

Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, Chairman
Jan Corning
Fedora DeLucia
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

**SOMERS PLANNING BOARD
AGENDA
MARCH 9, 2016
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for January 13, 2016.

PROJECT REVIEW

- 1. SOMERS REALTY SUBDIVISION PHASE 3 [TM: 4.20-1-15]**
Application for Final Subdivision Approval, Steep Slopes, Wetland, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits to create Lots 3a, 3b, 3c and 3d (45.1 acres), relative to the Site Plan application of AvalonBay Communities, Inc. and Lot 4 (4.9 acres) and Lot 5 (0.9 acres) for future commercial and firehouse uses respectively and Lot 6 (7.1 acres) to be marketed for an Assisted Living Facility, stormwater management improvements, including road right-of-ways (4.3 acres) as part of the Planned Hamlet proposed subdivision. Property is owned by Somers Realty Corp. and is located on the southeast side of Route 6 and Clayton Blvd. and is in the Planned Hamlet (PH) Zoning District.
Consideration of Draft Resolution of Final Subdivision Approval.
- 2. AVALONBAY SOMERS [TM: 4.20-1-13, 14, 15, PO 12]**
Application for Site Plan Approval, Steep Slopes, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits for AvalonBay Communities Inc. for the construction of 152 residential units within 17 buildings with 23 affordable units on 45.1 acres. Also proposed is a community recreation building, pool and 324 parking spaces. The property is located on the south side of Route 6 and Clayton Blvd., east of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District.
Consideration of Draft Resolution for Site Plan Approval.

PROJECT REVIEW CONTINUED**3. TAMARACK & VINE SUBDIVISION [TM: 16.07-1-1]**

Application for Preliminary Subdivision Approval, Steep Slopes, Wetland and Tree Preservation Permits for property located at the end of Tamarack and Vine Road. The proposal is for a four (4) lot Conservation Subdivision. Three lots would be accessed off a common driveway from Vine Road and one lot would be accessed off a driveway from Hickory Road. Each lot will have individual wells and septic systems. Two conservation lots are also proposed.

Consideration of Intent to be Lead Agency.

4. HIDDEN MEADOW AT SOMERS [15.07-1-6]

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

Discussion regarding Tree Removal Permit.

INFORMAL APPEARANCE WITH SKETCH PLAN**5. TOWNE CENTRE AT SOMERS [TM: 17.15-1-13]**

Application for Informal Appearance with Sketch Plan to request a waiver of Site Plan Application procedures in accordance with Somers Zoning Code Section 170-114(F) in connection with relocation of existing freestanding sign on Somers Road.

6. HERITAGE HILLS WASTEWATER TREATMENT PLANT UPGRADE [TM: 17.10-10-18]

Application for Informal Appearance with Sketch Plan for property located at Heritage Hills Drive for upgrades to meet NYC DEP effluent requirements. Additional tasks include new odor control and screenings.

7. CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]

Application for Informal Appearance with sketch Plan for property located on Route 6. The proposal is for a mixed use development consisting of 12,000 s.f. of retail, 12,000 s.f. of professional office and 64 residential units.

Next Planning Board Meeting is Wednesday, March 23, 2016
Agenda information is also available at www.somersny.com

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Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

MEMORANDUM

TO: Town of Somers Planning Board
FROM: Syrette Dym, Director of Planning
DATE: March 4, 2016
RE: Somers Realty Planned Hamlet Master Plan Final Subdivision Application #3; AvalonBay Somers Final Site Plan Application

Somers Realty Planned Hamlet Master Plan Final Subdivision Application and Draft Final Conditional Subdivision Resolution

A Draft Final Conditional Subdivision Resolution has been prepared by my office and the Town Consulting Engineer. As of this afternoon, we have forwarded it to Linda Whitehead, the Somers Realty attorney, for her review and comment. It is anticipated that a revised draft will be available for discussion at the Planning Board meeting of March 9, 2016. At that time, outstanding issues can be discussed with the Planning Board, and, if resolved, a revised resolution can be completed for review, discussion and possible adoption at a second meeting that has been scheduled for March 23, 2016.

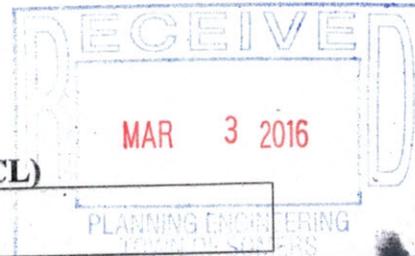
AvalonBay Somers Site Plan Application and Conditional Site Plan Approval Resolution

A Draft Conditional Site Plan Approval Resolution has been prepared by my office and is now being reviewed and edited by the Town Consulting Engineer's office. That draft resolution should be available on March 7 to be sent to Peter Wise, attorney for AvalonBay, for his review and comments. We hope that a draft resolution will be available for review by the Planning Board prior to its meeting of March 9, at which time, issues remaining with regard to the resolution will be discussed. A revised resolution can

be completed for review, discussion and possible adoption at a second meeting that has been scheduled for March 23, 2016.

Cc: Linda Whitehead
Rich Williams
Peter Wise
Todd Nicotra
Joe Barbagallo
Rob Wasp
Roland Baroni

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PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SOMERS REALTY CORPORATION
PO BOX 878
CHAPPAQUA, NY 10514
(203) 264-1660

Facility:
SOMERS REALTY PHASE 3
RTE 6 SW OF BALDWIN
SOMERS, NY 10589

956

Facility Location: in SOMERS in WESTCHESTER COUNTY

Facility Principal Reference Point: NYTM-E: 603.584 NYTM-N: 4577.381
Latitude: 41°20'28.6" Longitude: 73°45'43.0"

Authorized Activity: Placement of fill within approximately 0.47 acres of federally regulated wetlands for the purpose of constructing an access road associated with Phase 3 of the Avalon Somers Multi-Family Residential Development Project in accordance with plans referenced in Natural Resource Condition No. 1 and as conditioned by this permit.

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 3-5552-00198/00001

New Permit

Effective Date: 3/2/2016

Expiration Date: 12/31/2021

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: SCOTT BALLARD, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature: _____

Date 3/1/16

Distribution List

US ARMY CORPS OF ENGINEERS - NY DISTRICT
TIM MILLER ASSOCIATES

JRM



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: WATER QUALITY CERTIFICATION**

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by INSITE Engineering, Surveying & Landscape Architecture, P.C. and as described in Natural Resource Condition #2.

2. **Approved Plans** The approved plans consist of the following:

a. *Somers Realty/Phase 3, Clayton Boulevard, Town of Somers, Westchester County, New York*, prepared by INSITE Engineering, Surveying & Landscape Architecture, P.C. (3 sheets):

| <u>Drawing No.</u> | <u>Drawing Title</u> | <u>Dated</u> |
|---------------------|-------------------------------------|-------------------------|
| SP-2.1 (Sheet 5/18) | <i>Grading & Utilities Plan</i> | 6/6/2015 rev. 5/20/2015 |
| SP-2.2 (Sheet 6/18) | <i>Grading & Utilities Plan</i> | 6/6/2015 rev. 5/18/2015 |
| SP-2.3 (Sheet 7/18) | <i>Grading & Utilities Plan</i> | 6/6/2015 rev. 5/20/2015 |

b. *Somers Realty Corp., Town of Somers, County of Westchester, New York - ACOE Wetland Creation and Enhancement Plan, Section 4.20 Block 1 Lot 15* prepared by Tim Miller Associates/Wetland Mitigation Inc. and INSITE Engineering, Surveying, and Landscape Architecture PC, dated 7/29/2015 (1 sheet).

3. **Siltation Prevention Measures** Siltation prevention measures, such as silt fencing, sediment traps or settling basins, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into any watercourse, stream, water body or wetland.

4. **Clean Fill Only** All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

5. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.



6. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

7. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

8. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.



A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Type I Action, No Significant Impact Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as a Type I Action with Somers Town Planning Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

Joseph R Murray

Division of Environmental Permits, Region 3
Telephone (845) 256-~~3040~~

- Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.
- Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: <http://www.dec.ny.gov/chemical/43133.html>
- Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505; in addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.



Department of
Environmental
Conservation

PLANNING AND ENGINEERING DEPARTMENTS

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Planning Board

FROM: Syrette Dym, Director of Planning

DATE: March 4, 2016

RE: Tamarack and Vine Preliminary Subdivision Application – 80 Route 6, Somers, NY; Tax Lot: 16.07-1-1

The following documents were submitted to the Planning Board on January 27, 2016:

- Cover Letter dated January 26, 2016 from Jody Cross, Esq. of Zain & Steinmetz
- Application for Preliminary Approval of Subdivision
- Preliminary Construction Plans and Plat Drawings, consisting of 14 pages and last revised August 18, 2015
- Affidavit of Ownership
- Proof of taxes paid
- Full Environmental Assessment Form
- Planning Board Resolution No. 2000-33

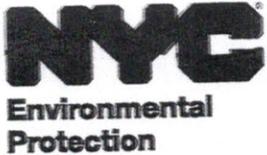
The following comments are only preliminary based on the submitted documents and a working meeting held at the Town offices on November 23, 2015 at which the following parties were in attendance:

Syrette Dym, Town Director of Planning
Joe Barbagallo, Town Consulting Engineer
Jody Cross, Zarin & Steinmetz, Applicant's attorney
Tim Allen, Applicant Consulting Engineer
Barry Perlow, Owner
Michael Gyory, Owner

Joseph Zarecki Project Engineer

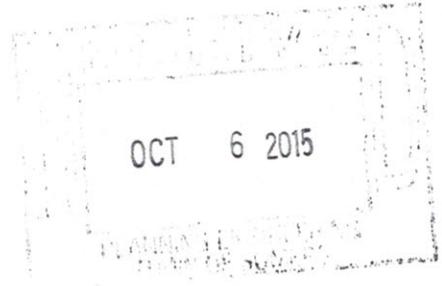
1. As a result of the fall meeting and discussion with the Town Attorney, it was determined that the applicant was to reapply for preliminary plat approval and, once issues related to that plat were resolved, the applicant would ask for a waiver of the final plat. While the cover letter indicates that this application is for preliminary subdivision approval, the plat submitted is a final plat. The following items need to be addressed as part of preliminary plat approval since it is the position of the Town that this application lapsed as indicated in the cover letter submitted with the application and review of the preliminary subdivision has to begin again.
2. Since the prior approval has lapsed, it is the responsibility of the applicant and his engineer to provide the appropriate analysis to the Planning Board indicating that the conventional lot count outcome would be the same today as it was for the prior preliminary plat approval given the changes in stormwater regulations and issues related to phosphorus loading and other environmental regulations.. The current plat indicates four lots each with conservation areas and two conservation parcels. Indicate the constraints that have been deducted to reach the final conventional lot count as well as how each lot meets frontage and other bulk regulations.
3. For the conservation lots, indicate the area of each lot minus the conversation area and indicate the regulations that govern whether minimum lot size requirements exclude or count the conservation areas proposed for each lot.
4. Identify what conventional subdivision requirements you are asking to be waived as part of the conservation subdivision regulations.
5. The Planning Board needs to consider access issues along the length of Vine Road and Hickory Road given their current improved condition. The proposed common driveway connection to Vine Road indicates improvements off the parcel into Town right of way to meet the improved roadway. The applicant should address this condition. In addition, the Highway Superintendent and Fire Prevention Bureau need to review whether the proposed hammerhead is adequate for fire safety and snow removal purposes. The same issue of connection and hammerhead adequacy need to be addressed for Hickory Road.

Cc: Joe Barbagallo
Rob Wasp
Roland Baroni
Jody Cross
Tim Allen



C-1
P/B
T/P
CTE

October 2, 2015



Mr. Joel T. Chase, P.E.
JT Chase Engineering, PLLC
177 Andrews Road
Lagrangeville, NY 12540

Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

894.

Re: Tamarack & Vine Subdivision - SWPPP
Vine Road
(T) Somers, Westchester County
Muscoot Reservoir Drainage Basin
DEP Log #1998-MU-1166-SP.2

Dear Mr. Chase:

The New York City Department of Environmental Protection (DEP) reviewed the revised design drawings and Stormwater Pollution Prevention Plan (SWPPP) dated June 18, 2014 and last revised August 18, 2015, prepared by JT Chase Engineering and received by DEP on August 27, 2015, submitted in response to this agency's May 29, 2015 letter. Upon careful review, DEP has determined that the following comments must be satisfactorily addressed prior to an approval.

A. SWPPP Report & Analysis:

1. Please provide a routing analysis in HydroCAD through the flow splitter and to show how much runoff discharges into the infiltration basin during the 10-year and 100-year event.
2. The tables on Page 16 of the SWPPP report show that the post-development peak flows for Design Line #2A is greater than the pre-development peak flows (i.e., 27.01cfs vs. 25.48cfs for the 10-year event and 65.20cfs vs. 63.22cfs for the 100-year event). Please explain and revise for consistency.
3. The inlet and outlet invert elevations shown in the Pipe Sizing Summary table on page 20 of the SWPPP report do not correspond to the elevations shown on Sheet 9 of 14 of the drainage profiles. Please revise for consistency.

4. The 10-foot long x 6.0' breadth broad-crested rectangular weir modeled for the infiltration basin in Hydro CAD is different than the detail shown on the drawing. The plans and the analysis must be consistent throughout the report and drawings. Please verify and revise accordingly.
5. In the sizing calculations for Swale 4A, the runoff area used in the Hydro CAD input for Subcatchment 8S is different from the area noted on the drawings. Please verify and revise for consistency.
6. The information provided on the Temporary Sediment Basin Design Data Sheet in Appendix H of the SWPPP report does not correspond to the data modeled in HydroCAD and shown on the drawing. Please verify and revise accordingly.
7. Please clarify what is meant by the statement "the sizing calculations are in general conformance with the NYSDEC". Sizing of the proposed sediment basin must be consistent with the *New York State Standards and Specifications for Erosion and Sediment Control* (Blue Book). In addition, the elevations used in the calculations are different than the ones shown on the drawings. Please revise accordingly.
8. Riprap sizing (rock outlet protection) calculations must be provided for all proposed outfalls shown on the drawings.

B. Erosion and Sediment Control Plan:

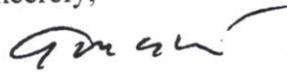
1. The response to DEP's comment B.1 (May 29, 2015 letter) in your August 25, 2015 letter does not satisfactorily address the concern of the long-term partial build-out. Please provide a contingency plan for use of the infiltration basin for partial build-out in the event that the likelihood of full build out is negligible. For example, the SWPPP might include a provision for isolating construction on an individual lot from the stormwater conveyance system to ensure that the infiltration basin is not subject to sediment laden runoff.

C. Inspection and Maintenance:

1. As mentioned in the previous DEP letters, and as discussed during our June 23, 2015 meeting, a legally binding and enforceable mechanism such as a maintenance agreement, deed covenant or other legal measure for implementation of long term maintenance of the post-construction stormwater management practices (see Section 3-5 of the Design Manual) must be provided. The maintenance agreement must be acceptable to DEP before a final determination for the SWPPP is made. In order to facilitate review and potential revisions to this document, please provide a draft as has been requested in DEP's letters dated of November 26 & December 31, 2014, and March 18 & May 29, 2015.

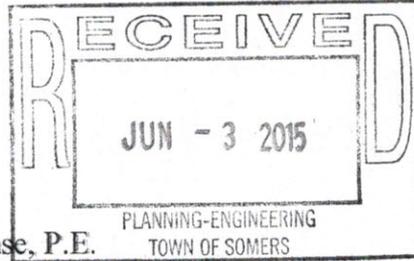
Please call me at (914)773-4411 if you have any questions.

Sincerely,



Andreea A. Oncioiu
Associate Project Manager II
Regulatory & Engineering Programs

c: Town of Somers Planning Board
Joseph Barbagallo, P.E., Town of Somers Engineer
Armand DeAngelis, NYS DEC
Mr. Michael Gyory



May 29, 2015

Mr. Joel T. Chase, P.E.
JT Chase Engineering, PLLC
177 Andrews Road
Lagrangeville, NY 12540

Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

Re: Tamarack & Vine Subdivision - SWPPP
Vine Road
(T) Somers, Westchester County
Muscoot Reservoir Drainage Basin
DEP Log #1998-MU-1166-SP.2

Dear Mr. Chase:

The New York City Department of Environmental Protection (DEP) reviewed the revised design drawings and Stormwater Pollution Prevention Plan (SWPPP) dated June 18, 2014 and last revised April 24, 2015, prepared by JT Chase Engineering and received by DEP on April 27, 2015, submitted in response to this agency's March 11, 2015 letter. Upon careful review, DEP has determined that the individual responses to date do not satisfactorily address all the comments raised previously or correct the deficiencies previously noted. The following comments must be satisfactorily addressed prior to an approval.

A. SWPPP Report & Analysis:

1. Calculations for the composite curve numbers (CN) for the post-development have been provided, however, in order to verify the accuracy of the composite CN, please provide reasonable estimates of proposed yards and grading for each individual lot. As presented, the coverage type (i.e., lawn, woods) shown on the drawings does not seem to be in agreement with the coverage areas (acreage) used in the calculations. Further, the coverages assumed for various types of calculations in the SWPPP are not in agreement. Please revise for consistency.

2. Please provide a routing analysis in Hydrocad through the flow splitter for the 100 year event. Please note that to date, a complete hydrologic analysis has not been provided.
3. Please provide the routing diagram – Drainage Network Analysis at a legible scale.
4. A detailed piping analysis, including hydraulic grade line (HGL), velocities, etc., must be provided.
5. As per the New York State Stormwater Management Design Manual (Design Manual), Section 6.3, exfiltration rates are not considered in sizing the proposed infiltration basin (see pages 6-37 and 6-38). Therefore the basin volume available below the outlet must be at least as large as the volume of runoff generated by the 1-year storm, not including exfiltration or pretreatment.
6. The Design Manual requires that exit velocities from pretreatment shall be non-erosive (3.5 to 5.0 fps) during the two-year design storm; please provide those calculations.
7. The 10-foot long x 3.0' breadth broad-crested rectangular weir modeled for the infiltration basin in Hydro CAD is different than the detail shown on the drawing. The plans and the analysis must be consistent throughout the report and drawings. Please verify and revise accordingly.
8. "Preservation of Undisturbed Areas" is cited in the SWPPP as one of the site planning methods used during development of the plan. While it is understood that two conservation easements are proposed, it is unclear what maintenance requirements and/or use restrictions will be used to preserve them. Further, it is unclear what restrictions will be placed on individual lot owners to limit future clearing and regrading of individual lots. Absent such restrictions on individual lots, preservation of undisturbed areas through clustering development cannot be considered. Consider showing reasonable yard/lawn boundaries for individual lots and protection from future disturbance through a legally binding mechanism. Estimated lawn areas proposed should be in agreement with those used in the various hydrologic and hydraulic analyses. Please revise the plans and SWPPP report as necessary.
9. In the swale sizing calculations, the runoff areas used in the Hydro CAD input (i.e., Subcatchment 8S, Subcatchment 16S) seem to differ from the areas noted on the drawings. Please verify and revise for consistency.
10. Please provide sizing calculations for the temporary swale (heading towards the wetland) for the sediment trap. In addition, please justify the swale calculations (i.e., as shown, the tributary area to Swale #4A appears to be larger than the area considered in the calculations).

11. The detail of the underdrain in the infiltration basin on the drawings must include a stem to operate the emergency drain valve from the top of the outlet structure. Please revise the detail shown on the drawings accordingly.
12. Please indicate where in the SWPPP the sizing for the temporary outlet and the temporary sediment basin has been provided.
13. Sizing of the proposed sediment basin should follow the New York State Standards and Specifications for Erosion and Sediment Control. Please revise accordingly.
14. Riprap sizing (rock outlet protection) calculations must be provided for all proposed outfalls, as shown on the drawings.

B. Erosion and Sediment Control Plan:

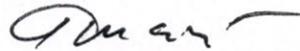
1. The response to DEP's comment B.1 (March 11, 2015 letter) in your April 24, 2015 letter indicates that the infiltration basin will not be connected until full build-out of the subdivision. Post construction stormwater management and treatment in the event of long-term partial build-out must be considered. Consider, for example, including a contingency plan that includes removing the temporary practices and connecting fully stabilized partial build-out to the permanent practices in the event that no additional lots will be developed within a specified time interval. A contingency such as this should also include provisions for isolating disturbance on individual lots to be built-out after the permanent measures are online. This may include temporary measures such as silt fence and plugging of inlets to the drainage system from future disturbance.
2. The revised Phase 1 of the General Construction Sequence does not appear to further limit disturbance on steep slopes. Please consider limiting initial access and disturbance to the area of the treatment and management practices on the east side, below the proposed SSTS on Lot 4 (access from Hickory Rd. and Pine Ct.). Alternatively, do not clear the areas for the infiltration and pre-treatment sediment basins, if not constructed until later.
3. Notes 6 & 7 listed under Phase 1 (Common Infrastructure) of the General Construction Sequence describe activities related to the proposed diversion swale. Once the proposed diversion swale area is cleared please include stabilization notes to be followed before building of the actual swale takes place.
4. Please clarify why the proposal now includes additional disturbance for a temporary sediment trap. Consider using the proposed detention basin with a temporary outlet as a temporary sediment trap and indicate in the sequence how and when this would be converted to a permanent practice.

C. Inspection and Maintenance:

1. As discussed in the previous DEP letters, a legally binding and enforceable mechanism such as a maintenance agreement, deed covenant or other legal measure for implementation of long term maintenance of the post-construction stormwater management practices (see Section 3-5 of the Design Manual) must be provided. The maintenance agreement must be acceptable to DEP before a final determination for the SWPPP is made. In order to facilitate review and potential revisions to this document, please provide a draft as has been requested in DEP's letters dated of November 26 & December 31, 2014, and March 18, 2015.

It appears that SWPPP reviewed to date still requires significant revision prior to DEP approval. It is highly recommended that a meeting with DEP be scheduled in order to expedite the design and review process. You, the project applicant and DEP should attend this meeting. Please call me at (914) 773-4411 to schedule this meeting or to discuss the above comments.

Sincerely,



Andreea A. Oncioiu
Associate Project Manager II
Regulatory & Engineering Programs

c: Town of Somers Planning Board
Joseph Barbagallo, P.E., Town of Somers Engineer
Armand DeAngelis, NYS DEC
Mr. Michael Gyory

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

TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

PATRICIA KALBA
TOWN CLERK



March 4, 2016

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

Dear Chairman Currie,

Enclosed please find the Petition of Kearney Realty and Development Group, Inc. for a text change modifying the parameters of the Neighborhood Shopping (NS) Zoning District that is being referred to you by the Somers Town Board.

If there are any questions please do not hesitate to contact me.

Sincerely,

Patricia Kalba
Town Clerk

Enc.

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

TOWN CLERK'S OFFICE

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

PATRICIA KALBA
TOWN CLERK

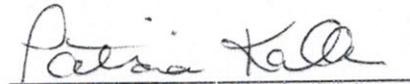


RESOLUTION

RESOLVED, that the Town Board does hereby refer the Petition of Kearney Realty and Development Group, Inc. for a text change modifying the parameters of the Neighborhood Shopping (NS) Zoning District to the Town of Somers Planning Board, Westchester County Planning Board, Town of Carmel Planning Board and Putnam County Planning Board.

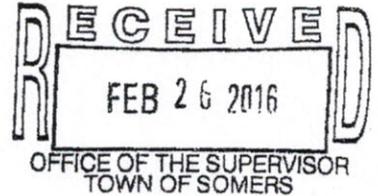
I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Work Session Meeting held on March 3, 2016.

Dated: March 4, 2016



Town Clerk

Cc: Supervisor
Director of Finance
Town of Somers Planning Board
Westchester County Planning Board
Putnam County Planning Board
Town of Carmel Planning Board
Kearney Realty & Development Group, Inc.



In The Matter of the Petition of

**KEARNEY REALTY & DEVELOPMENT
GROUP, INC.**

Petition

To

**THE TOWN BOARD OF THE TOWN OF
SOMERS, NEW YORK**

Kearney Realty & Development Group, Inc (hereinafter "Petitioner"), as and for its Petition to the Town Board of the Town of Somers, respectfully states as follows:

First: Petitioner Kearney Realty & Development Group, Inc (hereinafter referred to as "Petitioner") is the contract vendee of real property located within the territorial boundaries of the Town of Somers with a very small portion of such real property located within the territorial boundaries of the Town of Carmel. Said real property is known and described as Sheet 4.20, Block 1, Lot 3.1 on the tax maps of the Town of Somers and Sheet 86.14, Block 1, Lot 6 on the tax maps of the Town of Carmel. Said Property consists of approximately 11.07 acres of property of which approximately 10.54 acres are located in the Town of Somers. All development proposed with respect to this real property will take place within the Town of Somers. This Petition relates solely to that portion of the property located within the Town of Somers. For purposes of this Petition, that portion of the property located within the Town of Somers shall be hereinafter referred to as "the Property".

Second: The Property is located in the Neighborhood Shopping NS Zoning District as regulated by Article V § 170-19 et seq. of the Town of Somers Zoning Code (hereinafter "Code"). § 170-20 specifies the principal uses permitted in such zoning district and, in connection therewith, limits and restricts residential apartments within such zoning district such that only residential apartments which are located over stores are permitted in such zoning district (see § 170-20 G of the Code). While the regulations governing affordable dwelling units as set forth in § 170-20.4 mandate construction of a specified percentage (15%) of all permitted residential dwelling units as affordable residential dwelling units and provide for bonus densities in connection therewith for projects which contain a majority of affordable dwelling units (subject to approval of the Town Board and further subject to the requirement that 50% of the total number of residential units proposed meet the definition of affordable dwelling units as defined in § 170-3 of the Code), said residential dwelling units are restricted to residential dwelling units "as permitted herein" so that only residential dwelling units located above stores are permitted.

Third: Petitioner is proposing to construct a mixed-use commercial and residential development project (hereinafter "Project") on the Property. The Project will include 64 apartment dwelling units and 24,000 square feet of commercial development. While the current zoning regulations referenced above provide for a density bonus if 50% of the total number of dwelling units meet the definition of affordable dwelling units as defined in § 170-3 of the Code, the Project contemplates that 90% of the residential dwelling units will meet the definition of affordable dwelling units as defined in § 170-3 of the Code. Moreover, consistent with the recognized needs of the Town of Somers, over 80% of the units will be senior residential

dwelling units, all of which will meet the definition of affordable dwelling units as defined in § 170-3 of the Code

Forth: The construction of Petitioners' Project is, however, precluded by the current zoning language of the Neighborhood Shopping Zoning District regulations. As set forth below, Petitioner proposes to construct a separate building for the commercial uses and three separate buildings for the residential apartments. As set forth above, § 170-20 G restricts the construction of residential apartments to the singular limited instance where such residential apartments are located over stores. It is respectfully submitted that such a restriction unnecessarily renders the construction of senior affordable housing infeasible, especially with respect to the Property. In this regard, Petitioner respectfully asserts the following:

- a. restricting the construction of apartments to circumstances where they can only be located above stores unnecessarily limits the amount of properties which would ever be dedicated to this use because stores generally require location on or close to road frontage, generally the most valuable portion of a Property;
- b. in connection with projects which include apartments for seniors, restricting such apartments to location on a second story above retail stores provides a disincentive for senior housing because demand for senior apartment housing is generally predicated on a first story location or elevator access. The current restriction precludes first story location and, given the value of retail space, most developers would be reluctant to construct such buildings (residential units over stores) due to constraints on marketability.

Fifth: These circumstances uniquely affect the Property. While the Property is significantly sized therefore providing the opportunity for the construction of a significant number of senior and affordable dwelling units as contemplated by Petitioner, the Property, currently a driving range, possesses a relatively small amount of frontage (approximately 362') with the vast amount of acreage being located a significant distance behind the road frontage (see conceptual plan attached as Exhibit A hereto which also illustrates the "F" shaped configuration

of the site). As also shown by Exhibit A, the Project proposes the construction of a significant (24,000 square feet) two-story commercial building (retail/personal service on the first floor; professional office space on the second floor) which such commercial building will be located in close proximity to the Property's frontage. The Project also proposes the construction of three (3) apartment buildings in the rear of the Property consisting of the following:

- a. a 2-story multifamily age restricted building with 24 units and elevator service;
- b. a 2 ½ story multifamily age restricted building with 28 units and elevator service;
- c. a 2-story multifamily non-age restricted building with 12 units.

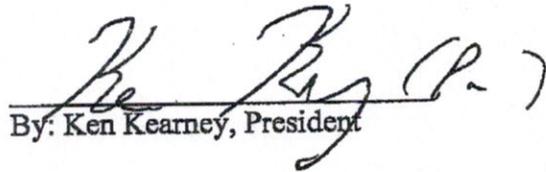
Sixth: Attached hereto and made part hereof as Exhibit B is a copy of a proposed local law setting forth a proposed text change to the use regulations established for the Neighborhood Shopping NS Zoning District. As can be seen from the content thereof, Petitioner proposes minor modifications to such regulations while at the same time restricting such modifications to applications which meet certain specific criteria, which such limiting criteria appropriately restrict the number of sites for which the modifications would be applicable to conform to the rationale referenced above.

Seventh: Petitioner respectfully requests that the Town Board refer Petitioner's Petition to the Planning Board for the Planning Board's input with respect to the content of the Petition and the attached text change so that the Planning Board, contemporaneously with its review of the Petitioner's proposed site plan, could provide input to the Town Board with respect to the Town Board's consideration of Petitioners' Petition.

WHEREFORE, Petitioner requests that the Town Board, following compliance with the procedures set forth in the Town Code and Town Law of the State of New York, grant Petitioner's Petition and adopt the text change to the Neighborhood Shopping NS Zoning District as hereinabove requested and as set forth in Exhibit B attached hereto together with such other, further and different relief consistent therewith that the Town Board might grant.

Respectfully submitted,

Kearney Realty and Development Group, Inc.


By: Ken Kearney, President


Notary Public

On this 26th day of
February 2016.

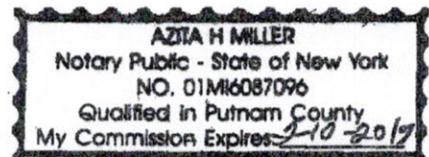
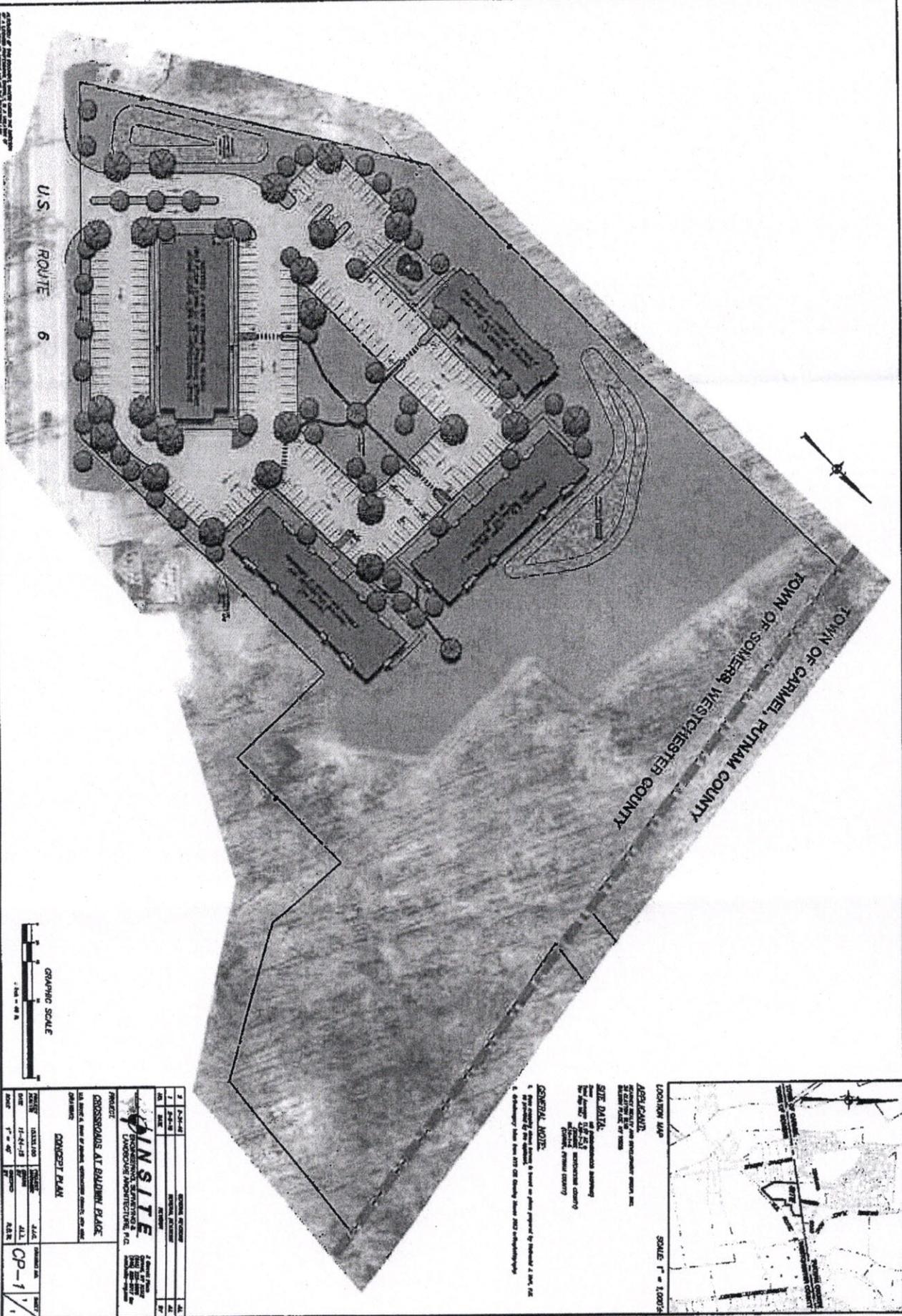


Exhibit A



ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF THE ENGINEER AND ARCHITECT. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE ENGINEER AND ARCHITECT.

U.S. ROUTE 6

TOWN OF CARMEL, RITMAN COUNTY
 TOWN OF SOWER, WESTCHESTER COUNTY



| | | | |
|-----|---------|------------------|-----|
| NO. | DATE | DESCRIPTION | BY |
| 1 | 1-24-04 | SCHEMATIC DESIGN | ASB |
| 2 | 2-24-04 | PERMIT REVIEW | ASB |
| 3 | 3-24-04 | REVISED | ASB |
| 4 | 4-24-04 | FINAL | ASB |

PROJECT:
 GROSSROADS AT BALDWIN PLACE
 14 BALDWIN PLACE, BALDWIN, WESTCHESTER COUNTY, PA 19004

CLIENT:
 LIVINGSTONE ARCHITECTURE, P.C.
 1000 MARKET STREET, BALDWIN, PA 19004

DESIGNER:
 J. S. BARNES & ASSOCIATES, INC.
 1000 MARKET STREET, BALDWIN, PA 19004

CONCEPT PLAN

| | | | |
|------|---------|-------|-----|
| DATE | 1-24-04 | SCALE | ASB |
| DATE | 1-24-04 | SCALE | ASB |
| DATE | 1-24-04 | SCALE | ASB |
| DATE | 1-24-04 | SCALE | ASB |

10'-0" = 1"



GENERAL NOTES:

1. This plan is a conceptual design and is not intended to be used for construction.
2. All dimensions are in feet and inches.
3. All dimensions are to the centerline of the road.
4. All dimensions are to the centerline of the building.
5. All dimensions are to the centerline of the driveway.
6. All dimensions are to the centerline of the parking lot.
7. All dimensions are to the centerline of the sidewalk.
8. All dimensions are to the centerline of the curb.
9. All dimensions are to the centerline of the gutter.
10. All dimensions are to the centerline of the street.

Exhibit B

Local Law No. ___ for the Year 2016

A LOCAL LAW TO AMEND THE PROVISIONS OF THE TOWN OF SOMERS ZONING CODE,
CHAPTER 170, RELATING TO THE NS ZONING DISTRICT

Be it enacted by the Town Board of the Town of Somers as follows:

Section 1. § 170-20 of the Code of the Town of Somers is hereby amended to add a permitted use as follows:

- I. Mixed commercial and affordable residential development projects, where commercial space and residential units may be located in separate buildings, subject to compliance with the provisions of §170-20.4.C.

Section 2. § 170-20. 4. C. of the Code of the Town of Somers is hereby amended to add a new subsection C. as follows:

C. A mixed commercial and affordable residential development project may be located on any lot within the Neighborhood Shopping NS zoning district provided that the following conditions are met by the lot and the proposed project:

1. the lot shall have a minimum lot size of eight (8) acres;
2. the lot shall have frontage of less than 500 lineal feet on a major road;
3. the lot shall be serviced by public water and sewer;
4. the minimum ratio of commercial floor area to residential floor area shall be 0.27;
5. with respect to the residential component of the mixed commercial and affordable development project, the project shall include, at a minimum, residential units where at least 50% of the total number of residential units are considered affordable dwelling units as defined in § 170-3 of this chapter;
6. the maximum building footprint shall be 12,500 square feet;
7. except as modified herein, the dimensional standards applicable to a mixed commercial and affordable residential development project shall be governed by the provisions of § 170-20. 3.

Section 3. Current Section 170-20.4.C of the Code of the Town of Somers is hereby renumbered D and to read as follows:

D. All other standards as discussed in Article XIA, Affordable Housing, shall apply.

Section 4. § 170-20.3 shall be modified in the following respect:

§ 170-20.3 E shall read "Except in the case of a mixed commercial and affordable residential development project which shall be governed by the provisions of section 170-20.4. C. 6, the maximum building footprint shall be 10,000 square feet, except by special exception use permit of the Planning Board for a use serving a special community need".

Section 5. If any clause, sentence, paragraph, section, Article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, nor the remainder of any clause, sentence, paragraph, section, Article or part hereof.

Section 6. This Local Law shall take effect immediately upon filing with the Secretary of State.