Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD
AGENDA
APRIL 10, 2013
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for January 17, 2013.

TIME-EXTENSION

1. **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL [TM: 5.20-1-1]**
   Request for a 90-day time-extension to the period of Final Subdivision Approval from April 4, 2013 to and including June 3, 2013 in accordance with §150-13-M of the Code of the Town of Somers. This is the eleventh request for a time-extension.

2. **WRIGHT'S COURT SITE PLAN [HALLIC PLACE] [TM: 17.11-1- 5, 18]**
   Request for a time-extension for the Stormwater Management and Erosion and Sediment Control Permit.

DECISION

3. **NEW YORK STATE SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS APPLICATION FOR SPECIAL USE PERMIT [TM: 38.17-1-5]**
   Application of NY SMSA Limited Partnership for 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.
   Consideration of a Draft Conditional Amended Special Use Permit
   Last discussed at the March 13, 2013 Planning Board meeting.

INFORMAL APPEARANCE WITH SKETCH PLAN REVIEW

4. **BURKE REHABILITATION FACILITY**
   APPLICATION FOR INFORMAL APPEARANCE
   [TM: 17.15-1-13]
   Application for informal appearance for reconstruction of a drop-off area to accommodate Burke Rehabilitation at the Somers Towne Centre including modifications to an existing sidewalk and accessible curb ramp.

DISCUSSION

5. **HOMES FOR WESTCHESTER**
   Proposed role of a local coordinator in expediting the approval process for priority Affordable Housing proposals.

FSEIS COMPLETENESS REVIEW

6. **GRANITE POINTE SUBDIVISION**
   [TM: 27.05-3-2 & 5]
   Review of the Granite Pointe Subdivision Final Supplemental Environmental Impact Statement (FSEIS) Completeness Review

Next Planning Board Meeting, May 1, 2013
Agenda information is also available at www.somersny.com

Telephone
(914) 277-5366

FAX
(914) 277-4093

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

DRAFT

SOMERS PLANNING BOARD MINUTES
SPECIAL MEETING
JANUARY 17, 2013

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
Consultant Engineer Joseph Barbagallo
Town Attorney Joseph Eriole
Planning Board Secretary Marilyn 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.

APPROVAL OF NOVEMBER 14, 2012 MINUTES

Chairman Currie noted that Planning Board Secretary Marilyn Murphy prepared and submitted for the Board's consideration the approval of the draft minutes of the Planning Board meeting held on November 14, 2012.

On motion by Mrs. DeLucia, seconded by Mr. Goldenberg, and unanimously carried, the minutes of November 14, 2012 were approved.

The Chair noted that the DVD of the November 14, 2012 Planning Board meeting is made a part of the approved minutes and is available for public viewing at the Somers Public Library. The text of the approved minutes are also on the Town's website www.somersny.com and is available for public review at the Planning & Engineering office at the Town House.

PROJECT REVIEW

SOMERS REALTY PLANNED HAMLET FINAL SUBDIVISION APPROVAL AND LOT LINE CHANGE; WETLAND, TREE PRESERVATION AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 4.20-1-15, 18]

Ms. Gannon disclosed that Seth Mandelbaum, who is representing the applicant, is known to her because of her position at the Pace University Law Library where she was his supervisor when he was a student. She stated that this does not affect her ability to make a fair decision on this application.

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

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

Seth Mandelbaum, the applicant's attorney filling in for Attorney Whitehead, indicated that along with Attorney Whitehead he reviewed the draft Resolution of Approval. He mentioned that Engineer Gregory and Consulting Engineer Barbagallo have been coordinating regarding the outstanding issues on the plans.

Attorney Mandelbaum noted that he realizes because of open issues that the draft resolution cannot be approved this evening. He stated that he feels that the issues can be worked out before the Planning Board meeting on January 23, 2013.

The Chair asked Town Planner Dym to review the draft Resolution with staff, applicant and the Planning Board.

Town Planner Dym noted the she will discuss the status of the Final Subdivision. She explained that she received the revised subdivision plan dated January 7, 2013 on January 15, 2013. Town Planner Dym said that the application is incomplete because 14 copies of the plat were not received by the Planning Board or staff. She explained that in accordance with Section 150-13F.(2) the Planning Board can waive the final plat Public Hearing if the plat is in substantial agreement with the approved Preliminary Subdivision plat and this can take place at the next Planning Board meeting.

Consultant Engineer Barbagallo noted that conditions of Preliminary Subdivision Approval were organized into three categories. He said that first, conditions have to be addressed prior to approval of Conditional Subdivision Approval, second, those that will remain as conditions of Final Approval prior to the signing of the plat; and third, those that will remain after signing of the plat.

Consultant Engineer Barbagallo said there was a long list of conditions under Preliminary Approval and during discussion at the December Planning Board meeting it was decided that conditions will be limited to outside agencies and all other items will be addressed before approval. Consultant Engineer Barbagallo said that the item that is the biggest concern to him is the plans associated with the sewer pump station. He mentioned that he will be in a position at the next meeting to present an update on the general conformance to the design guidelines established by Adam Smith, the Water and Sewer Superintendent.

Mrs. DeLucia asked what the funding deadline for the project is.

Rose Noonan, Executive Director of the Housing Action Council, said that every day that approval is delayed the less chance there is to receive funding. She explained that the later in the year you apply for funding less funds will be available.

Consultant Engineer Barbagallo said that the following conditions of Conditional Preliminary Subdivision Approval have to be met:

DRAFT

- Plans dated January 7, 2013 show the proposed gas main and electric service entering the property and passing through Clayton Boulevard. Consultant Engineer Barbagallo noted that there is now a plan view that represents how those lines will be coming into the site.

- The standard subdivision plat notes, including references to the Planned Hamlet Master Plan Maintenance Agreements, Health Department, approval block, name of water and sewer districts serving the lots, are included on the plat as part of the final submission. Further details will be provided by the Applicant prior to signing of the plat.

- The Applicant has obtained review and approval by the Water Superintendent and the Bureau of Fire Prevention for the hydrant placement with respect to the street curbs and the sidewalk.

  Peter Gregory, the applicant's engineer, said that the Water Superintendent has reviewed the number and locations of the hydrants proposed along Clayton Boulevard and has no objection. He indicated that he received the approval from the Water Superintendent by e-mail and will forward the e-mail to Consultant Engineer Barbagallo.

- The road cross section has been revised to show where the gas main, electrical and cable conduits will be installed.

  Engineer Gregory said that detailed sheets, road cross section have been provided and were updated to show where in the road section the gas and utility trenches will be located.

  An updated Master Plan Conformance drawing dated December 11, 2012 has been provided.

  Consultant Engineer Barbagallo indicated that the drainage areas did not seem to add up and he asked that be verified.

Mr. Keane opined that there are missing factors in regard to conformance to local Ordinance 93-7 relating to stormwater. He explained that the Ordinance was developed to comply with the MS4 requirements under the MS4 Permit for the Town. Mr. Keane said that under the Ordinance the

Stormwater Management Plan requires that the Planning Board approve the plan with the Consultant Engineer determining if the plan is complete. He said that when you look at the State MS4 Permit it identifies a number of practices that have to be utilized and the Town Stormwater Management Plan and the Town Ordinance states that they have to be in compliance with the State Stormwater Manual. Mr. Keane said if we are going to mention NYC Department of Environmental Protection (DEP) we should reference the separate chapter in the Manual, Chapter 10, with regard to if we are in compliance with the phosphorous requirements. He noted that we also should mention that we are considering low impact development and green technology. Mr. Keane said that by using this technology we will be enhancing the SPPP. He mentioned that it has to be determined that the Planning Board is the permitting authority and list in the conditions that the plan is in compliance with all that criteria. Mr. Keane said that a form has to be filled out stating that the Planning Board approves the plan. He said that it is not fair to the applicant if the Board does not do all that the regulations require. Mr. Keane noted that the Whereas clause must show recognition of these elements and the conditions also recognize those elements. He also said that the Whereas clause should show compliance with the NYC 18-39 Regulations. Mr. Keane indicated that the DEP Permit is not the determining factor on whether the plan is approved. He said that changes have to be made in the verbiage of the Resolution so there are no missing factors in conforming to performance and design criteria for a Stormwater Management and Erosion and Sediment Control Permit, as established by Section 93-7 of the Town Code.

Consultant Engineer Barbagallo indicated that the Board is looking for additional Whereas clauses referencing the Board's review of the SPPP. He said that any reference to the Town's process should be more specific.

Consultant Engineer Barbagallo informed the Board that the SPPP acceptance form along with the Notice of Intent (NOI) is a condition after the signing of the plat prior to the issuance of a Building Permit. He stated that he signs the acceptance form in behalf of the Town.

Mr. Keane opined that the Board has to understand that they are the permitting authority and have to make a determination in regard to the SPPP separately. He said that the State Construction Permit, Stormwater Manual, Erosion and Sediment Control Manual should be mentioned in the

Whereas Clause. He stated that the primary document should be the State's Stormwater Manual.

Consultant Engineer Barbagallo referred back to conditions of Conditional Preliminary Subdivision Approval that have to be met:

- That the applicant submit maintenance agreements for the stormwater management system including stockpiling management and sewer pump station for review and approval by the Town Attorney prior to Final Subdivision Approval.

Consultant Engineer Barbagallo said that he has to coordinate with the Town Attorney on the document referencing stockpiling management.

- Since the portion of Clayton Boulevard to be constructed as part of this subdivision application will not be dedicated as a Town Road until some point in the future, the Applicant as owner will be obligated to maintain the road until dedication to the Town. Upon dedication of the road, the maintenance of the sidewalk will be the obligation of the adjacent property owner pursuant to Somers Code Chapter 142.

Consultant Engineer Barbagallo said that this condition will be moved and listed under Ongoing Conditions Required after Signing of Plat.

Consultant Engineer Barbagallo noted that this is the status of items that will be addressed prior to granting of Final Subdivision Approval.

Attorney Mandelbaum said that there is no need to have a note on the plat because as a matter of law the road will have to be maintained until it is dedicated by the applicant.

Town Planner Dym said that she agrees that the note does not have to be on the plat.

Attorney Mandelbaum noted that while Town Attorney Baroni is reviewing the documents it is not necessary to have proof of recording before the signing of the plat. He stated that he spoke to Town Attorney Baroni and he was in agreement.

DRAFT

Consultant Engineer Barbagallo stated that he had no objection to requiring proof of recording before the signing of the plat.

Mr. Keane suggested a check list template for all applications. Town Attorney Eriole stated that you cannot get to the plat until all conditions are met. He indicated that in the future if you want everyone to know about the note it should be on the plat. Town Attorney Eriole advised that more people will look at a plat than review a resolution.

The Chair asked if there were any more comments from the Board.

Ms. Gannon referenced Page 7 of the draft Resolution under parking *a total of 193 spaces potentially available on the south side of Clayton Boulevard…* She thought something was missing and asked that this be clarified.

Town Planner Dym stated she will review the paragraph and will make sure it is clarified.

Mrs. DeLucia clarified the third Whereas paragraph on Page 4 of the Resolution to read *The Mews Phase I at Baldwin Place and associated requirements of the Somers Realty Subdivision approval were completed and such housing is now opened and occupied.*

Mr. Foley asked about the discrepancy in the number of acres on the site.

Town Planner Dym indicated that the acreage is from the approved Resolution.

Town Attorney Eriole explained that if the Whereas clause relates to a past document the SIC can be used.

Consultant Engineer Barbagallo said that the surveyor will calculate the acreage with the final plat. He indicated that the acreage in the Resolution must correspond to the acreage on the plat.

Mrs. DeLucia asked that when doing the Resolution and giving the motion that the name of the person making the motion not be mentioned in the Resolution.

DRAFT

Mr. Keane said the Planning Board should make a decision if the SPPP for the Town is approved. He stated that under Chapter 93-9 it describes procedures for the permit which the Board should follow. He said that the Board should formally know what decision they are making. Mr. Keane indicated that it appears that the DEP Permit is more important than other permits and that is not correct.

Consultant Engineer Barbagallo noted that this will not be a condition because the SPPP will have to be approved prior to approval. He mentioned this will be documented in a Whereas clause in the Resolution.

Town Attorney Eriole explained that by approving all the permits related to this project when the Board votes they will be approving all the permits. He stressed that there has to be reference in the Resolution that all steps have been followed in respect to all permits relating to this application.

Ms. Gannon noted that for consistency to the appropriate level of detail the *revised SPPP shall be prepared in accordance with the applicable codes, addressed outstanding engineering comments* and by writing the paragraph like this the Board has referred to applicable codes and it incorporates everything without explicitly breaking them out. She stressed that if the preference of the Board is for more detail we have to agree and be more consistent so staff can have a certainty of understanding when there is too much detail and when is detail not enough.

Town Attorney Eriole said that the Board wants to be comfortable that they have engaged in the process that is required and the Resolution should show that the required process has been completed. He mentioned that under "Be It Further Resolved" in the Resolution it indicates that conditional final Subdivision plat approval and all other associated approvals of the application are conditionally granted.

Consultant Engineer Barbagallo said that when you deem a SPPP application complete or incomplete his memoranda addresses the issues with the SPPP. He said if the Board wants to take separate action he will ask the Board if they agree or disagree with his recommendations relative to the SPPP.

DRAFT

Consultant Engineer Barbagallo asked Mr. Keane if he had specific comments or technical issues with the SPPP or is it more the laying out of the process.

Mr. Keane said that procedurally the Board has to address what the Regulations call for.

Consultant Engineer Barbagallo stated that the Regulations have been followed and the Whereas clauses have to be more specific.

Consultant Engineer Barbagallo brought the Board up to date on the meeting with the DEP relative to the loop road coming out onto Route 6. He mentioned that a variance will be required and will be an On-Going Condition as no future subdivision can happen without the variance being in place. He mentioned that all bonds, a blasting plan and a pre-construction notification with the Army Corps of Engineers for coverage under Nationwide Permit #18 relative to wetland disturbance must be provided prior to the issuance of a Building Permit.

Mrs. DeLucia asked about the blasting plan and rock chipping.

Consultant Engineer Barbagallo said that the blasting plan is very specific on the monitoring that will occur and the size of the charges that will be used. He indicated that rock chipping will occur and the plan should be called a rock removal plan inclusive of a blasting plan.

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

Chairman Currie said that the Board will be reviewing the Draft Resolution for Conditional Site Plan Approval for The Mews at Baldwin Place Phase 2 Site Plan Approval, Wetlands, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits.

The Chair asked the applicant's representative if he reviewed the Draft Resolution for Conditional Site Plan Approval.

DRAFT

Richard Williams, the applicant's engineer, noted that the application has reached a point where the Board can take action on approval. He noted that there are outstanding issues related to the subdivision and the Site Plan application is dependent of the subdivision application. He stated that he reviewed the draft resolution and only had one comment. Engineer Williams mentioned that under "Be It Further Resolved" that the Tree Removal Permit be added.

The Chair asked staff if they had any comments.

Town Planner Dym asked if there were any comments from the Board on the Resolution as she would like to have the Resolution ready for the January 23, 2013 Planning Board meeting.

Ms. Gannon asked about the recreation fees. She indicated that the Resolution states that the applicant will be approaching the Town Board to request a waiver of the recreation fees per Chapter 55.5 Recreation Fees of the Code of the Town of Somers.

Rose Noonan, Executive Director of the Housing Action Council, said that the applicant is requesting a reduction of the recreation fees at the Town Board Work Session on February 7, 2013.

The Chair asked Consultant Engineer Barbagallo if there were any outstanding engineering comments.

Consultant Engineer Barbagallo said that before the Site Plan can be signed the applicant has to demonstrate how the gas and electric lines will be brought into the site. He indicated that this is the only outstanding engineering comment.

Town Planner Dym suggested changing number 5 under "On-Going Conditions Required After Signing of Site Plan" to read *That all rock removal work be limited to occur Monday through Friday.*

Mrs. DeLucia stated that rock chipping should not be under Noise in the Town Code.

Engineer Williams said that under "On-Going Conditions Required After Signing of Site Plan" under Town Code Section 144-7D.(13) it states that

construction activity shall be limited from 7:00 a.m. to 6:00 p.m. and no construction activity shall occur on Sundays or legal New York State holidays.

The Chair said that the Resolution will be discussed at a Special Meeting of the Planning Board on January 23, 2013.

CHANGE OF CALENDAR FOR MAY PLANNING BOARD MEETING

Chairman Currie explained that the Town House parking lot will be closed Monday May 6, 2013 through Friday May 17, 2013. He explained that the Library will be available on Tuesday, May 7, 2013, but it would require moving all of the television equipment and other materials which is a task that is very time consuming and cumbersome. He noted that if the Planning Board is agreeable, the regular Town House meeting room is available Wednesday, May 1, 2013 and Wednesday May 22, 2013.

Chair Currie noted that it was the consensus of the Board to change the May Planning Board meeting to May 1, 2013.

There being no further business, on motion by Mr. Keane, seconded by Mr. Goldenberg, and unanimously carried, the meeting adjourned at 9:15 P.M. and the Chair noted that the next Planning Board meeting will be a Special Meeting on January 23, 2013 and will be held at 7:30 P. M. at the Somers Town House.

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary

DRAFT

C-
PB
TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

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

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN
NOELLE CRISALLI WOLFSON

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

HENRY M. HOCHERMAN
OF COUNSEL

March 19, 2013

RECEIVED
MAR 20 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

480

Via Electronic and First Class Mail

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

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

Dear Chairman Currie and Members of the Planning Board:

At its meeting on December 12, 2012, the Board granted a tenth 90-day extension of Mancini Building Corp.'s ("Mancini") Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to April 4, 2013. We are writing to request an eleventh 90-day extension pursuant to Town Law Section 276(7)(c), to and including June 3, 2013.

Since our last request for an extension, Mancini finished cutting the remaining trees in the subdivision road system right-of-way. I have been advised that Mancini is preparing to restart work on the road, sewer and water, and drainage and stormwater infrastructure in the next few weeks, weather permitting. In addition, Mancini is planning to move ahead with the off-site drainage improvements this Spring and, I understand, has been in touch with representatives of Heritage Hills Society/Heritage Hills Condo 29 (the "Heritage Hills Entities") and Lake Lincolndale Property Owners' Association ("LLPOA") about its plans. Mancini will be meeting with those representatives prior to commencing work on their respective properties. I am further advised that Mancini has been consulting with Mr. Steve Woelfle regularly and that the work that has proceeded thus far has done so without any issues arising. We are certain the road and infrastructure improvements will not be completed by the April 4th expiration date. Therefore, we respectfully request that the Board grant an additional 90-day extension of Final Subdivision Approval, to and including June 3, 2013, at which time we will report on the status of the work.

Kindly schedule this matter for the next available Planning Board meeting and let us know if an appearance is required. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: _____
Geraldine N. Tortorella

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

S:\# MATTERS\Mancini 0047\Merritt Park 001\Letters\Planning Board Currie 3-19-13 Eleventh Extension Request.doc

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: **April 3, 2013**

TO: **Planning Board**

FROM: **Syrette Dym, AICP**
Town Planner

RE: **Merritt Park Estate Subdivision Time-Extension**

On March 20, 2013, a request for an eleventh 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On December 12, 2012, the Planning Board granted a time extension for the final subdivision approval to April 4, 2013. The current requested time extension would extend approval through June 3, 2013. The request for extension was received within the 90 day period, however, there is a lapse of several days between the April 4th date of expiration and the Planning Board meeting date of April 10. The Planning Board as per Resolution No. 2010-07 granted a Resolution in Support of Granting Future Time Extensions for the Merritt Park Estates Subdivision. Steve Woelfle has indicated that progress is being made regarding the infrastructure improvements for the subdivision including clearing of trees readying the site for installation of infrastructure. This office does not have any objections to the granting of the requested time extension, but leaves it to the discretion of the Planning Board to grant such extension.

The applicant continues to pursue construction of the subdivision road and infrastructure as indicated in the letter of March 19, 2013 from their representative Hockerman Tortorella & Wekstein, LLP and is informing Steve Woelfle of their progress.

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

cc: Geraldine Tortorella, Esq.
RichardMancini
John Mancini

Z:\PE\Subdivision files\Merritt Park\Extensioins\9th time extension.doc

C/
PB
TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

ATTORNEYS AT LAW

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

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN

NOELLE CRISALLI WOLFSON

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

HENRY M. HOCHERMAN
OF COUNSEL

March 7, 2013

Via Federal Express

RECEIVED
MAR 21 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

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

484

Re: Wright's Court – Request for Extension of the Stormwater Management and Sediment and Erosion Control Permit

Dear Chairman Currie and Members of the Planning Board:

As you are aware, we represent the recipient of the approvals for Wright's Court, Hallic Place Development, LLC ("Hallic"). At its meeting of April 11, 2012, by Resolution No. 2012-03, your Board granted Amended Conditional Site Plan Approval, a special exception use permit, and a Stormwater Management and Erosion and Sediment Control Permit (the "Permit"). The actual site plan was signed by the Planning Board Chairman on July 18, 2012. As a result, under the Somers Code, the Site Plan Approval does not expire until July 18, 2013. *See* Zoning Ordinance §170-114I(1). However, due to a fluke in the Code, it may be that although contained in the same Resolution, the Permit expires one year from the date of the Planning Board's *adoption* of that Resolution, rather than the date of the execution of the site plan itself. *See* Zoning Ordinance §93-20.

No construction has yet occurred on Hallic's property. Therefore, the development will not be completed on or before April 11, 2013. We are writing to respectfully request that, if deemed necessary, your Board grant an extension of the Permit until at least July 18, 2013, the date on which the Site Plan Approval is currently scheduled to expire or, preferably, until July 18, 2014. We believe that denial of our request would be inequitable and prevent Hallic from proceeding to develop the site under its valid Site Plan Approval.

Please place this matter on your earliest available agenda.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By: _____
Adam L. Wekstein

ALW:cv
cc: *(via electronic mail)*
Syrette Dym, AICP
Mr. Stephen Woelfle
Mr. Thor Magnus
John Kellard, P.E.
Geraldine N. Tortorella, Esq.

S:\# MATTERS\Nordic Custom Builders 0083\Hallic Place - Somers 001\Letters\Currie 3-7-13.wpd

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: March 21, 2013

TO: Planning Board

FROM: Syrette Dym, AICP
Town Planner

RE: Wright's Court – Request for Extension of the Stormwater Management and Sediment and Erosion Control Permit

On March 7, 2013, a request for an extension of the Stormwater Management and Sediment and Erosion Control Permit for Wright's Court, Hallic Place Development was submitted to the Planning Board. This project received Amended Conditional Site Plan Approval, special use permit and a Stormwater Management and Erosion and Sediment Control Permit (the "Permit") at a meeting of April 11, 2012. Since the plan was signed July 18, 2012, the site plan approval does not expire until July 18, 2013, based on Section 170-114I(1). of the Zoning Code. Zoning Code Section 93-20, however, says the Stormwater Management and Erosion and Sediment Control Permit expires one year from the date of Planning Board adoption of the Resolution (Resolution No. 2012-03).

Since the development will not be completed by April 11, 2013, the Applicant is requesting an extension of the Permit until at least July 14, 2013 or preferably 2014.

Since the Site Plan approval will likely have to be extended to July 14, 2014, it was the recommendation of Town Attorney Baroni that the Board consider extension of the Permit to July 14, 2014 to match up with a late Site Plan extension.

cc: Adam Wekstein

Z:\PE\Site plan files\Hallic Place-Wright's Court\Extensions\Stormwater Permit.doc

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

Planning Board Meeting Date of April 10, 2013

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2013-06
Granting of Conditional Amended Special Permit Approval to

New York SMSA Limited Partnership (Verizon Wireless)
for
CO-LOCATION OF A VERIZON WIRELESS FACILITY WITH EXISTING APPROVED AT&T WIRELESS FACILITYat
121 ROUTE 100 (AMATO PROPERTY)
Town Tax Number: Section 38.17, Block 1, Lot 5

WHEREAS, a formal application and letter by New York SMSA Limited Partnership (Verizon Wireless), dated February 26 2013 for Amende3d 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 February 27, 2013 consisting of the following plans and supporting materials:

1. Application for Site Plan Approval, dated February 26,, 2013; and

2. An Antenna Site FCC Radio Frequency (RF) Compliance Assessment and Report dated February 6, 2013, prepared by Pinnacle Telecom Group, concluding that the site maximum calculated RF level from the combination of the proposed Verizon Wireless antenna operations

and the existing AT&T antenna operation at the site is 0.6369 percent of the FCC MPE limit; and

3. A Noise Letter dated February 23, 2013 prepared by Structural Consulting Services, P.C. concluding that the average sound level of the generator with the sound attenuated enclosure will be approximately 57.3 dB(A)'s and will comply with Chatper123 of the Town of Somers Code; and

4. A Radio Frequency Affidavit dated February 25, 2013 prepared by Kadry Ahmed verifying the existence of gaps in wireless telecommunications coverage and the ability of the proposed facility to remedy said gap in coverage; and

5. Photograph of the Existing Stealth Tower to provide an understanding of Verizon's proposed modifications; and

6. A Structural Report prepared by Structural Consulting Services, P.C. dated February 25, 2013 concluding that the existing monopole has adequate capacity to accommodate the proposed installation; and

7. A Long Form EAF prepared in accordance with the New York State Environmental Quality Review Act; and

8. Copies of existing Federal Communications Commission Wireless Telecommunications Bureau Radio Station Authorization Licenses; and

9. Site Plans prepared by Structural Consulting Services, P.C. dated 11/9/12 consisting of:

   a. Sheet Z-1 – Stie Plan, Project Information, Maps and Notes
   b. Sheet Z-2–Part Site Plan and Details Sheet Z-3 Compound Elevations;
   c. Sheet Z-4 – 500' Radius Map and Adjoiners List

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

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

WHEREAS, on March 13, 2009 an application for a special exception use permit, height variances, rear yard variances, and a side yard variance for Homeland Towers, LLC and New Cingular Wireless PCS LLC (AT&T) for permission to install a wireless telecommunication facility consisting of a monopole with antennas mounted thereon, together with related equipment at the base was received by the Town of Somers Zoning Board of Appeals; and

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

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

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

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

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

WHEREAS, the Planning Board granted Conditionally Amended Special Permit and Conditional Amended Site Plan Approval on February 13, 2013 by Resolution No. 2013-05 for the implementation by AT&T of modifications including 4G LTE Upgrades to its existing wireless facility; and

WHEREAS, the approvals were for the installation of new antennas and cable equipment at the same elevation of existing AT&T equipment on the existing Tower and the installation of a new geographical positioning system (GPS) unit, cable and new service cabinet at ground level and all work is to occur within the existing fenced equipment compound located at the Tower base; and

WHEREAS, the Planning Board has determined that the proposed application constitutes as an eligible facilities request in accordance with the Section 6409

Middle Class Tax Relief and Job Creation Act of 2012 and it does not substantially change the physical dimensions of the subject Tower; and

WHEREAS, the Somers Planning Board at their regular meeting of March 13, 2013 determined that this action was a Type II Action and is, therefore, exempt pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(7) 2 which states that construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls is a Type II action under SEQRA and that the proposed project involved less than 4,000 square feet, and, therefore, no further action under SEQRA would be required as directed by a motion and second unanimously carried by the Board; and

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

WHEREAS, the Somers Planning Board at their March 13, 2013 meeting determined to waive the site plan approval and review as per the Applicant's request pursuant to §170-129.9.B and C and to waive the special permit public hearing in accordance with §170-129.6F; and

WHEREAS, the Somers Planning Board discussed the subject application at its meetings of March 13, 2013 and April 10, 2013; and

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

WHEREAS, in correspondence of March 11, 2013, The Town Planner requested the following information from the Applicant;

1. **Exhibit 1 – RF Compliance Report –**
    a. Page 3, which provides the results of the FCC RF compliance assessment for this proposal, needs to also present the existing condition with the additional future no-build condition that accounts for the current application before the Board for modifications to the AT&T facility at the same location that includes 4G LTE Upgrades to its existing wireless facility
2. **Exhibit 3 – RF Affidavit**

a. Page 1 indicates the Town of Lewisboro Planning Board and needs to be amended to Town of Somers.

3. **Drawing Z-1 - Site Plan, Project Information, Maps and Notes**
   a. Show on a blow up insert if necessary, a depiction that identifies the location of the building on the Lopane property that houses the day care center
4. **Drawing Z-2 Part Site Plan and Details** -
   a. Verify that the tree removals shown were part of a prior application and not the current application
   b. While the EAF indicates that approximately 360 square feet will be required within the existing equipment compound for the Verizon Wireless equipment, is the area to be disturbed greater when underground electrical conduits are considered. Identify additional disturbance area. Will erosion and sediment control measure be required for this disturbance located within the compound; and

WHEREAS, in correspondence of March 8, 2013, the Town Consulting Engineer requested the following information from the Applicant:

1. The Applicant should note that 4G equipment upgrades to the existing Tower are currently proposed by MetroPCS (AT&T) under a separate amended site plan application. The Applicant shall confirm that all provided reports, including the tower structural analysis, RF transmission reports, and noise report have been prepared considering the proposed AT&T equipment. The Applicant shall confirm that the proposed co-location of Verizon Wireless equipment will not conflict with improvements proposed to be undertaken by AT&T.
2. The Applicant's Structural Engineer shall address whether the proposed improvements by Verizon Wireless will impact the structural ability for the Tower to provide for future carrier co-location, as planned by the initial Tower design and approval by AT&T.
3. The proposed equipment shelter by Verizon is shown to have a finished height of 11 feet. The Applicant shall compare the height of the proposed shelter to the existing equipment area shelter by AT&T.
4. The Applicant shall provide documentation to demonstrate that additional electrical service loads proposed by new Verizon equipment along with anticipated future co-location electrical loads may be met by the existing electrical service to the cell tower site. If additional electrical equipment is required to be added to accommodate these existing and future loads, the Applicant shall indicate where such equipment will be located and any additional screening measures that will be provided.

5. The Applicant shall confirm that the proposed additional equipment will not impair the future addition of co-locators both on the Tower and at ground level within the existing equipment pad enclosure.

WHEREAS, in response to questions posed by the Town Planner and the Town Consulting Engineer, the Applicant submitted the following revised material:

1. Revised Radio Frequency Compliance Report dated March 12, 2013 prepared by Pinnacle Telecom Group stating that the report incorporates AT&T's proposed modification including 4G LTE Upgrades to its existing wireless facility approved by the Planning Board per Resolution No. 2013-05 at its meeting of March 13, 2013 and that such report confirms that the maximum calculated RF level from all proposed and existing antenna operations will be 0.6026 percent of the FCC MPE limit; and
2. A revised RF Affidavit reflecting the Town of Somers; and
3. Letter from Structural Consulting Services, P.C. dated March 25, 2013 addressing comments of the Town Planner and Town Consulting Enginee; revised EAF and associated revised drawings Z-1Z-2, Z-3 and Z-4 dated March 25, 2013 reflecting such responses, including:
    a. Approximate location of day care facility on Lopane property added to Drawing Z-4
    b. Drawings revised to indicate no removal of trees
    c. ,Revision to EAF and Sheet Z-2 indicating approximately 360 square feet of area for project disturbance inside the existing compound and approximately !00 feet of required conduit trenching disturbance outside, all of which is of short duration and located within steep slopes or other areas subject to erosion, therefore, not requiring Erosion and Sediment Control measures;
    d. The proposed Verizon installation will not impact the capability of the existing monopole to accommodate future carrier co-locations as previously approved;
    e. The elevation of AT&T outdoor equipment cabinets is approximately 7'6". Drawing Z-3 show the elevation of AT"&T's equipment.
    f. The existing electric service arrangement for the compound consists of a six-meter electric ban for use by multiple co-locators and there is sufficient available electric service such that Verizon Wireless' proposed electric service loads will not reduce the capability of the existing electric service arrangement for the site to support future co-locators and will not require any additional electrical equipment;

4. Additional revised letter from Structural Consulting Services, P.C. dated Revised March 25, 2013, (Original February 25, 2013) concluding that that even with AT&T's proposed upgrade to the existing monopole has adequate capacity to accommodate Verizon Wireless' proposed installation; and

WHEREAS, the Planning Board accepts the findings ofMarch 12, 2013, concluding that the site complies with all applicable emissions standards promulgated by Federal and State Law and that as per the methodology, established in FCC Bulletin OET 65, the percentage of cumulative MPE is less than 0.6026%, and is below the FCC limits; and

WHEREAS, the Planning Board has reviewed and is familiar with the project and its surroundings; and

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

BE IT FURTHER RESOLVED, that the application for conditional Amended Special Permit Approval and Amended Site Plan Approval to **New York SMSA Limited Partnership (Verizon Wireless)** as shown and described by the materials enumerated herein, is **HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and in accordance with §170-114.C.(12) "Planning Board Action" of the Code of the Town of Somers, New York SUBJECT TO the following conditions set forth below:

<u>Conditions Associated with Special Use Permit:</u>

1. **Visual Aspects:** It is understood that aesthetic aspects of all proposed equipment including but not limited to ground-based equipment, fencing and proposed landscaping is subject to Town review and approval.

2. **Maintenance Plan:** The applicant will provide a statement to the Town of Somers with regard to commitment and schedule to maintain all new visible aspects of the installation resulting from these amended applications.

3. **Construction:** The following information, along with any additional items required by the Town Building, Planning and Engineering, or other Department, and the Consulting Town Engineer shall be submitted:

    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**: Pursuant to Section 170.129.6(D(F) and (G), the Special Use Permit term has an onset starting at five years from the original date of approval which was by Zoning Board Resolution BZ04A/09 dated September 21, 2010 for installation of a wireless telecommunication facility consisting of a monopole (Homeland Towers, LLC) with antennas mounted thereon (New Cingular Wireless PCS LL (AT&T). 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.

9. **Inspection Fee**: An engineering inspection fee for the Special Permit shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board; the amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements as identified by the Consulting Town Engineer, and upon recommendation of the Consulting Town Engineer.

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

On-going Conditions Required After Issuance of Special Permit

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

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

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

14. **Improvements**: All improvements shown on the plans shall be installed in accordance with the approved plan and construction standards and specifications of the Town.

15. **Satisfaction**: All work associated with this Special Permit application shall be to the satisfaction of the Consulting Town Engineer.

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

17. **Certification of Operations:** Prior to issuance of a certificate of occupancy, a certification of operations shall be provided that specifically certifies that the Tower is operating in accordance with the FCC limits for Maximum Permissible Exposure (MPE) as detailed in the Revised RF Compliance Report prepared by Pinnacle Telecom Group dated March 12, 2013, and an operating agreement is to be in place to ensure that maintenance activities are completed in the future.

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

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

BE IT FURTHER RESOLVED, that this special permit shall be signed by the Planning Board Chairman subsequent to approval by the Planning Board, and Conditions of this Special Permit shall be met by the Applicant, as verified by the Town of Somers, prior to issuance of a Building Permit.

Special Permit approval and its continued validity are subject to all requirements of Section 170-1129 Wireless Telecommunications Facilities, and Chapter 17-105 and 170-106 Special Exception Use Permits, 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 Special Permit and associated drawings..

This resolution shall have an effective date of April 10, 2013.

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution No. 2013-06 adopted by the Town of Somers Planning Board granting an Amended Special Permit Approval New York SMSA Limited Partnership (Verizon Wireless) for co-location at an existing approved wireless facility at 121 Route 100 (Amato Property) at a regular meeting held on April 10, 2013.

1
2
3 **Syrette Dym, AICP** **Date** _____
4 **Town Planner**
5
6
7

JMC
JOHN MEYER CONSULTING, PC

- Site Planning
- Civil Engineering
- Landscape Architecture
- Land Surveying
- Transportation Engineering
- Environmental Studies
- Permitting
- Construction Services

March 27, 2013

Chairman Jon Currie
& Members of the Planning Board
Town of Somers Planning Board
Town House
335 Route 202
Somers, NY 10589

RECEIVED
MAR 28 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

RE: JMC Project 12110
Somers Town Center
325 Route 100
Town of Somes, NY

Request for Site Plan Approval Waiver
Burke Rehabilitation Facility Passenger Drop-off Area

Dear Chairman Currie & Members of the Board:

We are pleased to submit fourteen (14) copies of the following drawings in support of the proposed modifications to an existing passenger drop-off area at Somers Town Center to accommodate the Burke Rehabilitation Center currently under construction:

1. Town of Somers Planning Board "Request for Informal Appearance before Planning Board" application (with proof of paid taxes attached),
2. State Environmental Quality Review "Short Environmental Assessment Form,"
3. Town of Somers "Affidavit to be Completed by Corporation Owner" Application
4. Town of Somers "Applicant Acknowledgement" Application,
5. Town of Somers Chapter 67 "Application Processing Restrictive Law" Certification, (provided to the Town under separate cover).
6. Urstadt Biddle, Inc. check in the amount of $300.00 in payment of the Sketch Plan Review fee.
7. Schematic Site Plans, Figures 1 and 2, dated 03/27/2013 prepared by John Meyer Consulting.

120 Bedford Road, Armonk, NY 10504 ■ 914.273.5225 ■ Fax 914.273.2102 ■ mail@johnmeyerconsulting.com ■ johnmeyerconsulting.com

Burke Rehabilitation has received a building permit to improve an existing space within the Center. These improvements include the widening of an existing threshold along the rear of the existing building, adjacent to the existing sidewalk.

Minor site improvements are proposed to coordinate with the widened entrance to the building, which include the widening of an existing passenger drop-off area behind the building in which the Burke Facility will be located.

A portion of the existing sidewalk will be removed, and the existing paved driveway will be extended to a new curb closer to the building. A five foot wide section of the sidewalk will remain, and an accessible ramp will be installed.

The widened passenger area will be used for the loading and unloading of passengers, and will not be used as a parking space. In addition, the project will not result in an increase of impervious area since the proposal will be converting existing sidewalk into asphalt pavement.

Since the proposed site improvements are minor in nature, the applicant is requesting a waiver of the Site Plan Approval Process pursuant to Section 170-114(F)(2) of the Town's Zoning Code.

The following provisions are included in Section 170-114(F)(1) of the Zoning Code, and are repeated below in *italics*, and the applicant's comments regarding their applicability to this waiver request follow in **bold** text:

(a) A change from one use to another that does not affect the characteristics of the site in terms of traffic, access, parking, loading, circulation, hours of operation, drainage, utilities, lighting, security or other Town services.

The proposed minor site improvements will not affect these parameters as the proposed improvements are an expansion of an existing drop-off area and impervious coverage will not change as a result of the proposed improvements.

(b) Revision of an approved site plan that does not increase floor area or extent of site disturbance.

The proposed site minor site improvements do not include an increase in building floor area. All improvements associated with this change are proposed within previously developed portions of the Shopping Center.

(c) Placement of a sign when it is the only improvement or where it replaces an existing sign.

Not applicable to this application.

(d) Amendment of an approved special exception use permit that does not affect the characteristics of the site in terms of traffic access, parking, loading, circulation, hours of operation, drainage, utilities, lighting, security or other Town services.

Not applicable to this application.

We look forward to discussing the proposal with the Planning Board at its next meeting on April 10, 2013. In the interim, should you have any questions or comments please do not hesitate to contact us at (914) 273-5225.

Sincerely,

JOHN MEYER CONSULTING, PC

Robert Aiello, PE
Associate

cc: Mr. Andrew Albrecht, w/enc.

f:\2013\13023\ltfon 03-25-2013.docx/klm

7/06

RECEIVED
MAR 28 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

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: _____ DATE PAID: _____

I. IDENTIFICATION OF APPLICANT:

A. OWNER: Town Center of Somers (Urstadt Biddle Properties) ~~SUBDIVIDER~~: Town Center of Somers
ADDRESS: 321 Railroad Avenue, Greenwich, CT 06830 ADDRESS: 325 Route 100, Somers, NY
TELE #: 203-863-8200 TELE #: N/A

B. SURVEYOR: N/A TELE #: N/A
ENGINEER: John Meyer Consulting, PC TELE #: 914-273-5225

II. IDENTIFICATION OF PROPERTY:

A. Project Name: Burke Rehab Drop-Off Area (Somers Town Center)
B. Street abutting property: NYS Route 100 @ NYS Route 202
C. Tax Map Design: Sheet: 17 Block: 33 Lot: Parcel16B-5
Zoning District: Business-Neighborhood Center
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. (See Attached)

III. BRIEF DESCRIPTION OF PROJECT PROPOSAL:
Reconstruction of a drop-off area to accomodate new tennant and modification of an existing sidewalk to include an accessible curb ramp.

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.
Fourteen (14) 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.

_____ Date: 3-26-13
Applicant

_____ Date: 3-26-13
Owner A.V.P. Construction / U.B.P.

f:\2012\12110\Somers P&E Informal Application.pdf/klm

OFFICE OF THE TAX RECEIVER

Telephone
(914) 277-3610

FAX
(914) 277-3960

JOAN RIBAUDO
RECEIVER OF TAXES

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Date March 27, 2013
To Whom It May Concern:

Re: Urstadt Biddle Properties, Inc.
325 Route 100
17.15-1-13

There are no outstanding liens or taxes on the above referenced parcel. Please do not hesitate to contact this office if you require additional information.

Sincerely,

Joan Ribaudo

Joan Ribaudo
Receiver of Taxes

Please note the 2013 Town/County tax bill is due by April 30, 2013. As of this date this bill has not been paid.

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

RECEIVED
MAR 28 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
Town Center of Somers (Urstadt Biddle Properties)

2. PROJECT NAME
Burke Rehabilitation Center Drop-off Area

3. PROJECT LOCATION:
Municipality Somers (T) County Westchester

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Somers Town Center
325 Route 100
Somers, NY

5. PROPOSED ACTION IS:
☐ New ☐ Expansion ☑ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Reconstruction of a drop-off area to accommodate a new tenant including modifications to an existing sidewalk to include an accessible curb ramp.

7. AMOUNT OF LAND AFFECTED:
Initially 0.007 acres Ultimately .007 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☑ Yes ☐ No If No, describe briefly
n/a

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☑ Residential ☐ Industrial ☑ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:
B-HP (Business Historic Preservation District), OB-100 (Office Business), Residence R80, Residence R40

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:
n/a

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☑ Yes ☐ No If Yes, list agency(s) name and permit/approvals:
Town of Somers Site Plan Approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
Applicant/sponsor name: Robert Aiello, PE (John Meyer Consulting, PC for UBP) Date: 03/27/2013
Signature:

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

OVER

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☐ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☐ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

State of New York)
ss:
County of Westchester)

Andrew Albrecht, being duly sworn, deposes and says that he resides at 24 Old Stamford Road, New Canaan, Connecticut 06840 in the County Fairfield, State of Connecticut, that he is the Assistant Vice President of Urstadt Biddle Properties Inc. which is the owner in fee of all property on Survey of Towne Centre at Somers dated January 20, 2000, attached hereto, application for approval of which is herein made. That said Urstadt Biddle Properties Inc. acquired title to the said premises by deed from Towne Centre At Somers, recorded in the office of the Clerk of the County of Westchester on May 12, 2000 under Document Control No. 401250371.

That the statements contained herein are true to the best of deponent's knowledge and belief, and are made for the purpose of obtaining the approval of the submitted application by the Planning Board of the Town of Somers.

(Signed) _____
Andrew Albrecht

Sworn to before me this 27th
Date of March, 2013.

_____
Notary Public

Lisa P. Kolba
NOTARY PUBLIC, State of New York
No. 01k04916831
Qualified in Westchester County
Term Expires Dec. 28, 2013

401250371DEDC

Control Number	WIID Number	Instrument Type
401250371	2000125-000151	DED

WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)
*** DO NOT REMOVE ***

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT DED - DEED
FEE PAGES 10 TOTAL PAGES 10

RECORDING FEES

STATUTORY CHARGE	$5.25
RECORDING CHARGE	$30.00
RECORD MGT. FUND	$4.75
RP 5217	$25.00
TP-584	$5.00
CROSS REFERENCE	$0.00
MISCELLANEOUS	$0.00
TOTAL FEES PAID	$70.00

TRANSFER TAXES

CONSIDERATION	$9,500,000.00
TAX PAID	$38,000.00
TRANSFER TAX #	17133

RECORDING DATE 05/12/2000
TIME 12:35:00

MORTGAGE TAXES

MORTGAGE DATE	
MORTGAGE AMOUNT	$0.00
EXEMPT	
YONKERS	$0.00
BASIC	$0.00
ADDITIONAL	$0.00
SUBTOTAL	$0.00
MTA	$0.00
SPECIAL	$0.00
TOTAL PAID	$0.00

SERIAL NUMBER
DWELLING

THE PROPERTY IS SITUATED IN WESTCHESTER COUNTY, NEW YORK IN THE:
TOWN OF SOMERS

WITNESS MY HAND AND OFFICIAL SEAL

LEONARD N. SPANO
WESTCHESTER COUNTY CLERK

Record & Return to:
MR RAYMOND P ARGILA
URSTADT BIDDLE PROPERTIES INC
321 RAILROAD AVE
GREENWICH, CT 06830

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: 3-26-13
A.V.P. Construction/M.B.P.

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

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: April 1, 2013

RE:

Project:	Town Center of Somers Site Plan Modification
Applicant:	Urstadt Biddle Properties
Location:	325 Route 100 Sheet 17 Block 33 Lot Parcel 16B-5
Zoning:	NS – Neighborhood Shopping District
Actions:	Informal Review of Site Plan Modification for Waiver of Site Plan Approval

An informal application has been submitted requesting a waiver of (Site Plan) application procedures listed in §170-114B as per §170-114F.(2) of the Zoning Code relative to minor site improvements at the Somers Town Centre Shopping Center on Route 100. The improvements consist of a widening of an existing passenger drop-off behind the building in which a new tenant, Burke Rehabilitation, will be located. The project will not result in increased impervious surface since a portion of the existing sidewalk will be removed to extend the existing driveway to create a widened drop-off area. The applicant has provided the required written description of the proposed action stating how the action falls within the standards of 170-114F(1), along with a drop-off area sketch.

According to 170-114F (3), the Planning Board has to act on the waiver request within 31 day after date of the description which was March 27, 2013, i.e., at the Planning Board meeting of April 10, 2013.

To act on the waiver, the Planning Board must determine the following:

(a) The proposed action will not conflict with the site plan standards of Article IV of Chapter 144, Site Plan Review, of the Code of the Town of Somers.

The standards referred to are those listed in §144-8B. The safety, capacity, appearance and convenience of vehicular and pedestrian trafficways, parking, and loading areas, access drives and areas related thereto. The Planning Board will determine if the proposed modification is not in conflict with the listed standards of this section. Since the purpose of the modification is to enhance the capacity and convenience for vehicular drop-offs, there would not appear to be conflicts with this section.

(b) The proposed action will not require physical site work that is subject to Planning Board review or, in the case of a revision to an approved but not fully constructed site plan, will not require physical site work with a scope significantly greater than that shown on the originally approved site plan.

The limited proposed site work has already received a building permit to conduct the proposed work.

Z:\PE\Site plan files\Town Centre\Burke Rehab\Comments 04-01-13.doc

a-
PB
TP
CTE

HOMES FOR WESTCHESTER

... creating a sustainable County

RECEIVED
FEB 20 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

February 15, 2013

Mr. John Currie, Chair
Town of Somers Planning Board
Town Hall – 335 Route 202
Somers, NY 10589

463

Dear Mr. Currie,

HOMES FOR WESTCHESTER is a broad-based coalition working to craft action strategies to focus on legislative change, public education, innovation and community leadership to aid in the development of fair and affordable housing throughout Westchester for our workforces, our families, and our elderly. To that end, we are sending this request and proposal to every chief elected official and Planning Board Chair in the County.

HOMES FOR WESTCHESTER has focused on strategies to help accomplish this goal through several task forces. One such task force has concentrated on the approval process for affordable housing proposals. This group has developed guidelines for the option of using a Coordinator to work with the various approving agencies and applicants to move the process along in a timely manner. Provided herewith is a copy of the proposed guidelines. It is important to note that the Coordinator is intended to act as an advocate for the process, not for the proposed development.

We would like you to review the enclosed and consider how you could use these ideas to assist your community in the review of affordable housing proposals. The task force recognizes that every municipality and every situation within a municipality is different, and therefore not all of these recommendations may work in all instances. We do hope, however, that many of the ideas encompassed in these guidelines will be helpful to you.

Members of the task force would be pleased to meet with you to review the enclosed and assist your community in implementing the use of these guidelines in your review of affordable housing proposals within your municipality. If you are interested, please contact Tony Hoeltzel of the Community Housing Resource Center at Housing Action Council. Tony has worked with our Task Force and is also the Coordinator of the HOMES FOR WESTCHESTER Steering Committee. Tony will be happy to arrange a meeting with you and members of the Task Force to review the guidelines and role of the Coordinator with you, or to discuss other ideas you may have to assist with the review process. He can be reached at 914/332-4144 or by email at thoeltzel@affordablehomes.org.

We look forward to hearing from you and working with your municipality towards the development of more HOMES FOR WESTCHESTER!

Tony

Tony Hoeltzel, Coordinator
HOMES FOR WESTCHESTER

Joan P. Arnold
Convener, Streamlining Public Processes Strategy Group

HOMES FOR WESTCHESTER

... creating a sustainable County

Proposed Role of a Local Coordinator

in Expediting the Approval Process for a Priority Affordable Housing Proposal

A. Pre Submission

1. Immediately after a community is informed of a possible affordable housing development, the Mayor or Supervisor should identify it as a priority and appoint a person as Coordinator whose responsibility would be to work with the approving Boards and applicant to expedite the review process and report back to the Chief Elected Official (CEO) on a regular basis.

   The Coordinator should have experience in the local approval process, including SEQRA. This person could be the municipal planner or engineer. It could be a trusted administrative assistant or a former board member. It could also be a community volunteer, from a housing committee, for example, provided he or she has available time and expertise to focus on the process.

   In general, it should not be an outside consultant unless that consultant understands that the affordable housing proposal has priority status.

2. The Coordinator should set up an initial work session with the applicant and the municipality's professional staff and consultants to review the plans and type of housing proposed, including zoning and any other major issues. At that initial work session, the development timeline should be discussed, recognizing deadlines associated with public financing programs. If more than one local board is involved, it should be discussed which board should act as lead agency under SEQRA. As part of the initial work session, all local and non-local approving agencies should be identified with a contact list provided. This should include County and State Agencies like DOH and DEC, and other outside agencies such as NYCDEP and ACOE, if applicable. This will help all parties recognize and understand the added time constraints often encountered when certain outside agencies are involved.

   In addition to the professional staff and consultants, the Mayor or Supervisor, the Planning Board Chair, and if variances are involved, the Chair of the ZBA should also attend this initial work session.

   Unless there are major issues, a schedule of subsequent meetings should be defined by the Coordinator. Meetings with outside agencies should be planned early-on in this process.

2. The Coordinator should attend the local review and approval meetings and monitor the process, but as an observer, not interfering with the deliberations of the board or boards.

3. Follow-up meetings with outside agencies should be monitored by the Coordinator, making certain that they are scheduled by the applicant in a timely manner. The Coordinator should attend these meetings as the representative of the Mayor or Supervisor. If necessary or helpful, the municipality's professional staff or consultants should attend meetings with outside agencies as well.

4. Meeting summaries and progress reports should be provided to the Mayor or Supervisor on a regular basis; more frequently if issues arise during the review process.

5. If special meetings are needed with local boards, the Coordinator should help to set up the meetings, with input from the Mayor or Supervisor if there is resistance to special meetings. If more than one board is involved, and the Coordinator thinks it would be helpful, joint meetings should also be set up.

# # #

HOMES FOR WESTCHESTER

'Streamlining Public Processes' Strategy Group

Members:

Mr. Albert Annunziata, Building & Realty Institute of Westchester and the Mid-Hudson Region
Ms. Valerie Brown, AIA, Westchester + Hudson Valley Chapter
Ms. Lisa Buck, The Bridge Fund
Mr. Gregg DeAngelis, AIA, Westchester + Hudson Valley Chapter
Mr. Edward Delaney, Bibbo & Associates, LLP
Ms. Dorothy Forcina, Westchester County Association
Mr. John Fry, AIA, Westchester + Hudson Valley Chapter
Dr. Marsha Gordon, The Business Council of Westchester
Mr. Jeffrey Osterman, Town of Bedford
Mr. John Saccardi, AICP, VHB – Saccardi & Schiff
Mr. Gary Warshauer, WMW Architects
Ms. Linda Whitehead, Esq., McCullough, Goldberger & Staudt, LLC

Ms. Joan Arnold, Allied Community Enterprises (ACE) - *Strategy Group Convener*
The Rev. Tony Hoeltzel, Community Housing Resource Center – *Coordinator, HOMES FOR WESTCHESTER*

HOMES FOR WESTCHESTER
... creating a sustainable County

FROM: The HOMES FOR WESTCHESTER 'Streamlining Public Processes' Strategy Group – Albert Annunziata; Valerie Brown; Lisa Buck; Gregg DeAngelis, AIA; Edward Delaney; Dorothy Forcina; John Fry, AIA; Dr. Marsha Gordon; Jeffrey Osterman; John Saccardi, AICP; Gary Warshauer, AIA; Linda Whitehead, Esq.; & Joan Arnold (Strategy Group Convener) and Tony Hoeltzel (Coordinator, HFW).

BACKGROUND

HOMES FOR WESTCHESTER is a broad-based coalition of Westchester organizations that recognize the critical importance of diverse and affordable housing in creating a sustainable Westchester County. The HOMES FOR WESTCHESTER Steering Committee has been working for almost two years to 'problem solve' around the obstacles to creating fair and affordable housing. It is a dilemma that, as we know, has been around for many years. Many of those on the Steering Committee have been seeking solutions to it for upwards of thirty years.

The lack of affordable housing in Westchester creates problems not only for seniors and other special populations, but for those in our work force. We have all known for years that living in Westchester is unaffordable to many who sustain our communities. The 2009 Settlement Agreement between HUD and the County has brought into even sharper and wider focus the ever-present challenges in the creation of affordable housing. The HOMES FOR WESTCHESTER Steering Committee – with support from the Westchester Community Foundation – resolved to identify the major obstacles, create strategy groups, and develop action plans so that housing stock in the county could be developed long beyond the seven years and 750 homes mandated by the Settlement.

One of the principal obstacles to the creation of fair and affordable housing is the inordinate length of time consumed by development proposals as they wend their way through the public approval process. (Other identified obstacles fall under the headings of financing/investment, land use policies, and community acceptance.)

The *'Streamlining Public Processes' Strategy Group* is comprised of professionals who have grappled for years with the public approval process. Their names are noted above. Over the past months this group has worked to craft a piece of proposed legislation (or policy) for adoption by communities on a demonstration basis to streamline the approval process of development proposals that contain affordable housing. The 'Streamlining' Strategy Group refers to this as a "coordinated review", and it includes (among other things) the use of an appointed Coordinator to move the process along in a timely fashion, while still complying with all applicable rules and regulations. A copy of the proposed guidelines is enclosed. As stated clearly in the cover letter and in the proposed guidelines themselves, the Coordinator is to act as an advocate for the <u>process</u> not the proposal.

Please review and consider how the process outlined in the attached draft might assist your community in its review of development proposals that contain an affordable housing component.?

EA Engineering, P.C.
EA Science and Technology

3 Washington Center
Newburgh, New York 12550
Telephone: 845-565-8100
Fax: 845-565-8230
www.eaest.com

4 April 2013

Town of Somers Planning Board
ATTN: Mr. John Currie, Chairman
335 Route 202
Somers, New York 10589

RE: Review of Granite Pointe Final Supplemental Environmental Impact Statement
EA Project No. 1421102

Dear Planning Board Members:

On 26 February 2013, EA was authorized by the Town of Somers Planning Board to complete the proposed scope of work (EA Proposal No. 07606.20) associated with the review of Granite Pointe Final Supplemental Environmental Impact Statement (Final SEIS) for the Granite Point Subdivision. EA has completed the activities outlined in Task 1 & 2 of the aforementioned proposal and defined as follows:

- ***Task 1***—Review Volume I of the Final SEIS for completeness and the adequacy of the applicant's responses to comments on the Draft SEIS.

- ***Task 2***—Review Volume II of the Final SEIS, *Proposed Granite Pointe Subdivision Remedial Action Work Plan (RAWP)*. Evaluate the RAWP including the associated Appendixes and project plans for completeness and adequacy of the proposed site remediation.

This letter servers as a summary of those tasks and presents the evaluation and findings of the Final SEIS response's to comments and the Proposed Granite Pointe Subdivision RAWP.

TASK 1 – Final SEIS Response to Comments

EA conducted a review of comments pertinent to our firms consulting expertise as identified by Fredrick P. Clark Associates (FPCA) during the preliminary review of the Final SEIS. In total, EA reviewed 226 comments on the Draft SEIS and relevant responses provided by the applicant. Each comment and associated response was reviewed for relevancy of comment, as well as the completeness and adequacy of the response. Of the 226 comments reviewed, EA identified 21 responses that were not adequately addressed by the applicant. The following narrative summarizes our assessment of those activities. In addition, EA has provided a summary table that identifies the comment reviewed, adequacy of response (yes/no), and relevant notes regarding any response that was deemed not complete. This table is provided in Attachment A of this letter.

In general, the original respondent to public comments thoroughly addressed each comment reviewed by EA. The most common comments regarding the Draft SEIS pertained to entering the New York State Department of Environmental Conservation (NYSDEC) Brownfields Clean-up Program (BCP), adopting BCP Track 1 Unrestricted Use Soil Clean-up Objectives (SCOs), eliminating the use of lead contaminated soil under future roadways, and more thoroughly addressing airborne particulate/dust exposure risks, potential exposure risks during construction and post construction, potential risks under a no disturbance scenario, and through uptake by vegetation. Each of these comments were adequately addressed in Part III, Section B – D of the Final SEIS.

There were some comments that were either not adequately answered or not specifically addressed and can be reviewed in greater detail on the summary table provided in Attachment A. For example, comments in Part V, letter G were addressed in the RAWP and in Part III, Sections B - D, but were not specifically noted or addressed by the respondent on the comment letter. Part V, comment #19 in letter FF, the commenter is concerned that XRF screening samples do not correlate closely enough with the associated laboratory confirmatory samples. The comment was noted as no-response-needed (NRN), but should be reference Part II – III of the Final SEIS. There were also comments in letters WW and YY that should be denoted NRN but were not addressed or noted as such.

Finally, most of the comments found in public hearing transcripts were not addressed specifically on the transcripts, but were addressed in Part III, Sections B - D and/or the RAWP and/or the actual letter from which the citizen was reading. Each of these comments can be reviewed in greater detail on the summary table.

TASK 2 – RAWP Review

EA reviewed the RAWP to determine if the content and associated plans substantively meet the requirements as set forth in NYSDEC Division of Environmental Remediation 10 (DER-10) *Technical Guidance for Site Investigation and Remediation* (May 2010). Additionally, the proposed remedial action for the site was evaluated as to the adequacy and feasibility for achieving the stated remedial action objectives (RAOs).

Typically, under NYSDEC remediation programs the remedial goal for all remedial actions is considered to be the restoration of the site to the pre-disposal/pre-release conditions to the extent practicable and legal. RAOs are medium (e.g., soil, air) or operable unit-specific objectives for the protection of public health and the environment and are developed based on contaminant-specific Standards, Criteria, and Guidance (SCGs) to address contamination identified at a site.

The proposed remedial action (excavation and off-site disposal) is considered a presumptive/proven remedial technology remedy under DER-15. The Granite Pointe Subdivision site would be considered a primary candidate for implementation of this type of conventional remedy and is likely the most cost-effective remedy. This remedy is very quick to

implement and may not require institutional controls (IC) and engineering controls if all contaminated material is excavated and disposed off-site.

EA's review of the RAWP concludes that the document satisfactorily meets the substantive requirements of DER-10. All required plans are included in the document and are considered complete. The following bulleted items were noted as minor deficiencies within the document, but do not impact the completeness of the document:

- The proposed remedial action (RA) meets the RAOs for on-site soil; however, it is unknown if removal of contaminated soil will directly influence bulk groundwater concentrations of lead above applicable NYSDEC Ambient Water Quality Standards (25 µg/L). Post remediation monitoring of groundwater concentrations may be warranted in addition to some form of land use restriction for groundwater use (i.e., deed restriction). Post-remediation monitoring is planned at the site, but should include a statement that if asymptotic levels are not documented or achieved during post remediation monitoring, then temporary ICs may be necessary along with a Site Management Plan (SMP) that includes a groundwater monitoring plan to demonstrate that bulk reduction in groundwater concentrations are in progress.

- The summary of the phased remedial approach should note that the destination transfer site and/or disposal facility (TSDF) will be identified during Phase I of the remedial action and authorization of material acceptance letters from the facility are in-place prior to conducting excavation work (Phase II & III). This can be accomplished by conducting the pre-characterization efforts prior to the start of Phase II & III; as currently stated in the RAWP these activities appear to be listed out-of-order within the document. The first description of a pre-characterization effort appears in Section 5.4.5 of the document, but should be included within each section that presents the sequence of remedial action work activities for clarity.

- Shallow depths to groundwater (~7.5 ft bgs) were documented at the site during the investigation phases of work (based on 2006 gauging data). The current remedial action includes excavations that will extend to 6 ft bgs in portions of the site. The RAWP also notes that additional excavation and disposal may be required if post-confirmation sampling results do not meet targeted clean-up goals. In areas where deeper excavations are planned to occur it may be feasible that additional excavation work could be required and would then encroach upon the groundwater table. Therefore, understanding shallow groundwater fluctuations and conditions are imperative to the RA, as managing potentially impacted groundwater during excavation work could have a significant impact on required plans, permitting, cost, and schedule if not currently planned.

- RA construction schedule should be submitted to NYSDEC, NYCDEP, and the Town of Somers for review prior to RA implementation with allowable time for review and comment.

If you have any questions regarding EA's review of the Final SEIS or would like to discuss further please do not hesitate to contact Paul Muessig by email (phm@eaest.com) or phone (845-565-8100, Extension 1702).

Sincerely,

EA SCIENCE AND TECHNOLOGY

Paul H. Muessig
Senior Scientist

EA ENGINEERING, P.C.

Christopher J. Canonica, P.E.
Vice President

CJS/drs
Attachments

Attachment A
Response to Comments Summary Table

Response to Comments Summary Table

Comment ID			Adequate Response	Notes
Part	Section/Letter	Comment No.		
I			yes	
II			yes	
III	A		yes	
III	B	a)	yes	
III	B	b)	yes	
III	B	c)	yes	
III	B	d)	yes	
III	B	e)	yes	
III	B	f)	yes	
III	B	g)	yes	
III	B	h)	yes	
III	B	i)	yes	
III	B	j)	yes	
III	B	k)	yes	
III	B	l)	yes	
III	B	m)	yes	
III	B	n)	yes	
III	B	o)	yes	
III	B	p)	yes	
III	B	q)	yes	
III	B	r)	yes	
III	C	a)	yes	
III	C	b)	yes	
III	C	c)	yes	
III	C	d)	yes	
III	C	f)	yes	
III	C	g)	yes	
III	C	h)	yes	
III	C	i)	yes	
III	D	a)	yes	
III	D	d)	yes	
III	D	e)	yes	
III	D	f)	yes	
III	D	j)	yes	
III	D	k)	yes	
III	D	l)	yes	
III	D	m)	yes	
III	D	o)	yes	
III	D	p)	yes	
III	D	q)	yes	
III	D	r)	yes	
III	D	s)	yes	
III	D	t)	yes	
III	D	w)	yes	
III	D	x)	yes	
III	D	y)	yes	
III	D	z)	yes	

Response to Comments Summary Table

Comment ID			Adequate Response	Notes
Part	Section/Letter	Comment No.		
IV	M	1	yes	
IV	FF	3	yes	
V	E	1	yes	
V	E	3	yes	
V	E	4	yes	
V	E	6	yes	
V	E	7	yes	
V	G		no	These concerns were addressed in the RAWP, and in previous questions, but no marks were made on the letter to indicate that fact.
V	H	1	yes	
V	H	2	yes	
V	H	3	yes	
V	H	4	yes	
V	H	5	yes	
V	H	6	yes	
V	I	1	yes	
V	I	2	yes	
V	I	3	yes	
V	I	5	yes	
V	I	10	yes	
V	I	13	yes	
V	I	15	yes	
V	I	16	yes	
V	I	17	yes	
V	I	18	yes	
V	I	19	yes	
V	I	20	yes	
V	I	21	yes	
V	I	22	yes	
V	J		yes	
V	K		yes	
V	L	2	yes	
V	L	5	yes	
V	L	6	yes	
V	L	9	yes	
V	L	10	yes	
V	L	11	yes	
V	L	13	yes	
V	L	15	yes	
V	L	16	yes	
V	L	19	yes	
V	M	1	yes	
V	M	2	yes	
V	M	I.1	yes	
V	M	I.2	yes	

Response to Comments Summary Table

Comment ID			Adequate Response	Notes
Part	Section/Letter	Comment No.		
V	M	I.3	yes	
V	M	I.4	yes	
V	M	I.5	yes	
V	M	II.1	yes	
V	M	III.1	yes	
V	M	III.2	yes	
V	M	III.3	yes	
V	M	III.4	yes	
V	M	IV.1	yes	
V	M	IV.2	yes	
V	M	IV.3	yes	
V	N	1	yes	
V	N	2	yes	
V	P	1	yes	
V	P	2	yes	
V	P	3	yes	
V	P	4	yes	
V	P	5	yes	
V	R	1	yes	
V	R	2	yes	
V	R	3	yes	
V	S	1	yes	
V	S	2	yes	
V	S	3	yes	
V	T	1	yes	
V	U	3	yes	
V	U	5	yes	
V	U	6	yes	
V	U	7	yes	
V	U	8	yes	
V	U	9	yes	
V	V	1	yes	
V	V	2	yes	
V	W		yes	
V	X		yes	
V	Y	1	yes	
V	Y	2	yes	
V	Y	3	yes	
V	Z	2	yes	
V	Z	4	yes	
V	Z	5	yes	
V	Z	6	yes	
V	Z	7	yes	
V	FF	1	yes	
V	FF	2	yes	
V	FF	3	yes	
V	FF	4	yes	

Response to Comments Summary Table

Comment ID			Adequate Response	Notes
Part	Section/Letter	Comment No.		
V	FF	5	yes	
V	FF	6	yes	
V	FF	7	yes	
V	FF	8	yes	
V	FF	9	yes	
V	FF	10	yes	
V	FF	11	yes	
V	FF	12	yes	
V	FF	13	yes	
V	FF	14	yes	
V	FF	15	yes	
V	FF	16	yes	
V	FF	17	yes	
V	FF	18	yes	
V	FF	19	no	Commentor is concerned that XRF screening samples do not correlate closely enough with laboratory values. NRN is not an adequate response, should reference Part II - III.
V	FF	20	yes	
V	GG	1	yes	
V	GG	2	yes	
V	GG	3	yes	
V	GG	4	yes	
V	GG	6	yes	
V	GG	7	yes	
V	HH		yes	
V	II		yes	
V	LL	1	yes	
V	LL	2	yes	
V	LL	4	yes	
V	LL	5	yes	
V	MM	1	yes	
V	MM	4	yes	
V	PP	1	yes	
V	PP	2	yes	
V	PP	2.b	yes	
V	QQ	2	yes	
V	SS		yes	
V	WW	1	no	This comment requires no response, but NRN was not noted on the letter itself.
V	WW	2	yes	
V	WW	3	no	This comment requires no response, but NRN was not noted on the letter itself.

Response to Comments Summary Table

Comment ID			Adequate Response	Notes
Part	Section/Letter	Comment No.		
V	WW	4.a	yes	
V	WW	4.b	yes	
V	WW	4.c	yes	
V	WW	4.d	yes	
V	WW	4.e	yes	
V	WW	4.f	yes	
V	WW	4.g	yes	
V	YY	1	yes	
V	YY	2	yes	
V	YY	3	yes	
V	YY	4	no	Should be reference to P.III-7.d). NRN not appropriate.
V	YY	6	yes	
V	YY	7	no	Previous reviewer marked this comment "YY", which is unfamiliar. This is an NRN as the DEP is worried about lead and asbestos in existing buildings and tank removal.
V	YY	8	yes	
V	YY	9	yes	
V	AAA	1	yes	
V	AAA	2	yes	
V	AAA	3	yes	
V	AAA	5	yes	
V	BBB		yes	
V	CCC	1	yes	
V	CCC	2	yes	
V	CCC	3	yes	
V	CCC	4	yes	
VI	0006.13		no	Not addressed and should be refered to P.III-7.f).
VI	0008.4		no	Not addressed and should be refered to P.III-7.f) and P.III-10.j).
VI	0009.17		no	Not addressed and should be refered to P.III-10.j).
VI	0010.7		no	Not addressed and should be refered to P.III-10.j).
VI	0010.23		no	NRN. Comment was incomplete.
VI	0011.11		no	NRN should be noted.
VI	0013.8		no	Not addressed and should be refered to P.III-8.D.a) and the RAWP, Appendix E.
VI	0015.3		no	Not addressed and should be refered to P.III-10.l) and the RAWP, Appendix E.
VI	0015.19		no	Not addressed and should be refered to P.III-10.l).

Response to Comments Summary Table

Comment ID			Adequate Response	Notes
Part	Section/Letter	Comment No.		
VI	0030.5 - 0034.24		yes	
VI	0036.23		yes	
VI	0038.7 - 0044.11		yes	
VI	0047.10 - 0049.9		yes	
VI	0052.7 - 0054.2		no	Same as letter G. These concerns were addressed in the RAWP, and in previous questions, but no marks were made on the letter to indicate that fact.
VI	0054.23 - 0059.9		yes	
VI	0061.18 - 0065.24		yes	
VI	0065.22		yes	
VI	0072.16 - 0075.10		yes	
VI	0081.17		yes	
VI	0083.11 - 0084.24		yes	
VI	0085.16		yes	
VI	5.18 - 8.14		no	Not addressed and should be refered to the responsed in letter FF.
VI	10.8 - 12.1		no	Not addressed and should be refered to P.III-1.a) and b)
VI	12.6		no	Similar to V.FF.19., also not addressed here
VI	15.11		no	Not addressed and should be refered to P.III-1.a) and b)
VI	26.6 - 24		no	Not addressed and should be refered answers provided in letter S

FREDERICK P. CLARK ASSOCIATES, INC.
PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
RYE, NEW YORK FAIRFIELD, CONNECTICUT

DAVID H. STOLMAN
AICP, PP
PRESIDENT

MICHAEL A. GALANTE
EXECUTIVE
VICE PRESIDENT

350 THEO. FREMD AVE.
RYE, NEW YORK 10580
914 967-6540
FAX: 914 967-6615

CONNECTICUT
203 255-3100

HUDSON VALLEY
845 297-6056

LONG ISLAND
516 364-4544

www.fpclark.com

email@fpclark.com

MEMORANDUM

To: John Currie, Chairman, and Members of the Town of Somers Planning Board

Date: April 5, 2013

Subject: **Granite Pointe Subdivision Final Supplemental Environmental Impact Statement (FSEIS) - Completeness Review [#210.201]**

In accordance with your Board's request, we have reviewed the Final Supplemental Environmental Impact Statement (FSEIS) for the Granite Pointe Subdivision for the purpose of determining whether that document is complete in terms of responding to comments raised during the DSEIS public hearings and in separate written correspondence.

Unlike a DSEIS, which is technically the Applicant's document, it is noted that an FSEIS is the Lead Agency's document. It is intended to present the Lead Agency's responses to comments on the DSEIS and will form the foundation for the Lead Agency's SEQR Findings Statement, which in turn will form the basis for the Planning Board's decision on the application itself. For that reason, one of the most important aspects of an FSEIS "completeness" review is to make sure that the responses to comments accurately portray the Lead Agency's view of the issues raised.

Based upon our review of the proposed FSEIS, we believe that it should be revised in a number of respects prior to the Planning Board determining that it is complete and can be distributed to other Involved and Interested Agencies for their information. ***In our judgment, the FSEIS does not yet fully and/or adequately address some of the comments that have been previously raised.*** We therefore recommend that the Applicant be required to revise and resubmit the FSEIS in order to address comments identified in our review memorandum, along with any other comments your Board and Town consultants may have.

As the Board may recall, our office was responsible for review of FSEIS content pertaining to habitat and a few other miscellaneous topics that neither EA Engineering nor Woodard & Curran would be reviewing. Based upon our review of the proposed FEIS, we offer the following review comments:

Overall Comment: The submitted FSEIS is not organized in a conventional manner. Instead of extracting all substantive review comments on the Draft Supplemental Environmental Impact Statement (DSEIS) from their original sources and presenting those comments (along with responses to each) by topic in a single section of the FSEIS, responses to comments on the DSEIS are presented in multiple FSEIS sections. The comments have been "tagged" in the correspondence received during the comment period and handwritten notes are provided to send the reader to the response in another section of the document.

I. Introduction

1. The "Introduction" states that the "Action Letter" was a comprehensive compilation of all substantive comments received from the public, Town Staff, consulting staff and agencies. The letter that is being referenced as the "Action Letter" was a letter prepared by the former Town Planner and the former Town Engineer to the Applicant's Engineer dated March 19, 2007. A copy of the letter has been included in Section V of the FSEIS. The letter states, "This list is not intended to be a complete list of issues; rather the FEIS should be sure to include the substance and detail as reflected in the attached in addition to other memos and comments received." Responses should be provided for all substantive comments received, not only those contained with in the March 19, 2007 letter.

III. Comments and Responses

2. The "Preface" states, "traditionally an FSEIS would respond directly to public comment on the DSEIS, but in this case the Town Planning Board and the Planning and Engineering Department have prepared specific issues to be addressed in the FSEIS." As stated in Comment 1 above, this was not the intent of the March 19, 2007 letter sent to the Applicant's representative. The "Preface" should be revised to explain that the list if comments prepared by the former Town Planner and Engineer are only some of the comments that needed to be addressed.

3. On page III-9, Comment g, the response should be revised to explain why several of the trees on Lot 10 will now be removed. Further, the response should indicate how many Town-regulated trees will be removed from the entire site. Comment h

on page III-9 should be revised to compare the number of trees that were proposed to be removed as part of the subdivision and how many trees need to be removed as part of the RAWP.

4. Comment M on page III-4 states that the habitat assessment references "NYSDEC resources stating that there are no documented bald eagle nesting sites on or adjacent to the property." The habitat assessment dated March 10, 2011 states that New York State Natural Heritage Program indicates that there is potential habitat for the bald eagle in the vicinity of the project site. The Applicant's representative surveyed the site (i.e. visited the site on two separate occasions) for potential roosting habitat, or eagles onsite but it is unclear if the survey involved systematically surveying for nesting sites. One of the surveys took place during nesting season (March 2011) as defined by US Fish and Wildlife Service in New York, but no eagles or evidence of eagles was found. According to the habitat assessment, the March survey was for roosting habitat, so it is difficult to draw conclusions from the habitat assessment, as submitted. The other survey took place in September 2009 for roosting habitat; however over-wintering bald eagles are in highest concentrations in January and February, and by March they are heading back to their nests, so it does not appear that the survey would be able to account for over-wintering roosting birds. The report should be revised to provide a more accurate assessment of potential eagles on the site.

   On page 3, in the last paragraph of the habitat assessment, it states that the work will take place in summer of 2011 and does not indicate how long the remediation will take. Since this information is not accurate, there should be some explanation of what the impacts may be to eagles if they are onsite during excavation of contaminated soils.

IV. Additional Comment and Responses

5. On page IV-2, the response for Comment Z states that independent and regulatory oversight is required by the Brownsfield Permit and the associated RAWP. The response should be expanded to state the type of oversight that is required.

6. On page IV-2, Comment DD recommends that deed restrictions be in place on future well drilling. The response states that there are no wells proposed. The response also states that safeguards are in place for post-remediation testing. The comment should be expanded to describe the type of post-remediation testing that will be performed.

V. Letters Received

7. Comment 5 in Letter E requests additional information on the historical dumping on the adjacent property. The FSEIS includes that reference number of the spill but does not describe the type of spill or how extensive it was. The FSEIS should be revised to provide additional information.

8. The 6th bullet point in Letter I requests information regarding deforestation on the site. It has been noted that the response to the comment can be found on page III-9 Comment g of the FSEIS. The comment should also note that additional information can be found on page III-10 Comment i.

9. The last comment on page 1 and the first comment on page 2 in Appendix A of Comment Letter I requests that the distance of the "firing line" to the shore line of the reservoir be clarified to note which shoreline of the reservoir. The Applicant's response states "see maps provided in FSEIS." However, it does not direct that reader to which map to view or answer which shoreline. The response should be revised accordingly.

10. In Comment letter DD, the following comments in the letter should be addressed by the Applicant:

    a. "The main question is this: Even if mitigation is completed will prospective buyers be notified of these past problems?"

    b. "The perspective buyer will be aware that they have central water but will they know why? Would a future homeowner be permitted to drill a well to irrigate or fill their swimming pool? If so, how safe will the groundwater be to swim in and/or irrigate? Are there any guarantees that ground water will not be contaminated? And if health problems do arise who is liable? The developer? The real estate agent involved in the transaction? Or possibly even the Town of Somers for knowing about these risks but approving the project anyway."

    In addition, we recommend that the Planning Board seek advice from its Counsel regarding deed restrictions and disclosure of previous contamination to future property owners.

11. In Comment Letter MM, the comments tagged by the Applicant under the heading "Children are uniquely vulnerable to lead exposure," the Applicant has responded with the word "notes." A complete response should be provided by the Applicant.

12. In Comment Letter QQ, the Town of Somers' Conservation Board had requested that a Wetlands Report and a topographical plan. The Applicant has responded with "NRN." The response should be revised to provide answers to the questions.

13. In Comment Letter UU, second Comment 1 on page 2, the note states that the response to comment can be found on page III-2, Comment A. We assume that the response is incorrect and is supposed to reference page III-1 instead of III-2. However, a more appropriate response would be "comment noted."

14. In Comment Letter UU, page 3, Comments 2 and 3, the response to the comment refers the reader to page III-1 Comment A. However, this section of the FSEIS does not adequately address the comment.

VI. Public Hearing Transcripts.

15. The comment contained in lines 1-12 on page 6 of the October 4, 2006 Public Hearing transcript was not identified by the Applicant. The FSEIS should be revised to respond to the comment.

16. The comment contained in lines 21 and 22 on page 6 and lines 23, 24 and 1-3 on page 7 of the October 4, 2006 Public Hearing transcript was not identified by the Applicant. The FSEIS should be revised to respond to the comment.

17. The comment contained in lines 3-6 on page 57 of the October 4, 2006 Public Hearing transcript was not identified by the Applicant. The FSEIS should be revised to respond to the comment.

18. The comment contained in lines 3-13 on page 67, lines 1-23 on page 68 and lines 24 and 1 on page 69 of the October 4, 2006 Public Hearing transcript were not identified as a comment by the Applicant. The FSEIS should be revised to "tag" the comment and provide a respond to the comment. In addition, a general reference is made to "refer to Letter I" for this speaker. However, the comments made in Letter I are not the same as the comments made during the public hearing. All comments made during the public hearing should be identified by the Applicant for the entire Public Hearing transcript.

19. The comment contained in lines 14-23 on page 69 of the October 4, 2006 Public Hearing transcript was not identified by the Applicant. The FSEIS should be revised to respond to the comment.

20. The response for the comment contained in lines 6-11 and 18-23 on page 15 and lines 2-5 on page 16 of the October 18, 2006 Public Hearing Transcript have generally been responded to by directing the reader to Comment Letter EE. However, comment letter does not contain any responses to comments. The Applicant should provide a response to the comments noted above.

21. The response for the comment contained in lines 17-22 on page 23 of the October 18, 2006 Public Hearing Transcript have generally been responded to by directing the reader to Comment Letter V. Comment Letter V then directs the reader to Comment Letter S. However, the comment letters do not contain any responses to comments or references to where the responses can be found. The Applicant should provide a response to the comments noted above.

22. The response for the comment contained in lines 16-20 on page 29 of the October 18, 2006 Public Hearing Transcript has generally been responded to by directing the reader to Comment Letter PP. However, the response to the comment is not addressed by this section of the FSEIS. The comment should address the comment specifically.

23. The response for the comment contained in lines 5-7 on page 40 of the October 18, 2006 Public Hearing Transcript has generally been responded to by directing the reader to Comment Letter AA. However, the response to the comment is not addressed by this section of the FSEIS. The comment should address the comment specifically.

<u>Additional Comment.</u>

24. The information provided in the "Granite Pointe Subdivision Off-Site Brownfield Cleanup Program" prepared by New York State Department of Environmental Conservation and the "Draft Final Remedial Investigation Report Granite Pointe Subdivision Off-Site" prepared by Shaw Environmental & Infrastructure Engineering regarding the clean-up of the NYCDEP land adjacent to the site should be incorporated into the FSEIS.

* * * * *

A representative of our office will be present at the April 10, 2013 Planning Board meeting to discuss these comments in more detail and provide additional guidance to the Board as necessary.

Sarah L. Brown
Senior Associate/Planning

Joanne P. Meder, AICP
Vice President/Planning

Debora Fillis Ryba
Senior Environmental Consultant

Attachment

cc: Joseph Barbagallo, P.E., Consulting Town Engineer
Joseph Eriole, Esq.
Paul Muessig, EA Engineering
Marilyn Murphy, Planning Board Secretary

J:\DOCS2\200\Somers\Granite Pointe FSEIS - Draft #1\FPCA Completeness Review Comments\210.201 - Granite Pointe FSEIS Completeness Review - Memo to PB - 040513.doc

ATTACHMENT A

The following documents prepared by the Applicant were submitted to FPCA for review:

- Proposed Granite Pointe Subdivision, Final Supplemental Environmental Impact Statement, Volume I, prepared by Groundwater & Environmental Services, Inc. and Bibbo Associates, LLP, dated August 31, 2011, last revised August 20, 2012.

- Proposed Granite Pointe Subdivision, Final Supplemental Environmental Impact Statement, Appendix B, Volume II, 1 of 2, prepared by Groundwater & Environmental Services, Inc. and Bibbo Associates, LLP, dated August 31, 2011, last revised August 20, 2012.

- Proposed Granite Pointe Subdivision, Final Supplemental Environmental Impact Statement, Appendix B, Volume II, 2 of 2, prepared by Groundwater & Environmental Services, Inc. and Bibbo Associates, LLP, dated August 31, 2011, last revised August 20, 2012.

- Granite Pointe Subdivision Off-Site Brownfield Cleanup Program, prepared by New York State Department of Environmental Conservation, dated December 2012.

- Draft Final Remedial Investigation Report Granite Pointe Subdivision Off-Site, prepared by Shaw Environmental & Infrastructure Engineering of New York, P.C., dated May 2012.

COMMITMENT & INTEGRITY
DRIVE RESULTS

709 Westchester Avenue | Suite L2
White Plains, New York 10604
www.woodardcurran.com

T 800.807.4080
T 914.448.2266
F 914.448.0147

RECEIVED
APR - 8 2013
PLANNING ENGINEERING
TOWN OF SOMERS

4489

WOODARD &CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Robert Wasp, EIT, CDT on behalf of Joseph C. Barbagallo, P.E., BCEE
DATE: April 5, 2013
RE: Granite Point Subdivision
Review of Final Supplemental Environmental Impact Statement (FSEIS)
Tomahawk Street
TM: 27.05-3-2&5, R-40

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our initial review of completeness for the provided FSEIS documents related to the proposed Granite Point Subdivision, located on Tomahawk Road. Our review has been conducted as part of a collaborative effort with F.P Clark and Associates and EA Science and Technology. Our review scope is focused strictly on elements related to site stormwater management, erosion and sediment control as well as construction design specifications related to site engineering. The provided FSEIS documents focus primarily on the proposed remedial action plan to address existing contamination on the property. It should be noted that our review of documents is based solely on the FSEIS and does not constitute a review for the preliminary or final subdivision approval. The following documents were considered during this review period.

DOCUMENTS REVIEWED

- "Granite Point Subdivision": Final Supplemental Environmental Impact Statement, Volumes 1 & 2, by Groundwater & Environmental Services, Inc. and Bibbo Associates, LLP, dated August 31, 2011, revised August 20, 2012.

PERMITS AND APPROVALS REQUIRED

- New York State Department of Environmental Conservation General Permit No. GP-0-10-001.
- New York City Department of Environmental Protection: Approval of Remedial Action Work Plan (RAWP)
- New York City Department of Environmental Protection: Approval of Stormwater Pollution Prevention Plan (SPPP).
- New York State Department of Transportation: Highway Work Permit
- Westchester County Department of Health: Approval of Remedial Action Work Plan
- Town of Somers Planning Board: Approval of FSEIS
- Town of Somers Planning Board: Stormwater Management and Erosion & Sediment Control Permit
- Town of Somers Planning Board: Tree Removal Permit

- Town of Somers Planning Board: Steep Slopes Permit
- Town of Somers Planning Board: Wetlands Activity Permit

DISCUSSION

In accordance with the agreed distribution of responsibilities, our office has completed the review of the provided Stormwater Pollution Prevention Plan and related aspects of the FSEIS document For the presentation of our findings and recommendations to the Planning Board related to the completeness of the current FSEIS Submittal, our comments are broken down into two sections: (1) Review of Applicant Comments and Responses, and (2) Review of Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plans.

The following is a summary of our initial completeness review comments for consideration by the Planning Board. It should be noted that further comments may be added following the receipt of additional information.

I - Comments Related to Completeness of Applicant Responses

For reference, all FSEIS comments and responses related to the review scope assigned by Woodard & Curran have been identified in the section below. Our recommendations regarding the completeness of the identified comments are shown in **Bold Type**.

1. *Comment*: RAP shall include construction access road, phasing and be coordinated with NYCDEP RAP

   Response: The RAWP discusses in section 4.3 (sub sections 4.3.1 through 4.3.3) details of mobilization to the site, erosion and sediment controls and the creation of a stabilized construction entrance to the site. The Phasing Plan is outlined in the RAWP as well as the SWPPP included in the RAWP, Appendix N. The NYCDEP was notified several times last being August 12, 2010 as to communicate the applicant's desire to coordinate any future clean-up with the NYCDEC. To the Applicant's knowledge the NYCDEP has not prepared a RAWP.

   Complete. It is our understanding based on a meeting held last month that the Applicant has made arrangements for cleanup of the NYC DEP property. The Applicant shall provide an update to the Board on the status of all correspondence with the NYC DEP.

2. *Comment:* RAP shall discuss impacts of Arsenic

   Response: The contaminants of concern are lead and semi- volatile organic compounds (SVOCs). In order to protect human and ecological receptors from exposure to contaminants in soils and debris by incidental exposure via inhalation or ingestion of lead and/or SVOCs, lead and SVOC impacted soil exceeding the Track 1 Unrestricted SCOs will be excavated and disposed of off-site. Following the removal of impacted soils from the subject site, confirmatory sampling will be analyzed. Additional excavation and disposal may be necessary if confirmatory sampling indicates remaining lead or SVOCs above Track 1 Unrestricted SCOs. Any trace elements associated with the source (lead shot) will be removed as part of the lead impacted soil removal process.

   Complete.

WOODARD &CURRAN

3. *Comment:* Discuss Potential Impact of Clean-up on Proposed Septic Areas

   Response: The proposed septic areas on Lots 10, 11, 12 and 13 are located in areas requiring the least excavation for the RAWP. Upon completion of the RAWP, the areas will be scarified and filled with run-of-bank sand and gravel to original grade.

   Incomplete, The Applicant shall identify the means in which the future septic area will be protected during construction to avoid stockpiling or compaction of site soils within septic areas. In addition, the Applicant will need to provide documentation of Westchester County Department of Health (WCDOH) and NYC DEP approvals for areas designated for future septic field construction.

4. *Comment D(u):* Sequencing Plan Should Include Stabilization Following Each Phase of Remediation.

   Response: Each phase will be stabilized as outlines in the RAWP, Sections 4.0 and 5.0.

   Complete.

5. *Comment D(v):* Provide Protocol for SPPP Security and Maintenance

   Response: The Remedial Contractor and the site Environmental Engineer will be responsible for daily erosion control inspection and maintenance. The control measures will be within the confines of the work area and therefore secure.

   Not Complete. The Applicant shall provide a more thorough inspection and maintenance plan in the SWPPP that specifically addresses inspections, schedules and reporting for all site stormwater structures during and following the completion of construction. See SWPPP review comments section below for more information.

6. *Comment E(a):* Discuss Potential Lead Impacts Related to Stormwater

   Response: The RAWP requires full contaminant removal. Any residual soil captured in the sediment basins would be removed from the site in accordance with the RAWP.

   Not Complete. The Applicant shall identify any specific handling and maintenance procedures for all stormwater infrastructure designed to collect and convey stormwater that has come in contact with lead contaminated soils. Such practices must be described in the site SWPPP.

7. *Comment E(b):* Prepare Comprehensive Erosion Control Plan (Stormwater Pollution Prevention Plan (SWPPP)).

   Response: The SWPPP is included in the RAWP, Appendix O.

   Not Complete. The provided SWPPP in Appendix O has been prepared to address all construction activities related to remedial site work. Several of our comments identify issues that should be addressed in a revised SWPPP submittal. Please see our additional comments identified under the SWPPP review section to follow.

8. *Comment E(c):* SWPPP shall include consideration to mitigate discharge to the Amawalk Reservoir up to the 100 year storm.

WOODARD &CURRAN

Response: Statistically the site will not be disturbed at a length to justify sediment basin to accommodate a 100-year storm.

Not Complete. The Applicant shall design all site stormwater and erosion & sediment controls to provide the capacity to convey and adequately dissipate stormwater flows resulting from the 100 year design storm so that erosive and sediment-laden discharges to the adjacent reservoir property may be prevented.

9. *Comment E(d):* Provide Sediment Removal Parameters During Remedial Action Activities.

   Response: Sediment will be monitored daily and removed upon excess in accordance with the RAWP procedures.

   Not Complete. Please see our additional comments identified under the SWPPP review section to follow.

10. *Comment E(e):* Discuss related stormwater discharge increases due to changes land cover (tree removal/bare earth).

    Response: The sediment basins are provided with the same volume as the proposed subdivision basins. The land use for the subdivision will be more intense (higher CN).

    Not Complete. In accordance with the NYSDEC Stormwater Management Design Manual, latest edition, permanent stormwater basins cannot be as temporary sediment traps during construction. This practice is prohibited unless the temporary sediment basins are constructed with higher invert elevations than proposed final stormwater basins, so that sediment laden basin soils will be excavated to avoid soil clogging.

11. *Comment E(f):* Provide Supporting SPPP Calculations.

    Response: See RAWP, Appendix O.

    Complete. However, design calculations provided in the SWPPP must be updated. Please see our additional comments identified under the SWPPP review section to follow.

12. *Comment E(g):* Identify Potential Impacts Through SPPP during Remedial Action for All Phases

    Response: See RAWP, Appendix O

    Not Complete, Please see our additional comments identified under the SWPPP review section to follow.

13. *Comment E(h):* Address Containment of Stockpile Areas.

    Response: See RAWP, Appendix O.

    Not Complete. Please see our additional comments identified under the SWPPP review section to follow.

14. *Comment (IV, 6):* The Detail Area noted in the Plan must be provided with a clear boundary on working drawings for proper analysis to include the placement of fences, existing trees, and proposed septic system area.

    Response: The Preliminary Approved Subdivision Plans are included in Appendix B – Fig. 19 and additional Plans in Appendix O.

    Complete. A preliminary plot plat plan has been included in the FSEIS submittal. It should be noted that preliminary plan shows the layout of the subdivision and related infrastructure, but does not constitute a plat prepared to contain all standard details for preliminary subdivision plat approval.

15. *Comment (IV, 7):* Page 9, under 2.5.2: The access should be through a temporary road to be constructed with details of the design and construction specifications provided for review. The subdivision road should not be constructed as part of the clean-up. When alternatives are presented, it must include all details of each alternative.

    Response: The access for remediation will be via the subdivision road brought to subgrade. For proper access for trucks, the subdivision road would be the appropriate means of ingress and egress.

    Not Complete. The provided SWPPP and related documents do not provide construction details for the temporary access road. It is our understanding that the access road will be graded to the proposed subgrade of the proposed subdivision road upon completion of remedial site activities. If that is the intent of the Applicant, design details for the proposed subdivision road must be provided in order to demonstrate its feasibility and conformance to Town Road design standards so that a proper subgrade may be established.

16. *Comment(IV, 8):* Page 9, under 2.5.2: The excavation fence must be defined and detailed with the specific location of installation to be placed on the construction drawing. The decontamination station located at the common driveway will need to address how the existing property owner will be able to access his home. Will the station be located above the individual driveway? The section must provide details of the decontamination station including how stormwater will be treated, will the station have the ability to treat two-way traffic.

    Response: The plan referred to has been eliminated in favor of access via the subdivision road. Detailed plans addressing the remediation and stormwater are to be found in Appendix O.

    No Longer Applicable. Access for the Remedial Site Work is shown to be provided through the location of the future subdivision road and does not impact access for the existing homeowner. The Applicant must provide additional information in the revised SWPPP to describe the remediation and handled of stormwater, as described in the Comments Related to SWPPP section to follow.

II - Comments Related to Stormwater Pollution Prevention Plan

The following is a summary of our review findings regarding the Stormwater Pollution Prevention Plan and erosion and sediment control measures contained within the FSEIS document, for the consideration by the Planning Board. It should be noted that our comments represent our opinion on the completeness of the reviewed information, in relation to the required elements contained by applicable New York State and Town of Somers Code, as well as best engineering practices for consideration by the Planning Board in their determination of completeness review.

The provided SWPPP and supplementary erosion control details have been prepared specifically to address construction activities to be completed as part of remedial site work to address the existing contamination on the property. It should be noted that a separate SWPPP containing erosion and sediment control plan details will need to be prepared for the proposed Granite Point subdivision.

The Planning Board should be aware that the following contents are required to be contained the as part of a SWPPP under the provisions for issuance of a Stormwater Management and Erosion and Sediment Control Permit, as defined by the Somers Town Code. These requirements are subject also to the satisfaction of SWPPP criteria specified by the NYSDEC SPDES General Permit for Construction Activity, and for SWPPP approval by the NYC DEP. The following is a summary of recommendations based upon our review of completeness for the FSEIS SWPPP and supplementary Erosion Control Plan details contained in the Remedial Action Work Plan.

§93-6(A) – Stormwater Pollution Prevention Plans

Contents of stormwater pollution prevention plans.

(1) All SPPPs shall provide the following background information and erosion and sediment controls:

> (a) Background information about the scope of the project, including the location, type and size of project. **Complete**
>
> (b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; area of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharges(s). Site map should be at a scale no smaller than one inch equals 100 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet). **Not Complete. The Applicant shall prepare a master drawing for the SWPPP to illustrate the scope of work for the Remedial Action Work Plan. The drawing shall be required to contain all of the information identified above as well as proposed stormwater and erosion and sediment control infrastructure as required by §93-B(A)(3)(e).**
>
> (c) Description of the soil(s) present at the site, including an identification of the hydrologic soil group (HSG). **Complete**
>
> (d) Construction phasing plan and sequence of operations describing the intended sequence of construction activities, including clearing and grubbing, excavation and

grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SPPP. **Complete.**

(e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff. **Not Complete.**

(f) Temporary and permanent soil stabilization plan that meets the requirements of the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization. **Complete. It should be noted that the provided SWPPP and drawings shall require additional information that may require updates to the temporary and permanent soil stabilization aspects of the project.**

(g) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice. **Complete. All erosion and sediment control practices should be included on the master SWPPP drawing for remedial site work.**

(h) Dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils. **Complete, Additional information and details are required to be added to the SWPPP related to the specifications, details operation and maintenance of erosion and sediment control practices. See additional comments below under the Additional SWPPP Review comments section.**

(i) Description and location of any stormwater discharges associated with industrial activity other than construction at the site, including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site. **Not Applicable**

(j) A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented. **Complete, See additional comments below under the Additional SWPPP Review comments section.**

(k) An inspection schedule for the developer or the contractor(s) that will be responsible for installing, constructing, repairing, inspecting and maintaining the erosion and sediment control practices included in the SPPP to ensure continuous and effective operation of the practices. The inspection schedule shall be in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. **Complete, However additional information and details are required to be added to the SWPPP related to the inspection, maintenance and reporting of erosion and sediment control practices. See additional comments below under the Additional SWPPP Review comments section.**

(l) Identification of any elements of the design that are not in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standard. **Not Applicable**

In addition to those requirements named above, the SWPPP is required to contain the following water quantity and water quality controls, designed in conformance with the enhanced phosphorous removal standards in the New York Stormwater Management Design Manual, latest edition.

§93B(A)(3) – SWPPP Requirements for Land Development Activities that are subject to §93-6(A)(2).

a) All information in § **93-6A(1)** of this chapter;

(b) Description of each post-construction stormwater management practice; **Complete.**

(c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice; **Complete.**

(d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms; **Complete, See additional comments identified below under the Additional SWPPP Review comments section.**

(e) A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum, the summary shall address the required design criteria from the applicable chapter of the New York State Stormwater Management Design Manual, including the identification of and justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the redevelopment criteria or waiver criteria included in the Design Manual; **Complete, See additional comments identified below under the Additional SWPPP Review comments section. It should be noted that the Applicant is required to design all stormwater and erosion and sediment control infrastructure in accordance with the latest editions of the NYSDEC Stormwater Management Design Manual and the NYSDEC New York Standards and Specifications for Erosion and Sediment Control.**

(f) Dimensions, material specifications and installation details for each post-construction stormwater management practice; **Not Complete. Complete material specifications and installation details for all proposed stormwater and erosion and sediment control practices have not been provided. The revised SWPPP shall contain all additional information as described by the Additional SWPPP Review comments section below.**

(g) An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice; **Partially Complete, Additional information, as identified under the Additional SWPPP Review comments section must be included in a revised SWPPP.**

(h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property; **Not Applicable. Maintenance easements are not required to be created for remedial site work prior to subdivision of the existing parcel. Maintenance easements will be required to be provided prior to re-approval of the proposed subdivision.**

(i) Inspection and maintenance agreements binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 93-8 of this chapter. **Not Complete. Please see our additional comments identified under the SWPPP review section to follow.**

Additional Comments Related to SWPPP and Erosion and Sediment Control Review

1. The use of areas designated for permanent stormwater basins as temporary sediment collection basins is not allowed unless the invert of permanent stormwater basins is designed to be constructed at lower elevation than the permanent stormwater feature. This convention requires the excavation of sediment laden basin soils prior to installation of permanent stormwater basins. See related Section I, Comment No 10 above.
2. The provided sediment trap sizing calculations have been prepared based upon volumes calculated from the NYSDEC water quality volume equation. For these calculations, The Applicant has used an improper value for the term "Rv" where a minimum value of 0.2 should applied. In addition, the NYSDEC New York Standards and Specifications for Erosion and Sediment Control, provides an alternative calculation method forminimum sediment trap storage volume. It is our understanding that the proposed sediment traps have been sized to accommodate larger volumes above the specified minimum storage. The Applicant shall revise the calculations summary table to demonstrate that all proposed sediment traps have been designed to accommodate the proper design volume.
3. The provided SWPPP and related Remedial Action Work Plan sections indicate that temporary sediment traps will be re-graded to their full volume for use as stormwater treatment basins at the conclusion of remedial site work and soil removal. The provided documents, however do not describe the design basis for permanent stormwater treatment basins. The Applicant shall provide design information to describe the proposed design of "stormwater treatment basins" The Applicant shall identify the design basis for their proposed basins (ponds, filtering, infiltration or other stormwater management practice) and shall provide documentation to demonstrate their feasibility, consistent with NYSDEC requirements.
4. The provided SWPPP and erosion control plan documents should address the clearing and removal of trees. The SWPPP and drawings should be updated to include a tree removal schedule, that identifies all trees to be removed by caliper and species

2. The Applicant shall be required to obtain coverage under the NYSDEC SPDES General Permit for Construction Activity. The Applicant shall provide documentation of filing an Notice of Intent to obtain SPDES coverage.

3. Given the site's location within the NYC DEP East of Hudson Watershed, stormwater practices shall be designed considering the provisions of Chapter 10 - Enhanced Phosphorous Removal Standards of the NYSDEC Stormwater Manual and additional

requirements of the NYC DEP. The Applicant shall be required to provide documentation of NYC DEP approval for the Remedial Action Work Plan SWPPP.

4. The provided SWPPP does not provide or reference complete maintenance and inspection specifications for stormwater and erosion and sediment control measures, as described in the RAWP. The SWPPP should be revised to be consistent the site erosion and sediment control inspection and maintenance provisions identified in the RAWP. Specifically the following items should be addressed in a revised SWPPP.

    a) The Applicant shall provide details for the proposed truck wheel wash station and its connection to sediment basin. The design details should include information to describe the truck washes station capacity as well as any required procedures for cleaning and maintenance of the truck wash station.

    b) The SWPPP should describe overall cut/fill for the site, consistent with the RAWP.

    c) Revise the SWPPP to indicate that inactive disturbed areas shall be stabilized within 14 days of completion of work in such area.

    d) The SWPPP should be revised to describe special provisions for the handling and temporary stockpiling of suspect contained soils. Related elements included under the project Health and Safety Plan (HASP) should be referenced in the site SWPPP. The SWPPP shall describe specific requirements for the protection and isolation of contaminated soil stockpiles, such as the use of plastic covers and other protective barriers.

    e) The Applicant shall describe the frequency of required site stormwater and erosion and sediment control inspections by a qualified professional, consistent with NYSDEC requirements. The SWPPP shall be revised to include a sample site inspection form to be completed by qualified inspection personnel.

    f) The SWPPP should be updated to reference all environmental sampling and monitoring programs, as outlined in the RAWP, including noise mitigation, air quality and odor control.

    g) The SWPPP shall be updated to describe the proposed methods for site dust control as discussed in the RAWP.

7. The Applicant shall be required to prepare maintenance agreements for all post construction stormwater management practices consistent with the requirements of the NYSDEC Stormwater Management Design Manual and Somers Town Code. Maintenance agreements shall be subject to review and approval by the Town and Somers and shall be recorded by the Westchester County Clerk's Office upon acceptance.

8. The Applicant shall revise the SWPPP to describe protective measures that will be used to prevent material stockpiling and compaction of site soils within future septic field areas. See related Section I - Comment No.3, above.

9. The Applicant is required to provide design information for the portion of the subdivision road proposed to be graded at the completion of remedial site work and soil removal. The proposed subdivision road must be shown to demonstrate conformance with "Town Road A" specifications as identified in Town Code. The Applicant must prepare a roadway

profile to demonstrate conformance with required slope and vertical curve specifications of Town Code.

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

Sincerely,

Robert P. Wasp, EIT
Assistant Consulting Town Engineer

On behalf of,

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