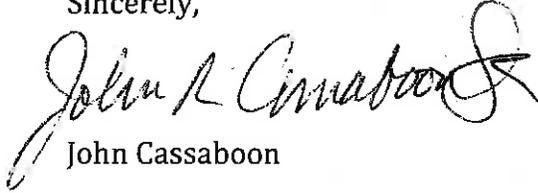
TP
CTE

To: Town of Somers Planning Board,

7/17/2012

I am requesting a lot line change in Amawalk Heights to connect lots 107 and 188 located at the corner of Lakeview Terrace and Chalmers Blvd. in Amawalk, Town of Somers, NY.

Sincerely,


John Cassaboon

330



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, Town Planner

DATE: March 6, 2013

RE: Project: BBS Preliminary Subdivision (Formerly Stevens Subdivision)
Applicant: Tommy Boniello, Michael Barile & Nicloe Stern
Location: Green Tree Road end to west of Existing Westchester County North County Trailway; Section 15.12 Block 2 Lot 1
Zoning: R80 Residence District
Actions: Review of Preliminary Three Lot Subdivision as Part of a Proposed Open Development Area including Steep Slopes Permit, Tree Removal Permit; Wetland and Watercourse Permit and Stormwater Management Erosion and Sediment Control Permit

The current proposed action consists of the following components:

1. *Subdivision of a 9.78 acre vacant parcel into a three-lot subdivision with no I existing frontage on an existing improved road. Proposed consideration as an open development area pursuant to New York State Town Law Section 280-a. The current proposal is for 75 units of affordable senior housing.*
2. *Steep Slope Permit pursuant to Chapter 148 of the Code of the Town of Somers.*
3. *Wetland and Watercourse Protection Permit pursuant to Chapter 167 of the Code of the Town of Somers for disturbance of wetland area of 3,189 sf within existing Green Tree Road right of way*

4. *Tree Removal Permit pursuant to Chapter 156 of the Code of the Town of Somers for removal of 146 trees*
5. *Stormwater Management and Erosion and Sediment Control Permit pursuant to Chapter 93 of the Code of the Town of Somers*

Background

This application is asking for consideration as an open development area under Section 280-a of Town Law and is considered a continuation of a prior application as Stevens Subdivision for 3-lot subdivision. The application was prior referred to the Planning Board by the Town Board as required by Section 280-a. Based on the project history identified in a memorandum from the former Town Planner of February 6, 2012, there is no record that the Planning Board established itself as lead agency under SEQR or that a SEQR classification was assigned to this project. Therefore, Lead agency should be established and, based on Town Code Chapter 92, this would qualify as a Type I action due to necessity of the access road across a wetland.

1-30-2013– Receipt of application and plans; cover letter dated January 29, 2013

Basis of Comment Memorandum

The following plans drawings prepared by Insite Engineering, Surveying& Landscape Architecture, P.C.were reviewed as the basis of comment in this memorandum.

Insite Engineering, Surveying& Landscape Architecture, P.C.

- Preliminary Subdivision Plat- 1/30-13
- Project Drawing set, 3 h sheets – 1/30/13
- Constraints Map for Conventional Subdivision – 1/30-13
- Soils Map for conventional A Subdivision – 1/30/13
- Open Development Area Map – 1/30/13

Prior Submissions

The cover letter of the submission refers to an Action Item letter of March 13, 2008 from the Town Planner and provides responses to comments raised in that letter. As such, a copy of that letter is attached for reference by the Planning Board. A follow-up letter of February 6, 2012 is also attached for the Board's review.

Current Comments

1. Long Form EAF

- a. The EAF Part 1A. 2 does not present acreage figure that add up. Please correct and provide actual site size.
- b. Part 1A. 11 indicates the site contains a threatened or endangered species. Dependent on the SEQR approach determined by the Planning Board, in any case, analysis regarding the presence of this species will have to be provided relative to the site with findings and mitigation, if necessary.

2. **Wetlands** – An updated wetland delineation map should be submitted that was prepared no earlier than 12 months prior to the date of filing of the application in accordance with Section 167-6A(9)(a).
3. **The Applicant needs to provide a detailed timeline and explanation of the status of review of requests for access easements and permits from NYS DOT and conditions of prior permits for the Planning Board.** The need for updating these permits should be addressed. The operational details of requirements of these permits and their impact on access by potential future residents of the open development area lots should be outlined by the applicant. It appears from prior correspondence (see attached), that a special permit may have been issued by NYSDOT along with a 10 foot wide easement in 1997 with conditions, but that permit expired in 5-1-2000. One of the significant conditions of that permit was that a gate was to be installed east of the railway line to control access. A 10 foot wide drive would serve undeveloped land northwest of the railway ROW and was to be limited to a maximum of three (3) residential units. See attached prior Special Permit Conditions. The operational details of a closed gate and whether there was a requirement that it be locked needs to be identified. How the status of the gate closure would be monitored and maintained needs to be addressed.
4. **Plan Comments.** More detailed comments will follow. However, the conventional subdivision layout plan requires some discretion by the Planning Board regarding frontage requirements to achieve three lots. Specifically, Lot 2 is identified as having 84 feet minimum width at the front lot line when 200 feet is required, although Section 170-A1 provides for the opportunity of reduction to not less than 1.3 of the width requirement.

Attach.

Z:\PE\Subdivision files\BBS Subdivision\Planner's Comments\Comments 10-3-12.doc

Guy L. Gagné, P.E.
Town Engineer
townengineer@somersny.com

Sabrina D. Charney Hull
Town Planner
townplanner@somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589
Tele #: 914-277-5366
FAX #: 914-277-4093



March 13, 2008

Mr. Roy Stevens
34 High Ridge Road
P.O. Box 403
Mahopac, NY 10541

RE: ACTION ITEMS FOR STEVENS SUBDIVISION [TM: 15.12-2-1]

Dear Mr. Stevens:

Pursuant to the March 13, 2008 Planning Board meeting, the Planning Board requested that you address the following action items as discussed at the meeting and so noted in staff review memos prior to your next appearance before the Planning Board.

1. Sign and Stamp all of the plans.
2. Determine if the small southern portion of this property (separated by the Bike Path) is part of the property where the subdivision is proposed to occur or if it is a stand-alone tax parcel.
3. The current plans show a roadway through a wetland and a wetland buffer. Demonstrate how this roadway is in compliance with §167 Wetlands and Watercourse Protection of the *Code of the Town of Somers*.
4. Correct submission materials which reference "sketch plan" to say "preliminary subdivision plan".
5. Clarify the size of the property and the area that is available via easements. There are various acreage numbers throughout the plans and in the EAF. See #2 above.

6. The size of this property does not qualify for consideration of Conservation Zoning per §170-13.2 of the *Code of the Town of Somers*.
7. Note #3 on the Preliminary Subdivision Plat includes discussion of a conservation parcel. No conservation parcel is shown on the plan.
8. The lot lines, particularly for Lot #3 should conform to §150-23 of the *Code of the Town of Somers* and should be drawn as right angles unless otherwise determined by the Planning Board. This would assist in determining the maximum lot count for this property.
9. The signature block for Putnam County Clerk's Office is incorrect- this property is located in Westchester County.
10. The title for the signature block referring to "Planning Board Town of Somers" also includes signatures for the Highway Superintendent and the Building Inspector, therefore change the title to the signature block.
11. EAF Page 3 of 21 A.2- indicates that 2.388 acres will be meadow or brushland after completion of the project. If meadow or brushland refers to manicured grass this should be included as a category in Other.
12. EAF Page 3 of 21 A.6 Provide supporting information.
13. EAF Page 3 of 21 A.7 Provide supporting information.
14. EAF Page 4 of 21 A.11 Provide supporting information.
15. EAF Page 4 of 21 A.16 There are wetlands within and contiguous to this project.
16. EAF Page 4 of 21 A.16.b. Provide the size.
17. EAF Page 5 of 21 A.17 What existing public utilities access the site?
18. EAF Page 5 of 21 B.1.a refer to comment #2 above.
19. EAF Page 5 of 21 B.1.a refer to comment #2 above.
20. EAF Page 7 of 21 B.18. Homeowners may use pesticides / herbicides unless deed restricted.
21. EAF Page 8 of 21 B. 25- The Town Board will approve access, not a conservation subdivision.
22. EAF Page 8 of 21 B. 25- Include environmental permit approvals.

23. EAF Page 9 of 21 C. 3- This stills needs to be confirmed.

24. The conventional plan must be revised to incorporate straight radial lot lines for lot number 3 in order to demonstrate the viability of the lot. The lot conformance table must include the calculations to demonstrate compliance to §170-58.3. and §170-58.4 and the minimum lot areas calculated must be shown on the plan. The stormwater system proposed in the wetland, wetland buffer and steep slopes must be relocated out of the environmentally sensitive lands. After the number of lots has been verified with the conventional plan the option of considering the 280A or Open Development section of the Town Law may be pursued.

25. The plat must be revised to include the following information:

- a. Remove the references to the conservation easement unless one exists; and if it does, it must be shown on the plat.
- b. Remove the references to Putnam County.
- c. The appropriate notes relating to the 280A Town Law Open Development, as may be appropriate, will need to be added.
- d. Add a note about the name of the professional delineating the wetlands and the date conducted.

26. The following preliminary comments on the Open Development concept should be considered:

- a. Provide a driveway profile with maximum 12 % grade.
- b. Demonstrate that fire department apparatus access is provided to within 75 feet of the proposed structures.
- c. The driveway must be provided with a pull off area 50-foot by 12-foot wide at 500-foot intervals.
- d. The driveway base must be designed to support a 30 ton fire fighting apparatus.
- e. The common driveway for three (3) users must be a total of 20-feet wide consisting of 16-feet impervious and 4-feet pervious surfaces.
- f. The common driveway for two (2) users requires an 18-foot driveway width or 14-feet impervious and 4-feet pervious surface.
- g. The driveway for a single user greater than 500 feet in length must be no less than 12 -feet wide or 10-feet impervious with 2-feet pervious surface.

27. The Planning Board had serious concerns about the public safety aspects of allowing vehicles to cross the bike path at mid block especially here where a long constant sloping path exists and bikers have a tendency to gain speed.

Once these items have been addressed and you have received confirmation from NYS DOT regarding the widening of your access easement and all materials have been submitted to this office, you will be scheduled for the next available Planning Board meeting. If you have any questions, please do not hesitate to contact us.

Formatted: Justified

Sincerely,

Sabrina D. Charney Hull, AICP
Town Planner

Guy L. Gagné, P.E.
Town Engineer

cc: Michael Beyer, P.E

Town of Somers

WESTCHESTER COUNTY, N.Y.

Sabrina D. Charney Hull, AICP
Town Planner
scharneyhull@somersny.com

Steven Wostle
Principal Engineering Technician
swostle@somersny.com



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FAX # 914-277-4693
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DATE: February 6, 2012
TO: Town of Somers Planning Board
FROM: Sabrina D. Charney Hull, AICP, Town Planner
SUBJECT: **STEVENS SUBDIVISION PRELIMINARY SUBDIVISION APPLICATION [TM: 15.12-2-1]**

Site Description

PROJECT NAME	STEVENS SUBDIVISION
TM #	15.12-2-1
OWNER	Roy Stevens, 34 High Ridge Rd., Mahopac, NY 10541
PROPERTY SIZE	9.8 acres
ZONING DISTRICT	Single Family Residential R-80 (80,000SF)
APPLICATION FOR DESCRIPTION	Preliminary Subdivision Application Subdivision of a 9.81 acre parcel into three residential building lots. The currently vacant property is located beyond the cul-de-sac at the end of Green Tree Road and to the west of the existing bike/trailway.
SEQR CLASSIFICATION	TBD

Project Description

This application is for the subdivision of a 9.8 ac. vacant parcel of land into a three-lot subdivision located beyond the cul-de-sac at the end of Green Tree Road. This property is located to the west of the existing Westchester County Bike Path. This property does not have frontage on an existing improved road. However, the submission materials indicate that the applicant intends to access the lots from an unimproved portion of Green Tree Road across a 16.5 foot wide easement across the Westchester County Bike Path, provided by the NYS DOT.

Project History

- 10/17/05 Town Engineer and Town Planner informal application meeting with Applicant's Engineer regarding proposed subdivision.

- 11/9/05 Informal Application submission requesting subdivision of 9.8 acres into 3 lots;
- 01/6/06 Memo from Town Engineer noting revisions to conventional 4-lot plan (i.e. cul-de-sac, lot lines, stormwater detention, water quality improvements, DOT documentation, etc.)
- 01/09/06 Memo from Town Planner noting need to refer to Town Attorney for review and opinion regarding road frontage.
- 1/11/06 Planning Board meeting included discussion of DOT easement and referral to Town Attorney.
- 6/26/06 Submission from Applicant of revised sketch plan;
- 6/27/06 Referral to Town Attorney;
- 11/1/06 Memo from Town Attorney to Planning Board noting project to proceed as an "open development project".
- 11/13/06 Town Engineer memo to Planning Board indicating changes to the wetland report and revisions to the conventional layout to reflect the wetland boundary, wetland buffer and soils.
- 11/13/06 Town Planner memo to Planning Board indicating that the ROW is not accurately represented on the plans and issues regarding declaration of an Open Development Area.
- 11/15/06 Planning Board meeting discussion regarding Open Development Law [280a(40)], wetland delineation and report, access easement width and plan presentation, and Town wetland regulations.
- 11/17/06 Submission of the wetlands report.
- 11/30/06 Memo from the Town Engineer to the Applicant commenting on the wetland report.
- 11/6/07 Submission of Preliminary Subdivision Application and associated materials.
- 11/29/07 Submission of additional application materials.
- 1/9/08 Submission of additional application materials.
- 1/23/08 Referral of Application and materials to Town Board, Conservation Board, NYC DEP, NYS DOT, WCPD.
- 3/5/08 Memo from Somers Town Clerk to Planning Board indicating Town Board conversation regarding the Open Development Law in relation to this property and overall feeling that the Town Board did not think that crossing the bike path with a driveway was a good idea.
- 03/07/08 Town Planner Planning Board memo
- 03/07/08 Town Engineer Planning Board memo
- 03/13/08 Action Letter
- 03/17/08 Planning and Engineering memo to NYSDOT inquiring about crossing of the trailway and associated procedures involving NYSDOT highway permit.
- 04/28/08 Receipt of NYSDOT response to 03/17/08 Letter.

Project Review

This review is based upon the following submission materials:

- Narrative letter prepared by Jeffrey Contelmo, P.E. of Insite Engineering, Surveying & Landscape Architecture, P.C. dated January 27, 2012;
- Narrative letter to NYSDOT requesting permit information prepared by Jeffrey Contelmo, P.E. of Insite Engineering, Surveying & Landscape Architecture, P.C. dated January 27, 2012;
- Map titled "Stevens Subdivision Conventional Subdivision Constraints Map", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated January 27, 2012;
- Map titled "Stevens Subdivision Open Development Area Map", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated January 27, 2012;
- Map titled "Stevens Subdivision Soils Map", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated January 27, 2012;

This office has received a request for the Planning Board to entertain an informal discussion regarding the above referenced application. This application was last discussed before the Planning Board in March 2008. In March of 2008, the Planning Board expressed great concern regarding crossing of the North County Trailway, among other things. As such, the Planning and Engineering Office submitted inquiry to the NYSDOT regarding their procedures and requirements for crossing the trailway. Attached you will find the letter of inquiry made to NYSDOT as well as NYSDOT's response. Please note that two attachments to NYSDOT's response which depicted the property and trailway crossing were not scanned due to their size.

The Applicant is requesting a discussion with the Planning Board to review the new subdivision layouts and wetland delineations, to further inform the Planning Board of their discussions with NYSDOT, to establish the process for proceeding with an Open Development Area and to discuss creation of a stormwater management plan for the development.

- In regards to the subdivision layout, the property is 9 acres and does not meet the acreage requirement to be developed under the Conservation Subdivision regulations found within the Somers Town Code. The applicant has indicated they would like to develop the property as an Open Development Area. This office has referred this application to the Planning Board Attorney so that he can advise the Board of its role in review of an Open Development Area. My understanding is that the Open Development Act allows the property owner to access the property but does not dictate how many houses can be placed on a property.
- The access off of Green Tree Road as depicted on the submitted plans shows crossing within a wetland. To date this office is unaware of the Planning Board permitting a roadway through a wetland. This crossing will need to be discussed further with the applicant.

This office will continue to review this application as directed by the Planning Board.

cc: Planning Board Attorney, Insite Engineering, Roy Stevens

Guy L. Gagné, P.E.
Town Engineer
townengineer@somersny.com

Sabrina D. Charney Hull
Town Planner
townplanner@somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589
Tele #: 914-277-5366
FAX #: 914-277-4093



March 17, 2008

Mrs. Joan Dupont, P.E. Regional Director
New York State Department of Transportation
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603

RE: Crossing the North County Trailway, Town of Somers, Westchester County NY

Dear Mrs. Dupont:

The Town of Somers Planning Board is currently reviewing a proposed preliminary subdivision application which involves crossing the North County Trailway (Bike Path) with a common driveway to serve a three lot subdivision off an unimproved section of Green Tree Road in the Town of Somers. This portion of the North County Trailway is bound by Granite Springs Road (to the north) and Mahopac Avenue (to the south). The crossing would interrupt an existing 8,500 foot stretch of the trailway. The property is a 9.92 ac. parcel bound by the North County Trailway. The North County Trailway runs in a northeast to southwest direction as identified on the attached Figure 1.

The Planning Board is extremely concerned for the public safety of the users of the North County Trailway and would like to know the New York State Department of Transportation's (NYSDOT) policies in relation to:

- Crossing the North County Trailway in the middle of a section;
- Emergency Response in relation to the North County Trailway; and
- Maintenance responsibilities and associated requirements for the North County Trailway.

March 17, 2008

J. Dupont

Page 2 of 2

For your reference, enclosed you will find a copy of a portion of a drawing on which the permanent easement lies and is issued to the property owner, as well as an expired highway work permit that the owner submitted to the Planning Board. If you have any questions, please do not hesitate to contact me or the Town Engineer, Guy L. Gagné, P.E.

Sincerely,

Sabrina D. Charney Hull
Town Planner

att.

cc: Town Engineer
Planning Board
Applicant
WCDP
WCDOT

HIGHWAY WORK PERMIT #08-97-0523

SPECIAL PERMIT CONDITIONS

1. Sawcut trailway pavement and replace existing pavement with a heavy duty section. Maximum width of crossing and drive within State R.O.W shall be 10'
2. 10' paved crossing shall extend a minimum of 20' from each side of paved railway. Existing drainage patterns shall be maintained.
3. Speed bumps shall be required on access drive on both sides of trailway.
4. Stop signs shall be required on access drives on both side of the trailway.
5. A gate shall be installed east of the trailway line controlling access, as more specifically detailed in Item 5 of said August 20, 1997 easement - Liber 11792 cp 262
6. The Highway Work Permit application shall include the attached subdivision map, plan and applicable section, and shall include the condition of a maximum one day partial closure of the trailway to complete the work.
7. Access across the trailway has been provided by permanent easement via Map 300, Parcel 96.
8. The 10' wide drive shall serve undeveloped lands northwest of the trailway ROW which should be limited to a maximum of three (3) residential units to insure safe access.

Handwritten signatures and initials at the bottom of the page.

SPECIAL PERMIT CONDITIONS (REVISED 9/23/97)

HIGHWAY WORK PERMIT #08-97-0523

1. Sawcut trailway pavement and replace existing pavement with a heavy-duty section. Maximum width of crossing and drive within State R.O.W. shall be 16.5'
2. 16.5' paved crossing shall extend a minimum of 20' from each side of paved railway. Existing drainage patterns shall be maintained.
3. Speed bumps shall be required on access drive on both sides of trailway.
4. Stop signs shall be required on access drives on both sides of the trailway.
5. A gate shall be installed east of the trailway line controlling access.
6. The Highway Work Permit application shall include the attached subdivision map, plan and applicable section, and shall include the condition of a maximum one day partial closure of the trailway to complete the work.
7. Access across the trailway has been provided by permanent easement via Map 30-C, Parcel 96.
8. The 16.5' wide drive shall serve undeveloped lands northwest of the trailway ROW which should be limited to a maximum of four (4) residential units to insure safe access.

C-1
PB
TPE
CTE
Application

Westchester
gov.com

Referral Review

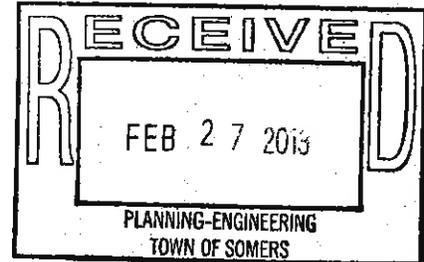
Pursuant to Section 239 L, M and N of the General Municipal Law and
Section 277.61 of the County Administrative Code

Robert P. Astorino
County Executive

County Planning Board

February 27, 2013

Syrette Dym, AICP, Town Planner
Town of Somers Town House
335 Route 202
Somers, NY 10589



Subject: Referral File No. SOM 13-002 – BBS Subdivision

467

Dear Ms. Dym:

The Westchester County Planning Board has received a package of materials in support of a proposed 3-lot residential subdivision of a 9.8 acre tract that has no street frontage. The subdivision maps are dated January 30, 2013. The east side of the tract abuts, over a length of 1,266 feet, the New York State-owned property in which the North County Trailway is located. The end of an unimproved Town of Somers-owned right-of-way abuts a portion of the east side of the NYS property, opposite the subject tract. This right-of-way extends east 350 feet to the cul-de-sac end of Green Tree Road, which then extends east to an intersection with Tomahawk Street (NYS Route 118).

The applicant presents two development scenarios; both show access provided to the three proposed lots from Green Tree Road, through the unimproved Town right-of-way, across the NYS property and across the North County Trailway. The first plan is a conventional subdivision where Green Tree Road is extended in the Town-owned right-of-way, across the trailway and ending in a new cul-de-sac serving three new driveways to single-family homes on the three new lots. The second scenario proposes that a common driveway be constructed from the existing Green Tree Road cul-de-sac, through the Town-owned right-of-way, across the trailway and then splitting to serve the three new lots. The second concept is proposed under Open Development Area provisions of New York State law.

The application materials report that NYS Department of Transportation previously granted an easement for a common driveway to cross the state-owned land and, therefore, the North County Trailway. The materials also report that the NYS DOT had issued a Highway Work Permit to allow construction of the driveway and that this permit required installation of specific safety measures to protect the trailway and its users. The permit is reported as now expired and would require renewal.

We have the following comments and recommendations:

1. **Protection of the North County Trailway.** As the agency that operates and maintains the trailway, the County Department of Parks, Recreation and Conservation is not in favor of any new vehicular crossing of this County park. However, the land for the park is under the ownership of the NYS DOT and that agency shall make any final decision.

432 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

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2. Town Master Plan policies on cluster development. To our knowledge, the Town of Somers has utilized, as do most Westchester County municipalities, the provisions for cluster development under NYS Town Law and not the provisions for Open Development Area to process requests to adjust the standard zoning requirements for new subdivisions. In fact, the *Town of Somers Comprehensive Master Plan* sets forth very specific recommendations for the review and approval of cluster developments:

PROCEDURES FOR CLUSTER DEVELOPMENT At a minimum, the cluster regulations should include the following requirements -

- An applicant shall submit a written statement spelling out with conviction the benefits to the Town of clustering consistent with adopted Town policies.
- An applicant shall submit a buildable conventional subdivision plan that meets Town regulations for a preliminary subdivision plan so as to establish maximum permitted density and provide a base for comparison of what benefits can or cannot be achieved with a cluster plan.

STANDARDS FOR CLUSTER DEVELOPMENT The cluster regulations should specify objectives and development forms to be encouraged, including -

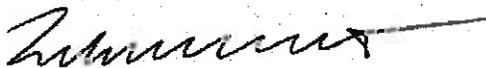
- Guidelines to promote flexibility in housing type to be constructed; in particular incentives to include more affordable attached dwellings.
- Policy and guidelines on the establishment of recreation areas in cluster subdivisions.
- Policy and guidelines on the ownership of open space and common lands.
- General standards on minimum lot sizes (i.e. reduction in area from normal zoning requirement) with emphasis on relating lots and property lines to land.
- Allowance for common driveways shared by three or less homes.
- Criteria for considering flag lot layout as alternative to construction of short dead-end streets; tradeoffs may include establishment of open space and a reduction in overall density.

We note in particular the last listed standard. It suggests that it would be appropriate for the Town to entertain a reduction in density from three to two lots as a consideration for having the applicant avoid the cost of constructing the road that would be necessary under the conventional plan.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For
By:



Edward Buroughs, AICP
Commissioner

cc: David DeLucia, Director of Park Facilities, County Department of Parks, Recreation and Conservation
Richard Dillman, PE, SEQR Unit, NYS Department of Transportation, Region 8

C/PB
TP
CTE
Applicant

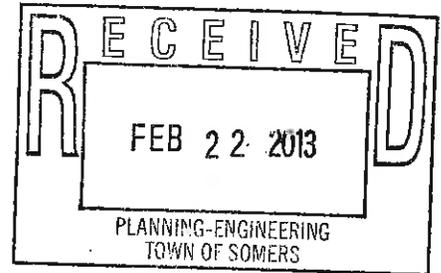
BUREAU OF FIRE PREVENTION

Telephone
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(914) 277-3790

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

EFREM CITARELLA
CHIEF



485

MEMO TO: Planning Board

FROM: Bureau of Fire Prevention

RE: BBS Subdivision – Green Tree Road

DATE: February 21, 2013

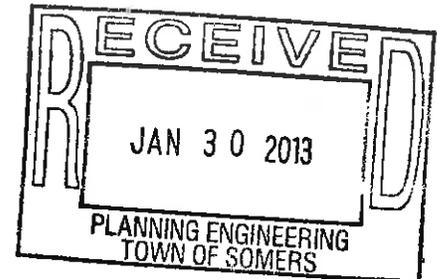
At our monthly meeting on February 13, 2013, the site plans submitted for the BBS Subdivision on Green Tree Road were reviewed. The Bureau would like to meet with a representative of Insite Engineering to discuss what is being proposed regarding access to this property.



January 30, 2013

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

RE: BBS Subdivision, (Formerly Stevens Subdivision)
Green Tree Road
Tax Map No. 15.12-2-1



Dear Chairman Currie and Members of the Board:

Enclosed please find fourteen (14) copies of the following in support of an Application for Preliminary Subdivision Approval, Steep Slopes Permit, Tree Removal Permit, Wetland & Watercourse Permit and Stormwater Management Erosion and Sediment Control Permit for the above referenced application:

- Property Deed
- Application for Preliminary Approval of Subdivision, dated January 29, 2013.
- Chapter 67 – "Application Processing Restrictive Law" Certification, dated January 29, 2013.
- Applicant Acknowledgement, dated January 29, 2012.
- January 28, 2012 Letter from the Town Receiver of Taxes.
- Application for Environmental Permit Chapter 148 "Steep Slopes," dated January 29, 2013.
- Tree Removal Permit Application, dated January 29, 2013.
- Application for a Wetland & Watercourse Permit, dated January 29, 2013.
- Application for Environmental Permit Chapter 93 "Stormwater Management and Erosion & Sediment Control," dated January 29, 2013.
- Full Environmental Assessment Form, dated January 30, 2013.
- Preliminary Subdivision Plat, dated January 30, 2013.
- Project Drawing Set, 3 sheets, dated January 30, 2013.
- Constraints Map for Conventional Subdivision, dated January 30, 2013.
- Soils Map for Conventional Subdivision, dated January 30, 2013.
- Open Development Area Map, dated January 30, 2013.

Also enclosed is Check #578 in the amount of \$2,000.00 for the application fee.

This application is for a three-lot subdivision of a 9.8 ac +/- parcel located in the R-80 zone. The parcel is accessed through the Green Tree Road right of way and crosses the North County Trailway (Trailway) right-of-way. A Town of Somers right-of-way exists between the current cul-de-sac of Green Tree Road and the Trailway. Ideally the applicant would like to develop the parcel as an Open Development Area serviced by a three-user common driveway. Two different layout options have been presented in this submission. The first illustrates a conventional subdivision layout, and in accordance with Somers procedure, forms the basis of the application. The Conventional Subdivision layout has been provided to establish a lot count. The preferred alternative proposes an Open Development Area with a common driveway. All proposed lots would be serviced by individual drilled wells and individual subsurface sewage treatment systems.

Beyer & Associates Consulting Engineers was the previous engineer of record, and last formally presented the application to the Planning Board on March 13, 2008. Our office informally appeared

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

before the Planning Board on February 8, 2012, to present a project update to the Board. There is an outstanding Planning Board *Actions Items for Steven Subdivision* letter (Action Items letter) from that meeting. The attached Project Drawings address the items contained in that letter. Responses to the Action Items letter are provided below. At the February 8, 2012 Planning Board meeting this office informally presented an update on the application to the Board. Since that time, ownership of the property has transitioned, and Mr. Stevens is no longer involved in the project. Tommy Boniello, Michael Barile, and Nicole Stern now own the property. The name of the subdivision has been changed to BBS Subdivision. As a result of the transition of ownership, new applications have been provided.

We request this application be placed on the February 13, 2013 Planning Board agenda. At that meeting we wish to establish the escrow review fees for the project, and have the Planning Board authorize a consultant to verify the wetland flagging.

The following responses are to the outstanding March 13, 2008 Planning Board Action Items letter. These responses address comments based upon the review of the plans last submitted by Beyer & Associates Consulting Engineers:

1. All of the plans have been signed and sealed as requested.
2. The small triangular piece of property on the east side of the bike trail, and adjacent to Somers Koegel Park belongs to the applicant. This piece of property is not part of the subdivision application, although it is acknowledged an asphalt path has been constructed across this parcel. Please note the applicant did not construct this path. The applicant is proposing to dedicate this parcel to the Town of Somers.
3. This comment requests the applicant demonstrate compliance with Section 167, Wetlands and Watercourse Protection, of the Town code because the Conventional Subdivision Layout illustrates a portion of the proposed road through an existing wetland.

Pursuant to Section 167-4(B)(1) the construction of a roadway within a wetland or wetland buffer is a regulated activity not a prohibited activity. Upon verification of the wetland boundary by the Town, the project Wetland Report can be completed and will address the Standards for Application Permit Decisions enumerated in Section 167-8 of the Town code. It is important to note that the Open Development Area alternative minimizes the wetland disturbance.
4. There are no references to "sketch plan," and as appropriate, the submission materials indicate "preliminary subdivision plan."
5. The Site Data on Drawing SP-1 indicates the total lot area, as well as the areas for each lot and the proposed road right-of-way (conventional layout only).
6. The current application illustrates a Conventional Subdivision Layout. A Conservation Subdivision is not proposed.
7. The current application illustrates a Conventional Subdivision Layout. A Conservation Subdivision is not proposed.
8. The proposed lot lines have been illustrated to conform to Section 150-23 of the Town code.
9. All signature blocks reference Westchester County.
10. The signature block for the Town of Somers on the Preliminary Plat does not reference the Planning Board as previously submitted.
11. A category for lawn has been provided on question A. 2 (page 3 of 21) of the Full Environmental Assessment Form (EAF).
12. The print out from the New York State Office of Parks, Recreation and Historic Preservation has been attached to the EAF, and clearly indicates the property is not contiguous to a building, site or district, listed on the State or National Register of Historic Places.

13. See response #12. The same print out illustrates that the project is not substantially contiguous to a site listed on the Register of National Natural Landmarks.
14. The print out from the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper has been attached and lists the threatened or endangered species within the project locale.
15. Item A. 16 (page 4 of 21) on the EAF indicates the wetlands on and contiguous to the project site.
16. Item A. 16.b (page 4 of 21) indicates the size of the onsite wetlands, and the size of the wetlands within the existing Green Tree Road right-of-way.
17. Item A. 17 (page 5 of 21) on the EAF indicates that there are no existing utilities servicing the site.
18. The area of the project and the contiguous holdings of the applicant have been provided on Item B.1.A (page 5 of 21) of the EAF.
19. No response is necessary as this comment is identical to the previous comment.
20. Item B. 18 (page 7 of 21) of the EAF indicates "yes" based upon the recommendation of the previous Town Planner.
21. Item B. 25 (page 7 & 8 of 21) of the EAF indicates Town Board Approval will be required for establishment of an Open Development Area. Again this is the preferred development alternative by the applicant.
22. Item B. 25 (page 7 & 8 of 21) of the EAF includes all of the Environmental Permits necessary for the project.
23. Item C. 3 (page 9 of 21) of the EAF indicates the maximum potential development of the site as permitted by present zoning is 3-lots, which is consistent with what is presented in the Conventional Subdivision and what is contemplated by the application.
24. The proposed lot lines have been illustrated to conform to Section 150-23 of the Town code. Also, the lot conformance table on the Project Drawings demonstrates conformance with Section 170-58.3 and 58.4 of the Town code. The proposed stormwater management areas have been located outside of the wetlands, wetland buffer, and steep slope to the maximum extent practicable. The only area where stormwater management is proposed within the wetland and wetland buffer is within the existing Green Tree Road right-of-way. Since the wetland and buffer intersect the existing right-of-way there is no alternative or way to avoid locating the stormwater management areas within the wetland, wetland buffer or steep slopes.
25. The requested references and notes have been added to the Preliminary Plat as requested. Ultimately as the Open Development Area option is considered and pursued the applicable notes will be added.
26. With respect to the Open Development Area Map the following is noted:
 - a. The driveways have been laid out so they are less than 12%. Driveway profiles can be provided upon request of the Planning Board.
 - b. The proposed individual and common driveways have been laid out to permit a fire department apparatus to access each dwelling. Turning plans can be provided upon request of the Planning Board.
 - c. The fire department pull off areas have been illustrated on the Open Development Area Map.
 - d. A driveway detail meeting the requirements of Section A174-29 will be provided on the Project Drawings for the Open Development Area.

- e. The common driveway on the Open Development Area Map meets the requirements for 3-users, and provides 16 feet of impervious surfaces, and 4-feet of pervious traversable shoulder in all areas.
 - f. The common driveway on the Open Development Area Map meets the requirements for 2-users, and provides 14 feet of impervious surfaces, and 4-feet of pervious traversable shoulder in all areas.
 - g. All single user driveways are less than 500 feet.
27. The New York State Department of Transportation (NYSDOT) has granted an easement for the construction of a common driveway across the North County Trailway. The existing easement is sufficient to address the common driveway illustrated on the Open Development Area Map. With respect to the Conventional Subdivision layout, it is proposed to cross the Trailway with a Town Road right-of-way. An easement is not required when one public right-of-way crosses another public right-of-way. This is similar to any other Town / State road crossing, such as Mahopac Avenue and NYS Route 35, whereby an easement was not granted to the Town to cross US Route 35. However, a Highway Work Permit would be required for the improvements. It is noteworthy to point out the NYSDOT previously issued a Highway Work Permit for the construction of the common driveway. The Highway Work Permit indicated the common driveway would service 3-lots. The previous Highway Work Permit has expired and will need to be renewed as an outside agency approval within the overall subdivision process. During their previous review, the NYSDOT required specific safety measures be installed in order to use the Trailway for access. Based on preliminary conversations with the NYSDOT these same safety measures will be a part of the renewed Highway Work Permit.

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:


Jeffrey J. Contelmo, P.E.
President / Principal Engineer

JJC/rdw

cc: T. Boniello / M. Barile / N. Stern (1 copy with enclosures)
A. Mole, Esq.

Insite File No. 09119.100

SOMERS PLANNING BOARD

APPLICATION FOR PRELIMINARY APPROVAL OF SUBDIVISION

Application Processing Affidavit must also be signed. Please click here for form.

I. IDENTIFICATION OF APPLICANT:

A. OWNER: Tommy Boniello, Michael Barile & Nicole Stern
SUBDIVIDER:
ADDRESS: 888 Route 6
Mahopac, NY 10541
TELE #: (845) 621-1317
B. SURVEYOR: Robert E. Baxter, P.L.S.
ENGINEER: Jeffrey J. Contelmo, P.E.
TELE #: (914) 621-8562 Baxter Land Surveying, P.C.
TELE #: (845) 225-9890 Ineite Engineering, Surveying & Landscape Architecture, P.C.

II. IDENTIFICATION OF PROPERTY:

A. Subdivision identifying Title: BBS Subdivision
B. Street abutting property: Green Tree Road
C. Tax Map Designation: Sheet: 15.12 Block: 2 Lot: 1
D. Zoning District: R-80 (Residential)
E. Project (does) (does not) connect directly into (State) (County) highway.
F. Proposed drainage (does) (does not) connect directly into channel lines established by the County Commission of Public Works.
G. Project site (is) (is not) within 500 feet of Town boundary.
H. Affected Wetland Area: 2,189 s.f. Wetland Buffer Area: 11,763 s.f.
I. Affected Steep Slope Areas: 15% - 25%: 14,365 Over 25%: 688
J. Total area of property in acres: 9.78 AC

III. APPLICABLE FEES PAID: By certified check payable to Town of Somers

Abbreviated Procedure fee of \$250: Date Paid:
Preliminary Subdivision Plat is \$400 per lot \$1,200.00
Number of lots: 3 Date Paid:
Wetland Permit Fee: \$200 min. fee + \$100 per 5,000 s.f. of regulated area or proposed portions to be disturbed. (\$500.00)
Steep Slope Permit Fee: \$150 min. fee + \$75 per 10,000 s.f. of regulated area or proposed portions to be disturbed. (\$300.00)
Total Fee: \$2,000.00 Date Paid:

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION

14 copies of all submitted correspondence during review process

- A. X 14 copies of Preliminary Plat
B. X 14 copies of Preliminary Construction Plans
C. X 14 copies of Topographic Map
D. X 2 copies of Affidavit of Ownership & Title Policy
E. X 14 copies of Environmental Assessment Form
F. X Proof that taxes have been paid

V. ADJOINING PROPERTY OWNERS

A. Identify all adjoining property owners & owners directly across any and all adjoining streets including those in adjoining communities. Submit stamped envelopes addressed as listed.

SHEET BLOCK LOT NAME OF OWNER & MAILING ADDRESS

See Attachment

If necessary, continue listing on additional sheet.

By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.

Property shall be identified on site as being proposed for subdivision. Center line of proposed roadway(s) shall be staked prior to scheduling of a walk-through by the Planning Board.

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

All revised plans shall be accompanied by a letter indicating what has been changed. All costs incurred by the Town for Professional Services and SEQOR review will be paid by the applicant.

The undersigned applicant hereby requests approval by the Planning Board of the Preliminary Plat and Construction Plans.

Applicant [Signature]

Date: 1-29-13

Property Owner Same As Owner

SOMERS PLANNING BOARD

APPLICATION FOR PRELIMINARY APPROVAL OF SUBDIVISION

Application Processing Affidavit must also be signed. Please click here for form.

I. IDENTIFICATION OF APPLICANT:

A. OWNER: Tommy Boniello, Michael Barile & Nicole Stern SUBDIVIDER: _____
 ADDRESS: 888 Route 6 ADDRESS: _____
Mahopac, NY 10541
 TELE #: (845) 821-1317 TELE #: _____
 B. SURVEYOR: Robert E. Baxter, P.L.S. TELE #: (914) 621-8562 Baxter Land Surveying, P.C.
 ENGINEER: Jeffrey J. Contelmo, P.E. TELE #: (845) 225-9690 Insite Engineering, Surveying & Landscape Architecture, P.C.

II. IDENTIFICATION OF PROPERTY:

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 B. Street abutting property: Green Tree Road
 C. Tax Map Designation: Sheet: 15.12 Block: 2 Lot: 1
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 G. Project site (is) (is not) within 500 feet of Town boundary.
 H. Affected Wetland Area: 3,189 s.f. Wetland Buffer Area: 11,763 s.f.
 I. Affected Steep Slope Areas: 15% - 25%: 14,365 Over 25%: 688
 J. Total area of property in acres: 9.78 AC

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Abbreviated Procedure fee of \$250: _____ Date Paid: _____
 Preliminary Subdivision Plat is \$400 per lot \$1,200.00
 Number of lots: 3 Date Paid: _____
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- A. Identify all adjoining property owners & owners directly across any and all adjoining streets including those in adjoining communities. Submit stamped envelopes addressed as listed.

SHEET BLOCK LOT NAME OF OWNER & MAILING ADDRESS

See Attachment

If necessary, continue listing on additional sheet.

By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.

Property shall be identified on site as being proposed for subdivision. Center line of proposed roadway(s) shall be staked prior to scheduling of a walk-through by the Planning Board.

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

All revised plans shall be accompanied by a letter indicating what has been changed. All costs incurred by the Town for Professional Services and SEQOR review will be paid by the applicant.

The undersigned applicant hereby requests approval by the Planning Board of the Preliminary Plat and Construction Plans.

Applicant [Signature]

Date: _____

Property Owner Same As Owner

Date: 1-29-13

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

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

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

OWNER: Tommy Boniello, Michael Barile & Nicole Stern **Tel.#:** (845) 621-1317
Mailing Address: 888 Route 6, Mahopac, NY 10541
APPLICANT: Same as owner **Tel.#:** _____
Mailing Address: _____
State authority: If other than owner, authorization must be submitted in writing _____

PREMISES: Sheet: 15.12 **Block:** 2 **Lot:** 1

DESCRIPTION OF WORK AND PURPOSE: Construction of residences, driveways, road, utilities, and stormwater basins for a 3-lot residential subdivision.

S. OF ACTIVITY AREA: 500 feet by 500 feet
 (include all construction activity area)

VOLUME OF EXCAVATED MATERIAL: 0 cy Total. 1,000 cy Cut / 1,000 cy Fill
 (leave blank if not known)

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

PROPOSED STARTING DATE: 1/2014 **PROPOSED COMPLETION DATE:** 1/2015

PLANS PREPARED BY: _____ **DATED:** 1-30-13

Insite Engineering, Surveying & Landscape Architecture, P.C.

****Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application.****

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: WCDM Realty Subdivision
Approval; Army Corps of Engineers Nationwide Permit; NYC DEP SWPPP Approval;
NYS DOT Highway Work Permit; NYS DEC Coverage under 6A0-10-001

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

NAME	ADDRESS	BLOCK/LOT
See attachment (to be provided)		

APPLICANT'S SIGNATURE: [Signature] **DATE:** _____
OWNER'S SIGNATURE: _____ **DATE:** _____

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

7/02

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

APPLICATION FEE:

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

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

OWNER: Tommy Boniello, Michael Barile & Nicole Stern Tel.#: (845) 621-1317

Mailing Address: 888 Route 6, Mahopac, NY 10541

APPLICANT: Same Tel. #: _____

Mailing Address: _____

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

PREMISES: Sheet: 15.12 Block: 2 Lot: 1

located on the left side of Green Tree Road (Street), 1,500 feet from the intersection of Tomahawk (NYS Route 118) (Street)

DESCRIPTION OF WORK AND PURPOSE:

Construction of residences, driveways, road, utilities, and stormwater basins for a 3-lot residential subdivision.

SIZE OF ACTIVITY AREA: 3.9 Ac ±

Is work proposed in Wetland: yes or Wetland Control Area: yes

Is there an existing house located on the site: no

Is pond, lake or detention basin proposed to be cleaned: no

Functions provided by Wetland: Refer to Wetland Report to be provided

Wetland Expert delineating Wetland: Evans Associates

ESTIMATED QUANTITY OF EXCAVATION: 0 C.Y. 1000 CUT 1000 FILL

ESTIMATED TOTAL VALUE OF WORK: \$ 350,000^{est}

PROPOSED STARTING DATE: 1/1/14 PROPOSED COMPLETION DATE: 1/1/15

PLANS PREPARED BY: Insite Engineering DATED: 1/30/13

****Plans must be submitted with application.****

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: WCDOH-Subdivision Approval

NYS DOT-Highway Work Permit; NYCDEP-Stormwater Pollution Prevention Plan Approval

Army Corps of Engineers-Nationwide Permit

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

NAME	ADDRESS	BLOCK	LOTS
<u>See attachment</u>			

APPLICANT'S SIGNATURE:  DATE: 1-29-13

OWNER'S SIGNATURE: _____ DATE: _____

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

ACONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 28th day of September, two thousand twelve

BETWEEN

ROY B. STEVENS, residing at 158 See Avenue, Mahopac, New York 10541,

party of the first part, and

MICHAEL BARILE, NICOLE STERN and TOMMY BONIELLO, as Tenants in Common,
all with a mailing address at 888 Route 6, Mahopac, New York 10541

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Somers, County of Westchester and State of New York, being more particularly bounded and described on the annexed Schedule "A" and made a part hereof.

BEING the same Premises conveyed by deed dated 08/08/85, and recorded on _____ in the Office of the Clerk of Westchester County, in Liber 8189, Page 290.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted in the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Acknowledgment taken in New York State

STATE OF NEW YORK, COUNTY OF PUTNAM, ss:

On the 18th day of September, in the year 2012, before me, the undersigned, personally appeared KURT SCHMITT

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

PETER J. REYNOLDS
Notary Public, State of New York
No. 4990951
Qualified in Westchester County
Commission Expires Jan. 21, 2014

[Signature of Peter J. Reynolds]
Notary Public

Acknowledgment by Subscribing Witness taken in New York State

STATE OF NEW YORK, COUNTY OF, ss:

On the day of in the year before me, the undersigned, personally appeared the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that he/she/they reside(s) in that he/she/they know(s) to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

Notary Public

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACT
TITLE NO.

ROY B. STEVENS

TO

MICHAEL BARILE, NICOLE STERN and
TOMMY BONIELLO

Acknowledgment taken in New York State

STATE OF NEW YORK, COUNTY OF, ss:

On the day of in the year before me, the undersigned, personally appeared

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Acknowledgment taken outside New York State

*STATE OF, COUNTY OF, ss:

*(or insert District of Columbia, Territory, Possession or Foreign Country)

On the day of in the year before me, the undersigned, personally appeared the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that he/she/they reside(s) in that he/she/they know(s) to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

(add the city or political subdivision and the state or country or other place the acknowledgment was taken).

Notary Public

SECTION 15.12
BLOCK 2
LOTS 1 and 5
TOWN SOMERS
TAX BILLING ADDRESS 888 Route 6
Mahopac, NY 10541

Return by Mail To:

Jennifer M. Herodes, Esq.
Herodes & Mole, PC
888 Route Six
Mahopac, New York 10541

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Somers, County of Westchester and State of New York, bounded and described as follows:

PARCEL NO. 2

BEGINNING at a point on the westerly side of right of way of the Putnam Division of the New York Central and Hudson River Railroad Company, and at the end of a stone wall adjoining land now or late of William H. Moore, and running thence partly along land now or late of said Moore and partly along land now or late of J. Vernol north 87° 44' west 558.22 feet; north 85° 52' west 294.74 feet to land now or late of said Vernol; thence partly along the last mentioned land and partly along land now or late of David Hallock south 2° 8' 30" west 684.15 feet and south 2° 43' 30" west 335.95 feet; said two last courses being along a stone wall, to other land now or late of said David Hallock; thence along the last mentioned land and along a stone wall south 84° 49' east 59.70 feet and south 88° 8' east 58.56 feet to the westerly side of right of way of the said Railroad first above mentioned; thence along said westerly side of the said right of way and partly along a stone wall the following courses and distances, to wit:-- north 23° 31' east 177.60 feet; north 31° 17' east 138.08 feet; north 33° 4' 30" east 146.32 feet; north 37° 10' 30" east 126.48 feet; north 42° 35' east 171.26 feet; north 45° 28' east 348.04 feet and north 46° east 156.49 feet to the PLACE OF BEGINNING.

PARCEL NO. 3

Together with the right, title and interest, if any, of the sellers in a triangle piece of land of about .3 acres area bounded on east by land of Robert Faillace; on the south by land of Town of Somers and on the west by land of New York Central Railroad, now known as Penn Central Railroad.

X MAP
INATION

Dist.

Sec.

Blk.

Lot(s):

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

APPLICATION FEE:

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

OWNER: Tommy Boniello, Michael Barite & Nicole Stern Tel. #: (845) 621-1317

Mailing Address: 888 Route 6, Mahopac, NY 10541

APPLICANT: Same as Owner Tel. #: _____

Mailing Address: Same of Owner

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

Premises: Sheet: 15.12 Block: 2 Lot: 1

Situated on the left side of Green Tree Road (Street) 1,500 feet from the intersection of Tomahawk (NYS Route 118) (Street)

Description of Work and Purpose: Construction of residences, driveways, roads, utilities, and stormwater basins for a 3-lot residential subdivision.

Estimated Quantity of Excavation: 0 C.Y. 4,000 CUT 1,000 FILL

Size of Activity Area: 3.5 Ac

Total Value of Work: 350,000

Slope Category: 15% < 25%: 2,400 s.f. or 25% < 35%: 1,300 s.f. or > 35%: 11,300 s.f.

Soil Types: Charlton Loam 2-8% slopes very stony (CIB), Charlton Loam 8-15% slopes (ChC), Carlisle Muck (Ce), Ridgebury Loam 2-8% slopes (RdB)

Proposed Starting Date: 1/1/2014 Proposed Completion Date: 1/1/2015

Plans Prepared by: Insite Engineering Dated: 1/30/2013

****Plans must be submitted with application.****

List of Applicable County, State, or Federal Permits:

WCDOH-Subdivision Approval; NYSDOT-Highway Work Permit; NYCDEP-Stormwater Pollution Prevention Plan Approval; Army Corps of Engineers-Nationwide Permit; Coverage under General Permit 6P-0-10-001

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

NAME	ADDRESS	BLOCK	LOTS
<u>See Attachment (to be provided)</u>			

Applicant's Signature:  Date: 1-29-13
Owner's Signature: _____ Date: _____

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

.....Office Use Only.....
Administrative Permit: _____
Planning Board Permit: _____

6. SKETCH OR SITE PLAN

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

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

APPLICANT'S SIGNATURE: *[Signature]*

DATE: 1-29-31

OWNER'S SIGNATURE: Same as Applicant

DATE: _____

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

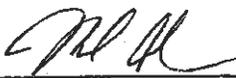
(Initial)

APPLICANT ACKNOWLEDGEMENT

By making this application, the undersigned Applicant agrees to permit Town officials and their representatives to conduct on-site inspections in connection with the review of this application.

The applicant also agrees to pay all expenses for the cost of professional review services required for this application, as referred to in §133-1 of the Code of the Town of Somers. As such, an Escrow Account, according to §133-2 of the Code of the Town of Somers, may be required.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant:  Date: 1-29-31

Signature of Property Owner: Same as Applicant Date: _____
(if different from applicant)

**TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
CHAPTER 67 "APPLICATION PROCESSING RESTRICTIVE LAW"**

CERTIFICATION

I hereby certify that to the best of my knowledge no outstanding fees are due and owing to the Town of Somers for the following property:

Section 15.12 Block 2 Lot 1

Property Address Green Tree Road, Somers, NY

Permit Applying For Preliminary Approval of Subdivision, Wetland Permit,
Stormwater and Erosions and Sediment Control Permit, Tree
Removal Permit, Steep Slopes Permit

Furthermore, I hereby certify that to the best of my knowledge no outstanding violation (as that term is defined for the purposes of the Application Processing Restrictive Law, Paragraph 4D) of local laws or ordinances of the Town of Somers exist with respect to the above cited property or any structure or use existing thereon.

Signed 
(Owner of Record)

Tommy Boniello
Michael Barile
Nicole Stern
(Print Name)

Signed Same as owner
(Applicant for Permit)

Same as owner
(Print Name)

Date 1-29-13

Date _____

CONFIRMATIONS

Zoning Enforcement Officer

Date: _____

Director of Finance for Fees

Date: _____

Engineering Department

Date: _____

OFFICE OF THE TAX RECEIVER

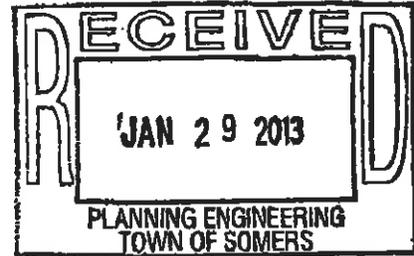
Telephone
(914) 277-3610

FAX
(914) 277-3960

Town of Somers
WESTCHESTER COUNTY, N.Y.

335 ROUTE 202
TOWN HOUSE
SOMERS, N.Y. 10589

JOAN RIBAUDO
RECEIVER OF TAXES



Date: January 28, 2013
Re: 888 Route 6 (Barile, Stern, Boniello)
15.12-2-1

To Whom It May Concern:

There are no outstanding liens or taxes on the above referenced parcels, as of this date.

Please do not hesitate to contact this office if you require additional information.

Sincerely,

Joan Ribauda
Joan Ribauda
Receiver of Taxes

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action BBS Subdivision		
Location of Action (include Street Address, Municipality and County) Green Tree Road		
Name of Applicant/Sponsor Tommy Boniello, Michael Barile, Nicole Stern		Business Telephone (845) 621-1317
Address 888 Route 6		
City/PO Mahopac	State NY	Zip Code 10541
Name of Owner (if different) Same as Applicant/Sponsor		Business Telephone ()
Address		
City/PO	State	Zip Code
Description of Action Construction of residences, driveways, roads, utilities, and stormwater basins for a 3-lot residential subdivision.		

Please Complete Each Question--Indicate N/A if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agricultural Other

2. Total acreage of project area: 9.78 acres (ac.)

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u> </u> ac.	<u> </u> ac.
Forested	<u>10.0</u> ac.	<u>6.2</u> ac.
Agricultural (Includes orchards, cropland, pasture, etc.)	<u> </u> ac.	<u> </u> ac.
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0.2</u> ac.	<u>0.1</u> ac.
Water Surface Area	<u> </u> ac.	<u> </u> ac.
Unvegetated (Rock, earth or fill)	<u> </u> ac.	<u> </u> ac.
Roads, buildings and other paved surfaces	<u> </u> ac.	<u>0.7</u> ac.
Other (Indicate type) <u>Lawn</u>	<u> </u> ac.	<u>3.2</u> ac.

3. What is predominant soil type(s) on project site? _____
 - a. Soil drainage: Well drained 80 % of site Moderately well drained 5 % of site
 Poorly drained 15 % of site
 - b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No
 - a. What is depth to bedrock? >7' (in feet)

5. Approximate percentage of proposed project site with slopes: 0-10% 65 % 10-15% 21 %
 15% or greater 14 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? >7 (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to: NYSDEC Environmental Resource Mapper
 Identify each species American Burying Beetle
12. Are there any unique or unusual land forms on the project site?(i.e., cliffs, dunes, other geological formations)
 Yes No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area Un-named brook along southern edge of property
 a. Name of Stream and name of River to which it is tributary Muscoot River
16. Lakes, ponds, wetland areas within or contiguous to project area:
 a. Name Town of Somers/Army Corps of Engineers Regulated Wetland
 b. Size (In acres) Onsite wetland area = 6.965 s.f.; Wetland area within existing Green Tree Road right-of-way = 3,189 s.f.
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 10.08 ac.
- b. Project acreage to be developed: 0 ac. initially; 3.9 ac. ultimately.
- c. Project acreage to remain undeveloped 6.28 ac.
- d. Length of project, in miles: N/A (if appropriate).
- e. If the project is an expansion, indicate percent of expansion proposed N/A %.
- f. Number of off-street parking spaces existing 0; proposed 6
- g. Maximum vehicular trips generated per hour 3 (upon completion of project).
- h. If residential, Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>0</u> | | | |
| Ultimately | <u>3</u> | | | |
- i. Dimensions (in feet) of largest proposed structure 30 height, N/A width, N/A length. (5% of lot area)
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 756 ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 cubic yards.
3. Will disturbed areas be reclaimed? Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed? Disturbed areas will be reclaimed as lawn
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 3.9 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? Yes No
6. If single phase project: Anticipated period of construction, 12
7. If multi-phased:
- a. Total number of phases anticipated _____ (number).
- b. Anticipated date of commencement phase 1 _____ month _____ year
- c. Approximate completion date of final phase _____ month _____ year.
- d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction? 20 ; after project is complete? 0
10. Number of jobs eliminated by this project? _____
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
-
12. Is surface liquid waste disposal involved? Yes No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type Residential Sewage
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
- Explain _____
15. Is project, or any portion of project, located in a 100-year flood plain? Yes No
16. Will the project generate solid waste? Yes No
- a. If yes, what is the amount per month? 0.7 tons.
- b. If yes, will an existing solid waste facility be used? Yes No
- c. If yes, give name To be determined-private hauler ; location _____
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
- e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? Yes No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
- If yes, indicate type(s) Electricity
22. If water supply is from wells, indicate pumping capacity >5 gallons/minute.
23. Total anticipated water usage per day 2,400 gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
- If yes, explain _____

25. Approvals Required:

	Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Establishment of Open Development Area	<u>Pending</u>
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subdivision Approval	<u>Pending</u>
	Steep Slope Permit	<u>Pending</u>
	Wetland Permit	<u>Pending</u>
	Stormwater Management and Erosion & Sediment Control Permit	<u>Pending</u>
	Tree Removal Permit	<u>Pending</u>
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Realty Subdivision Approval	<u>Not yet submitted</u>
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Regional Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No NYCDEP SWPPP Approval	<u>Not yet submitted</u>
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No NYSDEC Coverage Under General Permit GP-0-10-001	<u>Not yet submitted</u>
	NYS DOT Highway Work Permit	<u>Not yet submitted</u>
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. ZONING AND PLANNING INFORMATION

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other
- What is the zoning classification(s) of the site? R-80
- What is the maximum potential development of the site if developed as permitted by the present zoning?
3-lots
- What is the proposed zoning of the site? No Change (R-80)
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
No Change (3-Lots)
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?
R-80 (2 Acre)
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed? 3
 a. What is the minimum lot size proposed? 2.3 Acres
- Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

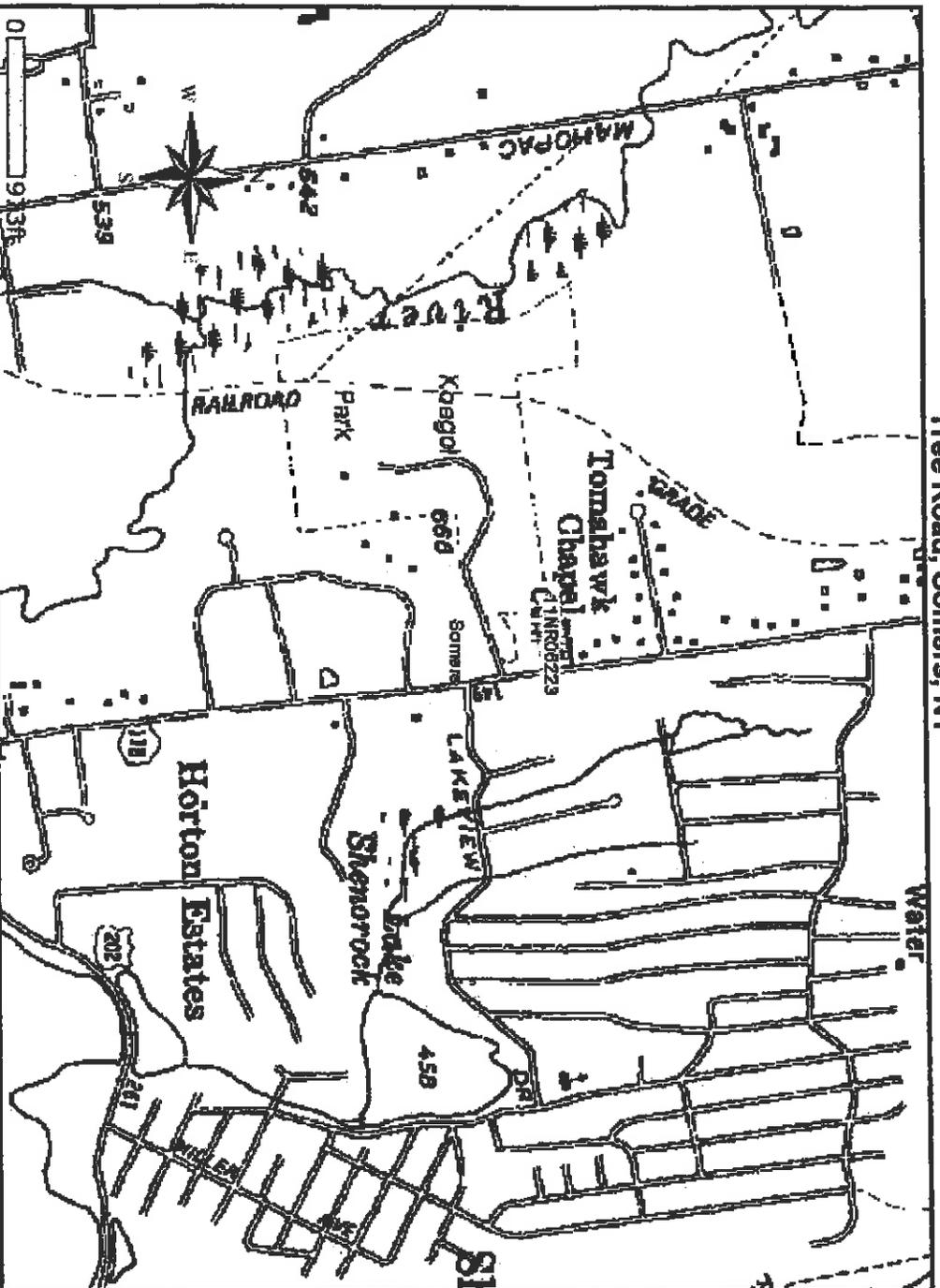
E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Jeffrey J. Contelmo, P.E. (Insite Engineering) Date 1/30/13
 Signature [Signature] Title Agent for Owner

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

BBS Subdivision, Green Tree Road, Somers, NY



Disclaimer: This map was prepared by the New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application. The information was compiled using the most current data available. It is deemed accurate, but is not guaranteed.

January 29, 2013

- Legend**
- Background Maps (Scanned Quads)
 - State/National Register
 - Federal Eligibility
 - National Register Listed
 - State Register Listed (only)
 - Listing In Progress
 - State Parks
 - County Boundaries
 - Tax Credit Qualifying Tracts
 - Municipal Boundaries

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Please set your printer orientation to "Landscape".

BBS Subdivision, Green Tree Road, Somers, NY



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 601808, MaxX: 606668, MinY: 4578067, MaxY: 4575113

Visible Layers

LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

Lsnyder@Snyderlaw.net

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

DAVID L. SNYDER*
LESLIE J. SNYDER
ROBERT D. GAUDIOSO

*ADMITTED NY, NJ AND DC

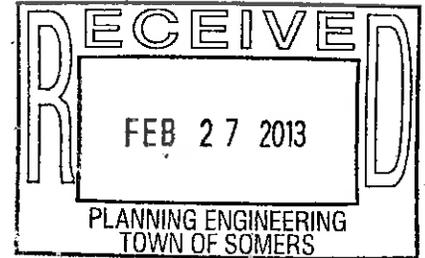
NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

WESTCHESTER OFFICE

February 26, 2013

Honorable Chairman Currie and
Members of the Planning Board
Town of Somers
337 Route 202
Somers, NY 10589



RE: NY-Amawalk 2
New York SMSA Limited Partnership d/b/a Verizon Wireless
121 Route 100, Somers, NY

Dear Honorable Chairman Currie and Members of the Planning Board:

I am the attorney for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with its application ("Application") to co-locate a public utility wireless telecommunications facility ("Facility") at the captioned Property. The Facility has been strategically designed to have no adverse impact to the area, since it consists of antennas camouflaged within the branches of the existing stealth tree monopole ("Treepole"), together with related equipment within the existing 3,500 square foot communications compound at the Property.

By way of background, kindly note that Verizon Wireless is licensed by the Federal Communications Commission to provide wireless communication services throughout the New York metropolitan area, including the Town of Somers. The Facility will enable Verizon Wireless to provide wireless communications, including emergency wireless 911 communications, to the area surrounding the Property. The Facility is consistent with the Town of Somers' Zoning Code and meets all of the special permit and site plan criteria set forth therein.

In connection therewith, I have enclosed the required fees¹ and 14 copies of the following materials:

1. Memorandum in Support of the Application with Exhibits, including a long environmental assessment form;
2. Site Plan, prepared by Structural Consulting Services, P.C.; and

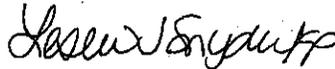
¹ Such fees include \$300.00 Special Use Permit, and \$550.00 Site Plan Approval fee.

3. Site Plan Application with letter of authorization.

Since Verizon Wireless' Facility involves a co-location with its antennas on the Treepole and equipment within the existing approved communications compound that was designed and previously approved for such co-location, it is hereby requested that pursuant to Section 170-129.9 (B) and/or (C) of the Zoning Code, this Honorable Board waive site plan review and approval. However, to the extent that this Honorable Board finds that site plan approval is necessary, Verizon Wireless respectfully requests site plan approval and, as indicated above, an application for Site Plan Approval is submitted herewith.

Thank you for your consideration. I look forward to discussing this matter with the Planning Board at your next meeting. If you have any questions or require additional documentation, please do not hesitate to call me or Michael Sheridan of my office at (914) 333-0700.

Respectfully submitted,



Leslie J. Snyder

Enclosures

LJS:erw

cc: Ryan Maybeck
Tammy Nosek/Shannon Mucci
Jim Fahey

Z:\SSDATA\WPDATA\SS4\WPNEWBANM\Maybeck\Amawalk II (Somers)\pblter\jfinal.wpd

**TOWN OF SOMERS
PLANNING BOARD
APPLICATION FOR SITE PLAN APPROVAL**

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

I. IDENTIFICATION OF APPLICANT:

- A. Owner: Insite Towers, LLC Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless
 Address: P.O. Box 6060, Abilene, TX 79608 Address: c/o Snyder & Snyder LLP, 94 White Plains Road, Tarrytown, NY 10591
 Tele #: 325-691-0495 Tele #: 914-333-0700
- B. Architect: N/A Engineer: Structural Consulting Services, P.C.
 Address: N/A Address: 67 Federal Road, Brookfield, CT 06804
 Tele #: N/A Tele #: 303-740-7578
- C. Surveyor: Tectonic Engineering Tele #: 845-567-6656
 Address: 1279 Route 300, Newburgh, NY 12550

II. IDENTIFICATION OF PROPERTY:

- A. Identifying Title: 121 Route 100, Somers, NY
- B. Tax Map Design: Sheet: 38.17 Block: 1 Lot(s): 5
- C. Zoning District: R-80
- D. Street which property abuts: Route 100
- E. Does property connect directly into State or County highway? Route 100
- F. Is site within 500 feet of Town Boundary? No
- G. Total area of site: 630,354 Area of site activity: Approx. 360 feet
- H. Site coverage: N/A % Building coverage: 9.3 +/- %
- I. Affected Wetland Area: N/A Wetland Buffer Area: N/A
- J. Affected Steep Slope Area: 15%-25% N/A Over 25%: N/A
- K. Existing building size: N/A New/additional building size: 11' (h), 12' (w), 20' (l)-Equipment Shelter
- L. Existing parking spaces: N/A New parking spaces: N/A

III. APPLICATION FEE:

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

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

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

Total Fee: \$550 Date Paid: _____

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:

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

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

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

By submission of this application, the property owner agrees to permit Town Officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal. The property shall be identified on site as being proposed for site plan approval.

New York SMSA Limited Partnership d/b/a Verizon Wireless

By: [Signature] as attorney

Date: February 26, 2013

Signature of Applicant

SEE ATTACHED LETTER OF AUTHORIZATION

Date: _____

Signature of Owner

LETTER OF AUTHORIZATION

NY- AMAWALK 2

Municipality: Town of Somers

APPLICATION FOR APPROVALS

INSITE TOWERS, LLC, the owner of tower located on the property at 121 Route 100, Somers, New York (the "Property"), does hereby appoint New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and its authorized representatives, as the owner's agent for the purpose of consummating any applications necessary to insure Verizon Wireless' ability to use the Property for the purpose of installing a communications facility on the Property, consisting of antennas and related equipment.

Assessor's Parcel Number: Section 38.17, Block 1, Lot 5

Signature of Property Owner:
INSITE TOWERS, LLC

By: [Signature]
Name: David E. Weisman
Title: President & CEO



County/City of Alexandria
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 12 day of February
2013, by
David Weisman
(name of person seeking acknowledgement)
Veronica Francesca Scozia
Veronica Francesca Scozia, Notary Public No. 7259532
My Commission Expires: March 31, 2013

Authorized Agent:
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this
_____ day of _____, _____

Signature of Notary

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Verizon Wireless Collocated Telecommunications Facility

Location of Action (include Street Address, Municipality and County)

121 Route 100, Town of Somers, Westchester County

Name of Applicant/Sponsor New York SMSA Limited Partnership d/b/a Verizon Wireless

Address 4 Centerock Road

City / PO West Nyack

State NY

Zip Code 10994

Business Telephone (914) 714-7371

Name of Owner (if different) Michael P. & Alice J. Amato

Address 121 Route 100

City / PO Katonah

State NY

Zip Code 10536

Business Telephone _____

Description of Action:

Verizon Wireless will install small panel antennas on the existing antenna support structure (140'+/- "tree" monopole) and related equipment at the base thereof, within the existing 3500 sq. ft. enclosed compound. For further details of the action, please see zoning drawings prepared by Structural Consulting Services - P.C., last dated February 25, 2013.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture * Other Existing Wireless Telecommunications Facility and Compound

* Project site does not affect land currently used for agricultural purposes.

2. Total acreage of project area: .008 acres. Approx. 360 Sq. Ft. for Verizon Wireless' Equipment (inside existing compound)

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>N/A</u> acres	<u>N/A</u> acres
Forested	<u>N/A</u> acres	<u>N/A</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>N/A</u> acres	<u>N/A</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>N/A</u> acres	<u>N/A</u> acres
Water Surface Area	<u>N/A</u> acres	<u>N/A</u> acres
Unvegetated (Rock, earth or fill)	<u>N/A</u> acres	<u>N/A</u> acres
Roads, buildings and other paved surfaces	<u>N/A</u> acres	<u>N/A</u> acres
Other (Indicate type) <u>(Equipment being placed in gravel area)</u>	<u>N/A</u> acres	<u>N/A</u> acres

3. What is predominant soil type(s) on project site? Charlton Chatfield (complex,rolling)

- a. Soil drainage: Well drained 100 % of site Moderately well drained % of site.
 Poorly drained % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0.00 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

- a. What is depth to bedrock 2+/- (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100 % 10- 15% % 15% or greater % 14.4 acre property.

* Project site is .008 acre (Approx. 360 Sq. Ft.) of

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No * According to May 26th 2009 report prepared by G.C. Environmental, Inc.

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? >6 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Letter dated 01/2/2009 from NYS DEC. Letter dated 12/21/2001 from US Fish and Wildlife Service. A site visit carried out by Tectonic Engineering on 09/04/2008.

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?

Yes No

15. Streams within or contiguous to project area: Yes

Unnamed Piped Watercourse. Existing pipe will not be disturbed during the proposed construction of the telecommunication facility.

a. Name of Stream and name of River to which it is tributary

Unnamed watercourse tributary to DEC designated Class 3 Wetland F-19 and subsequently to Muscoot Reservoir.

16. Lakes, ponds, wetland areas within or contiguous to project area: Yes

- 1) ACOE, DEC and Town regulated wetlands to the south.
- 2) ACOE and Town regulated wetlands to the north.

b. Size (in acres):

- 1) 48.8 Acres
- 2) 0.1 Acre

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No Michael P. Amato, Trustee
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: .008 acres.
- b. Project acreage to be developed: .008 acres initially; .008 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 1; proposed 0.
- g. Maximum vehicular trips generated per hour: 1/month (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Ultimately	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

- i. Dimensions (in feet) of largest proposed structure: 11 height; 12 width; 20 length. * Dimensions of shelter
- j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? <12 CY tons/cubic yards.

3. Will disturbed areas be reclaimed Yes No N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation? Yes No

c. Will upper subsoil be stockpiled for reclamation? Yes No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 1 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated N/A (number)

b. Anticipated date of commencement phase 1: N/A month N/A year, (including demolition)

c. Approximate completion date of final phase: N/A month N/A year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No N/A

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 0; after project is complete 0

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

N/A

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

N/A

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

MINIMAL INCREASE IN ELECTRIC POWER (EXISTING 200 AMP METER SOCKET TO BE USED)

22. If water supply is from wells, indicate pumping capacity _____ 0 gallons/minute.

23. Total anticipated water usage per day _____ 0 gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

N/A

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Special Use Permit, Site Plan	
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Building Department Building Permit	
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- Zoning amendment
- Zoning variance
- New/revision of master plan
- Subdivision
- Site plan
- Special use permit
- Resource management plan
- Other

2. What is the zoning classification(s) of the site?

R80 - Residential

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

R80 - Residential
R120 - Residential
CRO - Commercial
NS - Neighborhood Shopping

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

N/A

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

N/A

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

N/A

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name New York SMSA Limited Partnership d/b/a Verizon Wireless Date 02/25/2013

Signature 

Title _____

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

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	*1/4 mile	Within	*1 mile
Essentially undeveloped	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Forested	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Agricultural	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Suburban Residential	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Industrial	<input type="checkbox"/>		<input type="checkbox"/>
Commerical	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Urban	<input type="checkbox"/>		<input type="checkbox"/>
River, Lake, Pond	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>		<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Flat	<input type="checkbox"/>		<input type="checkbox"/>
Hilly	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Mountainous	<input type="checkbox"/>		<input type="checkbox"/>
Other	<input type="checkbox"/>		<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

*1/2 mile Yes No 1 mile Yes No 2 miles Yes No 3 miles Yes No

*Distance from project site is provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is 0* _____?

NOTE: When user data is unavailable or unknown, use best estimate.

*Verizon Wireless' antennas will be camouflaged by the branches of the existing stealth monopole.

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is:

FREQUENCY

Activity	N/A	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involved in recreational activities		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Routine travel by residents		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At a residence		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At worksite		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other _____		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Reset

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: February 20, 2013

TO: John Currie, Chairman
Members of Planning Board

FROM: Syrette Dym 
Town Planner

RE: Complete Streets

Attached are documents regarding policies and potential legislation for consideration of adoption by the Town Board regarding a Complete Streets policy for the Town of Somers.

This material was referred to the Planning Board for its input and comments. It will be an item for discussion at the Planning Board meeting of March 13, 2013. Please be prepared to make recommendations that can be forwarded to the Town Board after that meeting

The deadline for submission of comments indicated has been extended.