

Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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



**SOMERS PLANNING BOARD
AGENDA
APRIL 13, 2016
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for March 9, 2016.

PUBLIC HEARING

- 1. SOMERS POINTE COUNTRY CLUB [TM: 6.17-20-1.21]**
Application of Somers Pointe Country Club for a Site Plan for property located on the southeast side of the Somers Pointe Clubhouse at 100 West Hill Drive for the construction of a swimming pool and cabana building and two tennis courts with associated parking lots to provide additional recreation activities.

RENEWAL OF SPECIAL USE PERMIT

- 2. NEW CINGULAR WIRELESS PCS, LLC (AT&T)
RENEWAL OF SPECIAL USE PERMIT
[TM: 28.10-1-6.1]**
Application of New Cingular Wireless for renewal of Special Use Permit for existing approve AT&T Tower and related Wireless Facility located at Route 100, Majestech Corporation property.
Consideration of a Draft Resolution of Approval.

PROJECT REVIEW**3. HERITAGE HILLS WASTEWATER TREATMENT PLANT UPGRADE****[TM: 17.10-10-18]**

Application for Informal Appearance with Sketch Plan for property located at Heritage Hills Drive for upgrades to meet NYC DEP effluent requirements. Additional tasks include new odor control and screenings. Applicant requesting waiver of Site Plan application procedures specified in Section 170-114(B); and the waiver provisions set forth in Section 170-14(F) (1) (b).

4. SOMERS CROSSING**[4.20-1-11]**

Review and comment on the Somers Crossing Final Environmental Impact Statement (FEIS).

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

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

SEQRA DISCUSSION**6. CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**

Application for Site Plan Approval for property located on Route 6. The proposal is for a mixed use development consisting of a two story 24,000 s.f. building with 12,000 s.f. of retail and 12,000 s.f. of professional office and 64 residential units.

Next Planning Board Meeting is Wednesday, May 11, 2016
Agenda information is also available at www.somersny.com



1 **MEMORANDUM**

2 **TO:** Town of Somers Planning Board
3 **CC:** Marilyn Murphy, Planning Board Secretary
4 **FROM:** Robert Wasp, P.E. on behalf of Joseph C. Barbagallo, P.E., BCEE
5 **DATE:** April 8, 2016
6 **RE:** Somers Pointe Country Club, LLC.
7 Amended Site Plan Application, Stormwater Management and Erosion & Sediment
8 Control Permit, Steep Slopes Protection Permit and Tree Removal Permit.
9 1000 West Hill Drive
10 TM: 6.17-20-1.21, DRD District

11
12
13 The purpose of this memorandum is to provide the Planning Board with a summary of our review of
14 the documents received related to the Amended Site Plan Application for Somers Pointe Country
15 Club located at 1000 West Hill Drive. The Application proposes the construction of a new
16 swimming pool, cabana building, tennis courts, and associated new parking areas. To serve the
17 new proposed recreational facilities the plans illustrated expanded sanitary sewer, water service
18 improvements and the new construction of stormwater management infrastructure. The following
19 documents were received during this review period:

20 **DOCUMENTS RECEIVED:**

- 21 • No new documents were received during the review period.

22 **PERMITS AND APPROVALS REQUIRED:**

- 23 • Town of Somers: Amended Commercial Site Plan Application
24 • Town of Somers: Tree Removal Permit
25 • Town of Somers: Stormwater Management and Erosion & Sediment Control Permit
26 • Town of Somers: Steep Slopes Permit
27 • NYSDEC: State Environmental Quality Review
28 • NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity
29 (GP-0-15-002)
30 • Westchester County Department of Health (WCDOH): Approval of Wastewater System
31 Modifications for Increased Intensity of Use.
32 • Westchester County Department of Health (WCDOH): Approval of Commercial Water
33 System Modifications for Increased Intensity of Use.
34 • New York City Department of Environmental Protection: Approval of Stormwater Pollution
35 Prevention Plan (SWPPP) **

36
37 ** - If determined to be necessary by NYC DEP during project review
38



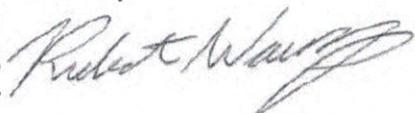
1 DISCUSSION:

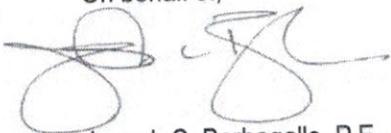
2 A site walk of the proposed project was attended by the Planning Board and the Consulting
3 Town Engineer on the morning of Saturday April 2, 2016. During that walk, the Applicant
4 discussed additional modifications to the proposed site plan with those parties in
5 attendance. Based upon the site walk discussions, the following items will be reviewed as
6 part of a future application submittal:

- 7 • The Applicant shall revise the design of the proposed stormwater management
8 system to route all stormwater flows that are bypassed from the new practices
9 receiving runoff from the proposed pool area, parking lots and tennis courts directly
10 to existing stormwater infrastructure located along West Hill Drive South. It should
11 be noted that the Applicant previously committed to inspect and cleanout existing
12 drainage infrastructure on West Hill Drive South that will receive bypass discharge
13 from the new site structures.
- 14 • The temporary sediment pond shown to be located within the land-banked lower
15 parking lot will be constructed as a permanent established stormwater pond
16 practice for the post development condition until it is determined that facility
17 demand warrants development of the land-banked area into parking.
- 18 • The plan shall be revised to eliminate the proposed truck parking lane at the front of
19 the clubhouse entrance as previously shown on the plan. Space for truck parking
20 will be provided elsewhere along the site frontage with West Hill Drive.

21
22 Please feel free to contact our office with any questions or concerns.

23
24 Sincerely,

25 
26
27 Robert P. Wasp, P.E., CDT
28 Assistant Consulting Town Engineer
29

On behalf of,

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

1

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

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Planning Board Meeting Date of April 13, 2016

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2016-04
Granting of Conditional Renewed Amended Special Permit Approval to

NEW CINGULAR WIRELESS PCS LLC (AT&T)
for
RENEWAL OF EXISTING APPROVED AT&T TOWER
At 243 Route 100 (MAJESTECH CORPORATION PROPERTY)
Town Tax Number: Section 28.10, Block 1, Lot 6.1

WHEREAS, an application package by New Cingular Wireless PCS, LLC ("AT&T") (Applicant), dated October 7, 2015, for Renewed Amended Special Permit Approval pursuant to Sections 170-129 of the *Code of the Town of Somers*, was received on October 8, 2015 consisting of the following materials:

1. Cover letter dated October 7, 2015 from Cuddy & Feder as AT&T's representative identifying the application as a renewal of its previously renewed Special Permit approved by Resolution No. 2013-07 dated May 1, 2013.
2. Special Permit Renewal Application Fee without benefit of Special Permit Application Form;
3. A Removal Bond SAFECO Insurance Company of America, effective date February 13, 2009;

1 4. A Revised Structural Analysis Report, prepared by GPD Group, dated
2 January 31, 2013, certifying that the Wireless telecommunications Tower
3 with the existing wireless facility complies with the requirements of
4 TIA/EIA-222-F standards.
5

6 **WHEREAS**, the subject application is for the renewal of an existing Special
7 Permit granted by the Zoning Board of Appeals per Resolution #BZ04C/05 on
8 December 20, 2005, amended by Resolution #2007-01 granting Conditional
9 Amended Site Plan Approval and Special Exception Use Permit on November
10 15, 2006 for location of a wireless communication facility within the Groundwater
11 Protection Overlay District; amended by Resolution #2013-04 granting
12 Conditional Amended Special Permit Approval and Amended Site Plan Approval
13 for requested upgrades, and renewed original permits per Resolution No. 2013-
14 07 on May 1, 2013 to install a wireless telecommunications facility to consist of
15 six(6) antennas concealed by and internally mounted within a 100 foot 6 inch tall
16 "stealth" flagpole and a fenced compound containing the concrete pad on which
17 equipment cabinets would be placed; and
18

19 **WHEREAS**, the subject lands are owned by Majestech Corporation; and
20

21 **WHEREAS**, the subject lands consist of a total area of approximately 14.51
22 acres and are located on the west side of Route 100, south of Highview Terrace,
23 within the Muscote Watershed Basin in the Office and Light Industry (OLI) zoning
24 district in the Town of Somers which is considered a "Low Impact Location" in
25 accordance with §170-129.6A (1) of *The Code of the Town of Somers*; and
26

27 **WHEREAS**, such telecommunications facility as amended has been constructed
28 and is operating in accordance with such approvals; and
29

30 **WHEREAS**, the current uses on the subject property consist of a two-story office
31 building and a one-story warehouse and associated parking areas and access
32 driveways along with a wireless telecommunications facility; and
33

34 **WHEREAS**, the Planning Board by Resolution #2013-07 granted Conditional
35 Amended Special Permit Approval and Amended Site Plan Approval for the
36 requested upgrades but such Resolution only granted a two year permit renewal
37 extension rather than the full five year renewal for the tower and directed the
38 Applicant to apply for renewal of those original permits as a condition of approval
39 of the special permit that was the subject of Resolution No. 2013-07; and
40
41
42

1 **WHEREAS**, that Special Permit for the existing Wireless Telecommunications
2 Tower has an expiration date of December 20, 2015; and

3
4 **WHEREAS**, the Applicant made a preliminary presentation to the Planning Board
5 for the Amended Special Permit Application on November 10, 2015 and

6
7 **WHEREAS**, the subject application does not propose any new facilities on the
8 existing Tower; and

9
10 **WHEREAS**, the Planning Board determined that the proposed application
11 constituted as an eligible facilities request in accordance with the Section 6409 of
12 the Middle Class Tax Relief and Job Creation Act of 2012 and it did not in any
13 way change the physical dimensions of the subject Tower; and

14
15 **WHEREAS**, the Somers Planning Board at their regular meeting of November
16 10, 2015 determined that this action was a Type II Action and is, therefore,
17 exempt pursuant to the New York State Environmental Quality Review Act
18 (SEQRA) Section 617.5(c)(7) 2 which states that construction or expansion of a
19 primary or accessory/appurtenant, non-residential structure or facility involving
20 less than 4,000 square feet of gross floor area and not involving a change in
21 zoning or a use variance and consistent with local land use controls is a Type II
22 action under SEQRA and that the proposed project involved less than 4,000
23 square feet, and, therefore, no further action under SEQRA would be required
24 as directed by a motion and second unanimously carried by the Board; and

25
26 **WHEREAS**, the Somers Planning Board at their November 10, 2015 meeting
27 determined to waive the special permit public hearing in accordance with §170-
28 129.6F; and

29
30 **WHEREAS**, Section 170-129.6.G of the Code of the Town of Somers provides
31 that a special permit may be renewed for an additional five-year term provided
32 the applicant demonstrates that the wireless or attached wireless
33 telecommunications facility is and has been in compliance with the requirements
34 of this article, the special permit and conditions; and

35
36 **WHEREAS**, the Planning Board determined that the requirements of Section
37 170-129.6G of the Town Code regarding requirements for renewal of a permit for
38 a telecommunications facility were met with the exception that the structural
39 engineering report "Revised Structural Analysis Report", prepared by GPD
40 Group, dated January 31, 2013 certifying that the Wireless Telecommunications
41 Tower with the existing wireless facility complies with the requirements of

1 TIA/EIA-222-F standards is not a structural condition assessment of the facility
2 based on a personal inspection of the site as required; and
3

4 **WHEREAS**, the Planning Board has reviewed and is familiar with the project and
5 its surroundings; and
6

7 **WHEREAS**, since AT&T is the sole carrier on this flagless flagpole style
8 monopole, the materials submitted in support of the Application for Conditional
9 Amended Special Permit Approval for the existing approved AT&T Wireless
10 Facility, including the structural report, reflect the AT&T Tower condition as well
11 as the entirety of the wireless facility seeking renewal; and
12

13 **WHEREAS**, as part of the approval of Resolution #2013-04 and Resolution
14 #2013-07 the removal bond was to have been in place for the renewal period of
15 December 20, 2010 through December 20, 2015; and
16

17 **WHEREAS**, at the November 10, 2015 Planning Board meeting the Town
18 consulting engineer expressed concerns regarding the lack of backup power on
19 the site in the event of power outages; and
20

21 **WHEREAS**, at the meeting of January 10, 2016 and by subsequent letter of
22 January 26, 2016 the Applicant indicated that the compound was small and
23 AT&T had a port for a portable diesel generator and has its own fuel trucks to
24 service the generators in case of a power outage, and that it subscribes to
25 business continuity and disaster recovery plans for wireless networks in addition
26 to its battery back-up power at all its macro-cell sites; and
27

28 **WHEREAS**, the Planning Board was satisfied regarding emergency back-up
29 capabilities; and
30

31 **WHEREAS**, given the provided structural analysis report was not a condition
32 assessment based upon a personal inspection of the Tower's structural integrity
33 and the prior special permit renewal of only two years, the Board determined that
34 a shortened three (3) year term of renewal to December 20, 2018, or five years
35 from the 2013 approval was appropriate; and
36

37 **WHEREAS**, such shortened approval was conditioned on a personal structural
38 inspection by a qualified engineer within four months of the date of renewal of the
39 permit;
40

1 **NOW, THEREFORE, BE IT RESOLVED**, that the foregoing **WHEREAS** clauses
2 are incorporated herein by reference and are fully adopted as part of this
3 approval; and
4

5 **BE IT FURTHER RESOLVED**, that the application for Conditional Amended
6 Special Permit Approval, to New Cingular Wireless PCS LLC (AT&T) as shown
7 and described by the materials enumerated herein, is **HEREBY**
8 **CONDITIONALLY GRANTED** in accordance with §170-129.6 G. Special Use
9 Permit of the *Code of the Town of Somers, New York*, **SUBJECT TO** the
10 following conditions set forth below:
11

12 Conditions Associated with Special Use Permit:
13
14

- 15 1. **Maintenance Plan:** The applicant commits to continue to maintain all visible
16 aspects of the installation resulting from this amended application.
17
- 18 2. **Performance/Removal Bond:** The Applicant shall keep in effect, a
19 performance/removal bond as required by Section 170-129.5(K) of the Zoning
20 Code of the Town of Somers in an amount and form satisfactory to the Town
21 (and its attorneys and consultants as the case may be) to ensure that the
22 facility with the proposed modifications is properly maintained and/or removed
23 if abandoned. The amount and sufficiency may from time to time, at the
24 Town's discretion, be adjusted to account for increased costs of maintenance
25 and/or removal as the case may be.
26
- 27 3. **Compliance With Town Code:** The Applicant shall comply with all applicable
28 provisions of the Zoning Code of the Town of Somers as set forth in Section
29 170-129.4 and such other laws as may be applicable to wireless
30 telecommunications facilities.
31
- 32 4. **Operations (future):** Operations shall be maintained in accordance with the
33 Town's Wireless Ordinance and all other relevant Town codes.
34
- 35 5. **Permit Term:** Pursuant to Section 170.129.6(D), (F) and (G) of the *Code of*
36 *the Town of Somers*, the Special Use Permit renewal would normally have a
37 term of five (5) years from the date of November 10, 2015 for both the
38 "stealth" flagpole and the six (6) original antennas pole originally granted by
39 Zoning Board Resolution BZ04C/05 dated December 20, 2005. However,
40 due to the prior two year approval to December 20, 2015 as per Resolution #
41 2013-07, this approval is for three (3) years to December 20, 2018, or a total
42 of five (5) years from the December 20, 2013 Approval. This Special Use

1 Permit may be renewed on application for additional five-year terms, provided
2 the applicant shall demonstrate that the wireless telecommunications facility
3 is and has been in compliance with the requirements of the *Code of the Town*
4 *of Somers* per §170-129.6G. As such, the renewal shall run for a three (3)
5 year renewal period from December 20, 2015 through December 20, 2018.

6
7 **6. Personal Structural Inspection.** In accordance with Section 170-129.6G of
8 the Code of the Town of Somers, a personal structural safety inspection of
9 the wireless telecommunications facility by an engineer specializing in
10 structural engineering certifying that the facility is structurally safe shall take
11 place within four months of the date of this approval of the special permit
12 renewal and such report shall be submitted to the Planning Board.

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

17
18 **8. Town Code Compliance:** The Applicant shall comply with all applicable
19 provisions of the *Code of the Town of Somers* as set forth in Section 170-
20 129.4 & 129.5 and such other laws as may be applicable to wireless
21 telecommunications facilities.

22
23 **9. Federal Code Compliance:** The wireless telecommunication facility shall
24 comply with any and all applicable laws, rules and regulations, including the
25 provisions of the Code of Federal Regulations pertaining to objects affecting
26 navigable airspace as delineated in Federal Aviation Regulation (FAR) Part
27 77 and the criteria for obstructions to air navigation as established by FAR
28 part 77, Subpart C, Obstruction Standards and the wireless
29 telecommunication facility shall comply at all times to the applicable FCC non-
30 ionizing electrical radiation standards.

31
32
33
34
35
36
37
38
39
40
41
42

1 **BE IT FURTHER RESOLVED**, that upon determination of compliance with the
2 foregoing conditions, the Planning Board Chairman is hereby authorized to
3 endorse Amended Special Permit Approval by signing of this Resolution.
4 The validity of any Certificate of Occupancy shall be subject to continued
5 conformance with the approved Renewed Amended Special Permit.

6
7 This resolution shall have an effective date of April 13, 2016.

8
9 **BY ORDER OF THE PLANNING BOARD**
10 **OF THE TOWN OF SOMERS**

11
12
13
14 _____
15 **John Currie, Chairman** _____
16 **Date**

17 **CERTIFICATION**

18
19 I hereby certify that this is a true and correct copy of Resolution #2016-04
20 adopted by the Town of Somers Planning Board granting an Amended Special
21 Permit Approval, subject to the modifications stated herein, to New Cingular
22 Wireless PCS LLC (AT&T) at Majestech Corporation Site located at 243 Route
23 100 at a regular meeting held on April 13, 2016.

24
25
26
27
28 _____
29 **Syrette Dym, AICP** _____
30 **Director of Planning** **Date**

KEANE & BEANE P.C.
ATTORNEYS AT LAW

■ **Main Office**
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ **Mid-Hudson Office**
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

March 15, 2016

***VIA EMAIL sdym@somersny.com
AND FIRST CLASS MAIL***

Town of Somers Planning Board
335 Route 202
Somers, NY 10589
Attention: Ms. Syrette Dym, Town Planner

Re: Heritage Hills WWTP NYCDEP Upgrade Program Waiver of Site Plan Approval

Dear Chairman Currie and Members of the Planning Board,

As you know, Keane and Beane, P.C. represents Heritage Hills Sewage Works, Corp. in connection with the Heritage Hills Waste Water Treatment Plant upgrade program. As a follow-up to last week's meeting we would like to avail ourselves of the formal site plan approval process required under Section 170-114(B); and the waiver provisions set forth in Section 170-14(F)(1)(b).

Heritage Hills and NYCDEP agreed to a proposed upgrade using the Membrane Bioreactor (MBR) system. The renovations to the existing Wastewater Treatment Plant will ensure compliance with permit flows and meet NYSDEC, WCHD, and NYCDEP requirements. This wastewater alternative will have very little visual impact, will decrease construction duration, and will result in significant operating and maintenance savings.

The MBR system will require the construction of a 30' x 15' building over one of the current aeration tanks, a 24" berm to cover pipes from the MBR to the existing microfiltration building, and additional plantings between the proposed modifications and the community gardens. The proposed construction will not be visible from Heritage Hills Drive, as it is behind existing structures. The construction will be visible from the existing gardens, but the proposed plantings will mitigate this impact.

Under Section 170-114(F)(1)(b), "A property owner may apply to the Planning Board for a waiver of site plan application procedures specified in Section 170-114B and above when the proposal is for one of the following activities: (b)Revision of an approved site plan that does not increase floor area or extent of site disturbance." We are requesting a waiver of site plan approval because the construction of the

Town of Somers Planning Board
March 15, 2016
Page 2

MBR system will not increase the extent of site disturbance due to the fact that construction will occur over an already disturbed area. The Planning Board may waive site plan approval upon consideration of site plan standards listed in Section 144-8:

1. The proposed number, size, location, height, bulk, use, appearance and architectural features of all structures and facilities

95% of construction will occur in the existing concrete tanks with a 30'x15' building over one of the current aeration tanks. The proposed construction is consistent with the appearance and architectural features of the existing structures in the facility and will occur over an already disturbed area

2. The safety, capacity, appearance and convenience of vehicular and pedestrian traffic ways, parking and loading areas, access drives and areas related thereto.

The safety, capacity, appearance and convenience of vehicular and pedestrian traffic ways, parking and loading areas, and access drivers and areas will not be impacted

3. Protection of environmental quality.

The environment will not be impacted because there will be no new disturbance areas. There may be some visual impact from the garden, however, tree plantings shall be provided for to screen MBR building.

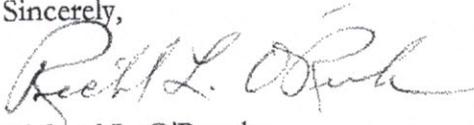
In addition, the MBR design proposal is a Type II action under SEQR. Under Section 617.5(c)(7), a type II action is classified as "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls." The MBR proposal requires the construction of a building of only 450 square feet. In comparison, the existing building size is 18,880 square feet. Further, the construction of the 24" berm to cover the pipes from the MBR to the existing microfiltration building is not an action which the SEQR regulations seek to control. The construction of a Berm will not have any environmental impacts and is part of the overall upgrade and installation of the MBR system.

Town of Somers Planning Board
March 15, 2016
Page 3

For the reasons set forth above we request a Waiver of Site Plan Approval under Section 170-114.

Thank you for your consideration.

Sincerely,



Richard L. O'Rourke

cc: Marc Brassard, AIA, Heritage Hills (via email/regular mail)
Richard Costa, Esq., NYC Corporation Counsel (via email/regular mail)
Mark Suozzo, E.I., Cedarwood Engineering PLLC (via email/regular mail)



1 **MEMORANDUM**

2 **TO:** Town of Somers Planning Board
3 **CC:** Marilyn Murphy, Planning Board Secretary
4 **FROM:** Robert Wasp, P.E. on behalf of Joseph C. Barbagallo, P.E., BCEE
5 **DATE:** April 8, 2016
6 **RE:** Informal Sketch Plan Appearance
7 Wastewater Treatment Plant Upgrade – MBR Alternative
8 Heritage Hills Sewer Works Corporation
9 9 Heritage Hills Drive
10 TM: 17.10-10-18, DRD District
11

12
13 **GENERAL**

14 The purpose of this memorandum is to provide the Planning Board with a summary of our
15 comments based upon review of the Applicant's informal sketch plan submittal requesting waiver of
16 amended site plan for the proposed improvements at the existing treatment plant located at 9
17 Heritage Hills Drive. Heritage Hills Sewer Works Corporation working in conjunction with NYC DEP
18 to construct upgrades at the existing wastewater treatment plant to improvement system
19 performance, odor control and screening. The following documents were received during the
20 current review period.

21 **DOCUMENTS RECEIVED**

- 22 • Letter, by Keaner & Beane, P.C., dated March 15, 2016.
23 • Letter, by Cedarwood Engineering Services, PLLC, dated February 19, 2016.
24 • Town of Somers Planning Board: Request for Informal Appearance, dated February 23,
25 2016.
26 • NYSDEC State Environmental Quality Review: Full Environmental Assessment Form
27 (EAF), by Keith J Sorensen, dated February 23, 2016.
28 • Drawings: "Heritage Hills Sewer Works Corporation", Sheets: "G-2" & "A-1", prepared by
29 Cedarwood Engineering Services, PLLC, dated January 15, 2016.

30 **PERMITS AND APPROVALS REQUIRED**

- 31 • Town of Somers Planning Board: Amended Site Plan Approval **
32 • Westchester County Department of Health (WCDOH): Approval of Proposed Wastewater
33 Plant Modifications
34 • NYC DEP: Approval of Proposed Wastewater Plant Modifications
35 • NYSDEC: Approval of Proposed Wastewater Plant Modifications

36 ** - Waiver of site plan procedures requested



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

DISCUSSION

The Applicant has submitted documents that outline the currently contemplated improvements at the Heritage Hills Wastewater Treatment Plant. The Applicant is pursuing the installation of a Membrane Bioreactor (MBR) system intended to improve plant performance. The new MBR is shown to be located within the footprint of existing concrete tanks in the western portion of the facility. Additional improvements include the construction of a new odor control system as well as new tree and shrub screening along the northern facility border.

Our office met with representatives of the Applicant's design team on April 7, 2016 to discuss the technical design approach being pursued. The Applicant's representatives intend to keep our office in close communication throughout the design and permitting process and has offered us the opportunity to provide technical design comments.

The Applicant has requested a waiver from site plan procedure requirements as provided under Town Code §170-114(F)(1). Subpart (b) within that passage, as cited by the Applicant indicates that revision of a site plan that does not increase floor area or extent of site disturbance may be applied for waiver of site plan application requirements. While a minor increase in the structure footprint of the facility is shown to be proposed by the development plan, §170-114(F)(1)(a) also provides waiver clause for

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

While the decision to waive site plan procedures is at the discretion of the Planning Board, our office is supportive of the Applicant's request based upon the minimal scope of site modifications as the basis for waiver provisions and necessity of plant treatment upgrades. Our office will be working directly with the Applicant's representatives during design and permitting and will maintain that the Town's interests are protected through the proposed improvements.

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

Sincerely,

Robert Wasp, P.E., CDT
Assistant Consulting Town Engineer

On behalf of,

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



1 **MEMORANDUM**

2 **TO:** Town of Somers Planning Board
3 **CC:** Marilyn Murphy, Planning Board Secretary
4 **FROM:** Robert Wasp, P.E. on behalf of Joseph C. Barbagallo, P.E., BCEE
5 **DATE:** April 8, 2016
6 **RE:** Hidden Meadow at Somers
7 Subdivision Plat Application, Site Plan Application, Stormwater Management and
8 Erosion & Sediment Control Permit, Steep Slopes Protection Permit, Tree Removal
9 Permit and Wetland & Watercourse Protection Permit
10 16 Route 6 (Birdsall Road)
11 TM: 15.07-1-6, R-80 District

12
13
14 **GENERAL**

15 The purpose of this memorandum is to provide the Planning Board with a summary of our
16 comments related to our review of the Final Subdivision Plat Approval and Site Plan Applications
17 that have been submitted for the parcel located at 16 Route 6. The applications propose the
18 creation of 46 individual lots for the construction of 53 housing units contained on 9 attached
19 "townhouse-style" buildings. The 46 subdivided lots will be composed of 45 fee-simple lots and 1
20 home-owners association lot for common infrastructure. Proposed work includes the construction
21 of sanitary sewer infrastructure, connection to municipal water supply system, stormwater
22 infrastructure and electrical service utilities. The Application also proposes the construction of
23 additional roadway and drainage infrastructure necessary to provide future connection to the
24 adjacent Town owned parcel, located west of the project site. The following documents were
25 received during the current review period.

26 **DOCUMENTS RECEIVED**

- 27
- 28 • Cover Letter, by Insite Engineering, Surveying & Landscape Architecture, P.C., dated
29 March 20, 2016.
 - 30 • Somers Planning Board: "Application for Final Approval of Subdivision", by Kearney Realty
31 and Development Group, dated March 28, 2016.
 - 32 • Final Subdivision Plat: "Hidden Meadow at Somers", prepared by Insite Engineering,
33 Surveying & Landscape Architecture, P.C., dated September 29, 2015.
 - 34 • Geotechnical Soil Analysis Report, by Advance Testing Company Inc.
 - 35 • Preliminary Stormwater Pollution Prevention Plan, prepared by Insite Engineering,
36 Surveying & Landscape Architecture, P.C., dated March 29, 2016.
 - 37 • Drawings: "Highway Improvement Plans for Hidden Meadow", Sheets: "1-12", Maser
Consulting, PC, dated May 15, 2015, last revised September 25, 2015.



- 1 • Drawings: "Hidden Meadow at Somers", Sheets: 1-19, prepared by Insite Engineering,
2 Surveying & Landscape Architecture, P.C., dated December 20, 2013, last revised March
3 30, 2016.

4 PERMITS AND APPROVALS REQUIRED

- 5 • Town of Somers Town Board: Application of MFR-BP Zoning District
6 • Town of Somers Town Board: Water/Sewer District Extension.
7 • Town of Somers Planning Board: Subdivision Plat Approval
8 • Town of Somers Planning Board: Site Plan Approval
9 • Town of Somers Planning Board: Stormwater Management and Erosion and Sediment
10 Control Permit
11 • Town of Somers Planning Board: Wetlands Activity Permit
12 • Town of Somers Planning Board: Tree Removal Permit
13 • Town of Somers Planning Board: Steep Slopes Protection Permit
14 • Town of Somers Fire Department: Approval of Proposed Hydrant Locations
15 • NYC DEP: Approval of Stormwater Pollution Prevention Plan
16 • NYC DEP: Approval of Sanitary Sewer Connections
17 • NYSDEC: State Environmental Quality Review
18 • NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity
19 (GP-0-15-002)
20 • NYSDOT: Highway Work Permit
21 • Westchester County Department of Health (WCDOH): Approval of Water and Sanitary
22 Sewer Systems
23 • Westchester County Board of Legislators: Sewer District Expansion
24 • Westchester County Planning Board: Approval of Funding
25 • New York State Affordable Housing Corporation: Approval of Funding
26 • U.S. Army Corps of Engineers: Application for Department of Army Permit (Wetlands)

27 28 DISCUSSION

29 **The Applicant has provided an updated Stormwater Pollution Prevention Plan (SWPPP) and**
30 **supporting drawings in response to our previously issued engineering comments. The**
31 **provided submittal is focused on updates to the proposed project stormwater management**
32 **and erosion and sediment control program. Some changes have been incorporated to the**
33 **proposed layout and design of site stormwater management practices based upon the**



1 results of project field investigations completed on January 7, 2016, as witnessed by the
2 Consulting Town Engineer. Our updated technical comments are provided in the sections
3 that follow.

4 The following is a summary of our comments at this time. The current memorandum contains a
5 comprehensive enumeration of engineering comments provided by our most recent review
6 memorandum issued on August 10, 2015 and October 30, 2014. Comments previously addressed
7 by the Applicant have been removed from the current enumeration. The status of all previously
8 identified comments as well as new comments is shown in **Bold Type**. Additional comments may
9 be provided following the receipt of further revised technical submittals.

10 **HIGHWAY IMPROVEMENT PLAN COMMENTS FROM AUGUST 10, 2015 MEMORANDUM**

- 11 1. The provided plans do not appear to show the previously contemplated school bus waiting
12 area parking within the development driveway. Although internal parking may not be
13 subject to permit review of NYSDOT, the Applicant should confirm that such parking does
14 not interfere with required shoulder layout, sight distance and other design considerations
15 under review by NYSDOT. **Comment No Longer Applicable. The revised site layout**
16 **no longer proposes to construct the school bus waiting area in proximity of the**
17 **driveway entrance.**
- 18 2. The provided plans do not illustrate future water main improvements to the east on U.S.
19 Route 6. The Applicant should ensure that the proposed shoulder improvements are
20 coordinated as to not impede or restrict future construction of the water main. **Comment**
21 **Satisfaction Pending Future Submittal. Highway improvements must be coordinated**
22 **with the proposed Water Main Extension project in U.S. Route 6.**
- 23 3. The Applicant shall coordinate the revised Highway Improvement Plans with the general
24 site design drawings as related specifically to stormwater management infrastructure and
25 wetlands impact mitigation for consideration in future review submittals. **Addressed.**

26 27 **GENERAL REVIEW COMMENTS FROM OCTOBER 30, 2014 MEMORANDUM.**

- 28 1. The NYC DEP has issued review comments for the project based upon preliminary project
29 sketch plans that were provided to the DEP prior to receipt of the current Applicant
30 submittal. NYC DEP comments shall be considered in coordination with engineering
31 comments provided by this memorandum. Additional NYC DEP comments have not yet
32 been received in response to the Applicant's January comment response memorandum.
33 Project review by the NYC DEP will continue as design development progresses with final
34 NYC DEP satisfaction confirmed through approval of the project SWPPP. **Satisfaction**
35 **Pending. The revised project SWPPP is currently in review by NYC DEP. Final**
36 **satisfaction of NYC DEP comments for SWPPP approval shall be documented prior**
37 **to signing of Final Subdivision Plat.**
- 38 2. Our office has reviewed project comments that have been offered by the office of the
39 Watershed Inspector General, as referenced in their letter dated February 26, 2014.
40 Several of these comments match the outstanding concerns already raised by our previous



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

reviews of the draft Stormwater Pollution Prevention Plans and phosphorous loading calculations, as referenced within this memorandum. Some of the identified WIG comments related to the project phosphorous loading calculations have already been addressed by the revised project submittal. Other outstanding issues, especially those related to erosion and sediment control and design details must be incorporated as the Applicant continues to develop their design following additional input of the Planning Board. The Applicant indicated at the March 6th meeting that it will be working directly with the WIG to resolve remaining issues. We will continue to assist the Planning Board and the office of the WIG to make sure that all applicable comments are addressed as project design development progresses. **The revised plans indicate some changes to the proposed layout and design of stormwater management practices from those previously considered. The Applicant shall provide an updated Phosphorus Pollutant Loading Analysis based upon the current stormwater management systems.**

3. The Applicant has prepared a preliminary Stormwater Pollution Prevention Plan (SWPPP) and drawings to describe proposed project stormwater infrastructure under the revised site layout. The provided stormwater management practices are essentially similar to those provided with the prior plan alternate. The revised plan proposes more limited construction of porous pavement due to the unacceptable site soil conditions for the practice on a portion of the site. The current layout now incorporates a series a rain gardens and two Bioretention Filter areas that provide supplementary stormwater quality treatment and runoff reduction volume (RRv). The following comments are related to our review of the proposed site stormwater plan and systems.
 - a. The Applicant shall prepare hydraulic pipe design calculations for all proposed stormwater conveyance pipe in future design submittals. Hydraulic calculations shall demonstrate adequate capacity to convey runoff collected by the 100 year design rainfall without surcharging. **Addressed. Acceptance of the project SWPPP will be confirmed prior to signing of Final Subdivision Plat.**
 - b. The Applicant shall update the plans to indicate rim and invert elevations on all stormwater infrastructure in future design submittals. **Partially Addressed. Proposed rim and invert elevations have been added to drainage profile drawings but are not included on the Utilities Layout Plan. The Applicant must update the plan to either include callouts for drainage structure elevation data or include a summary schedule of all elevations.**
 - c. The Application proposed to construction two Pocket Wetlands Areas (NYSDEC Type W4) on the site. Proposed Pocket Wetland Area "1.2P" is shown as the second practice receiving stormwater from the Surface Sand Filter. The following comments are based upon our initial review of the proposed wetlands design.
 - i. The Applicant shall prepare a Wetlands Planting Plan based upon Appendix H of the NYSDEC Stormwater Management Design manual. **Not Addressed. Response to comment expected with future submittal.**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

- ii. The Applicant shall prepare a final profile view construction detail for the proposed wetland area that shows all applicable invert elevations for the proposed wetland system to be confirmed through review of the final SWPPP. **Partially Addressed. A preliminary profile detail has been included with the current submittal. Complete construction detail expected with future submittal.**
 - iii. The Applicant shall provide deep hole test pit excavation data for the proposed location of each Pocket Wetland Area with future submittal. **Addressed.**
- d. The Applicant proposes to construct a surface sand filter as part of the proposed site stormwater infrastructure. The proposed surface sand filter is shown as the first treatment practice in series routing to proposed Pocket Wetland Area "1.2P". The following comments are related to our review of the proposed surface sand filter design.
- i. The Applicant shall provide site investigation data to demonstrate minimum 2 foot vertical separation between the invert of the proposed sand filter and groundwater/bedrock. Adequate vertical separation will be confirmed by future deep hole excavations to be conducted within the proposed sand filter practice. **Addressed.**
- e. The Applicant shall provide a construction detail for the proposed hydrodynamic separator unit located prior to acceptance of the Final SWPPP. **Partially Addressed. The following sub-comments are related to the proposed Hydrodynamic Separator(s):**
- i. **The SWPPP indicates that WQv Peak Flow pre-treatment will be provided by two Hydroguard HG-9 structures installed side by side. The Utility Plan must be updated to show this installation.**
 - ii. **Revise the SWPPP Long Term Maintenance Summary to include required inspection and maintenance activities for the proposed hydrodynamic separators.**
 - iii. **The provided Detail sheets contain a standard detail for Hydroguard Model HG-10 that is inconsistent with the SWPPP and Utility Plan reference to model HG-10.**
- f. The Applicant proposes to utilize porous pavement for a portion of the proposed unit driveways and also on the lower roadway within the development. Porous pavement systems must be designed in accordance with Chapter 5 of the NYSDEC SWMDM. The following comments are based upon our initial review of the proposed porous pavement areas.
- i. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils. **Addressed. It is noted that porous pavement driveways are no longer proposed as part of the development plans.**

- ii. The Applicant shall update the final design plan to show the location and connection of porous pavement bypass pipe outlets, if intended to be proposed, as suggested by the provided construction detail. **Not Addressed. Response to comment expected with future submittal.**
 - iii. The Applicant shall prepare a porous pavement sizing summary worksheet to demonstrate that storage for the 10 year runoff volume is contained below the pavement section, as required by Chapter 5 of the Stormwater Management Design Manual. **Addressed.**
 - iv. The Applicant should consider if additional provisions are necessary to prevent infiltration of stormwater into adjacent building basements and footing drains where porous patios are proposed upgrade (on the western face) of the structure. **Partially Addressed. Final construction details to be provided prior to Site Plan approval(s).**
- g. The revised site layout incorporates one Bioretention Filter areas within the site stormwater system design. One of these filters will be constructed within the common center green located between Proposed Road B and Proposed Road C. The following comments are based upon our review of the proposed Bioretention Areas:
- i. The NYSDEC Stormwater Management Design Manual requires that 75% of the required Water Quality Volume must be provided prior to filtration in the stormwater practice. The Applicant shall revise the Bioretention filter design calculations to eliminate filtration media void space storage from the provided storage calculation. **Addressed. Pending confirmation during review of final design plans.**
 - ii. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils. **Addressed.**
 - iii. **The Applicant shall provide a construction detail for the proposed Bioretention Filter Practice consistent with requirements of the NYSDEC Stormwater Management Design Manual. It should be noted that a Landscaping Plan must be prepared for the Bioretention practice consistent with NYSDEC specifications.**
- h. The revised site layout incorporates a series of eleven (11) rain garden areas located along the eastern and southern limits of development to provide water quality treatment and Runoff Reduction Volume (RRv) treatment for runoff from



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

impervious roof areas and the proposed multi-sport court surface. The following comments are based upon our initial review of the proposed rain garden design at this time:

- i. The Applicant shall revise the plans to show the location and connection of all Rain Garden underdrains, if intended to be proposed, prior to approval of the final site SWPPP. **Not Addressed. Response to comment expected with future submittal.**
- ii. Routine inspection and maintenance procedures for proposed rain garden areas must be summarized in the SWPPP, as specified by Chapter 5 of the NYSDEC Stormwater Management Design Manual. **Addressed.**
- i. The Applicant shall prepare sizing calculations to support the provided detail for the proposed level spreader spillway. Spillway stone stabilization must be sized to convey peak flows resulting from the 100 year design storm. **Partially Addressed. It is noted that stone sizing calculations are intended to be submitted as part of a future submittal. The Applicant should note however that the minimum size of stabilization stone consist of d50= 8 inches as recommended by the Consulting Town Engineer.**
- j. The Applicant has prepared a draft Stormwater Maintenance Agreement for review and acceptance by the Consulting Town Engineer and Town Attorney. Draft easement review comments will be communicated directly to the Applicant's Engineer. **Comment Satisfaction Pending. The final agreement must be accepted prior to signing of Final Subdivision Plat.**
- k. Improvements to the shoulder of US Route 6 are subject to the design standards, review and approval of the NYSDOT. The Applicant shall provide supporting design documents related to Route 6 improvements for review and record by the Consulting Town Engineer. **Addressed. Highway Work Permit issuance from NYSDOT must be documented prior to issuance of Town environmental permits.**
- l. The Applicant shall revise the plan to provide rip-rap along drainage flowpath adjacent to the 6 shoulder expansion embankment within the site. Rip-Rap stone shall be sized based upon peak flows resulting from the 100 year design storm. **Partially Addressed. Stone sizing calculations to be provided with future submittal. Refer to Comment No. 3(i).**
- m. The Applicant has provided an updated RRv calculation worksheet to supplement calculations provided under Appendix A. In the event that further technical comments are determined, such comments will be provided during the upcoming meeting of the Planning Board. **Addressed. Acceptance of RRv calculations as part of the project SWPPP will be confirmed prior to signing of Final Subdivision Plat.**
- n. It is acknowledged that the provided HydroCAD analysis report does not accurately represent the proposed flow splitter structure adjacent to the Pocket



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Wetland and Surface Sand Filter practice areas as runoff reduction from proposed green infrastructure practices is not considered in the model. The Applicant shall provide calculations to demonstrate their design approach for the flow splitter and that the respective pipe invert elevations have been sized appropriately.
Addressed.

o. **The provided hydraulic pipe design calculations indicate steep pipe slopes greater than 20% grade for segments “FS-24 – ES-24a” and “DMH-16 – DMH-17”. Stormwater flow in these segments is capable of reaching supercritical velocities. The Applicant shall consider reducing the slope of proposed pipes to eliminate the potential for supercritical velocities to occur.**

4. It is our understanding that the Applicant does not wish to dedicate constructed roadways to the Town of Somers. The Applicant shall prepare draft homeowners association agreement documents for review by the Consulting Town Engineer and Town Attorney.
Not Addressed. Draft HOA documents to be provided with future submittal.

5. The Applicant’s SWPPP and Environmental Assessment acknowledge that a phased construction approach is necessary to ensure that no greater than 5 acres of land are disturbed at one time. The Applicant begun development of a land disturbance phasing plan as referenced in the SWPPP and depicted on drawing sheet “SP-4”. The Applicant must complete development of an acceptable land disturbance phasing plan prior to approval of the final site SWPPP. **Partially Addressed. Additional details on the proposed land disturbance phasing plan to be provided with future submittal.**

6. The Applicant has provided documents to describe the anticipated earthwork and grading for the proposed site development. The following comments are based upon our initial review of the preliminary earthwork documents that have been received.

a. The Applicant shall develop a proposed earthwork plan that will be coordinated with the land disturbance phasing plan. The earthwork plan shall include a proposed earthwork map that indicates the depth and volume of cut and fill placement throughout the entire proposed area of disturbance. The plan shall also describe the limits and approximate height of all temporary stockpile areas and should detail the intended schedule of truck loading and hauling operations. **Not Addressed. Applicant response to comment to be provided by future submittal.**

b. The Applicant shall provide an updated profile view which depicts subsurface soil strata and depth to bedrock and groundwater based upon the revised site layout relative to previously completed site investigation findings. **Comment No Longer Applicable. Provided site test pit excavation data indicates that no rock ledge was encountered within general depth of site cut earthwork.**

c. The Applicant shall confirm that rock removal is not anticipated to be necessary based upon the revised site layout relative to previously completed site investigation findings. **Addressed. Please refer to Comment No. 6(b) above.**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

7. The Applicant shall prepare an updated site Erosion and Sediment Control Plan following the completion of the earthwork management plan. Final location and limits of all stockpile areas shall be coordinated with the Land Disturbance Phasing Plan and Site Earthwork Plan, to be included with future Applicant submittals. **Partially Addressed. The following comments are based upon the proposed project erosion and sediment control plan.**

- a. **Revise references to former SPDES Permit GP-0-10-001 on Detail Sheet D-3 to reflect the current SPDES General Permit GP-0-15-002.**
- b. **Revise the general construction sequence to indicate that additional erosion and sediment control practices (i.e. silt fence, temporary sediment traps) will be installed prior to site grubbing and stripping.**
- c. **Clarify that the eastern temporary sediment trap will not be allowed to flow into the future adjacent infiltration basin until all site area has been stabilized at the time of project completion.**

8. The Applicant has provided an updated site photometric plan based upon the revised site layout. Consistent with the previously reviewed layout, the provided plan identifies that there will be no resulting illumination at or in the vicinity of the western, southern and eastern property lines. Average photometric levels along site roadways are generally depicted as less than 0.5 foot-candles. Based upon our review of the provided photometric plan, we feel comfortable that the depicted site illumination does not appear to be above what would be appropriate for such a development. We look forward to providing the Planning Board with further input on this issue as project review progresses. **Addressed. Pending no further comment or concern by the Planning Board.**

9. Our office previously reviewed the provided "Endangered Species Habitat Sustainability Assessment and Wetland Report", prepared by Ecological Associates, LLC, dated January 22, 2014. Following the receipt of the review memoranda issued by Town of Somers Open Space Committee (OSC) memorandum, dated February 26, March 21 and April 14, 2014 it was determined that additional evaluation of the project site for locally protected animal and plant species was necessary. A biodiversity survey protocol was prepared and reviewed by the Town of Somers Open Space Committee and field investigation activities are still being undertaken at this time. We look forward to the receipt of biodiversity study findings and will provide our recommendations on the assessment and necessary mitigation to the Planning Board at that time. The Biodiversity Assessment Report has been included by the Applicant with the current submittal. Our office has reviewed the report and would like to offer the following comments at this time:

- a. The West Virginia white butterfly (*Pieris virginiensis*), may have suitable habitat onsite. In the text of the document, the habitat requirements and presence of larval host plants for Westchester County Protected butterfly species are written off by saying, "bogs, fens, trout streams, and coldwater seeps, prairies, meadows, dry fields, and undisturbed marshes" are not present. Although many of the fourteen listed species require these habitat types, the West Virginia white butterfly prefers deciduous hardwood forests, which is an onsite habitat type. The larval host plant



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

for this butterfly is various species of toothworts. However, in the vegetation sections of this report, there is very little mention of the onsite herbaceous vegetation, and it is unclear whether or not these plants are present. **Addressed.**

b. The Aphrodite Fritillary butterfly (*Speyeria aphrodyte*) is described as not having suitable habitat or larval host plants onsite. However, this butterfly's habitat includes open oak woods and the larval stage prefers violet species. In the Potential Threatened/Endangered Species section of the text, violets are listed as being absent from the site, but in the vegetation description of the red maple hardwood swamp section, various violet species are noted in field observations. **Addressed.**

c. The following Species on the Westchester County Protected Species List were not addressed in the report:

i. Those that do not appear to have suitable habitat onsite: northern dusky salamander (*Desmognathus fuscus*), eastern ribbon snake (*Thamnophis sauritis*), American black duck (*Anas rubripes*), prairie warbler (*Dendroica discolor*), worm-eating warbler (*Helmitheros vermivorus*), and Canada warbler (*Wilsonia canadensis*). **Addressed.**

ii. Those that do appear to have suitable habitat onsite: slimy salamander (*Plethodon glutinosus*), timber rattlesnake (*Crotalus horridus*), northern fence lizard (*Sceloporus undulatus*), five-line skink (*Eumeces fasciatus*), eastern hognose snake (*Heterodon platyrhinos*), northern copperhead (*Agkistrodon contortrix*), worm snake (*Carphophis amoenus*), common nighthawk (*Chordeiles minor*), and whip-poor-will (*Caprimulgus vociferous*). **Addressed.**

d. The wood thrush (*Hylocichla mustelina*), a Westchester County species of special concern, is listed as being vocally identified onsite in 2012 and is recorded on Block 5957B of the Breeding Bird Atlas for 2000-2005. However, the report does not address anticipated impacts to this species, nor does it make any recommendations on how to minimize these impacts. **Addressed.**

e. Protected plant species are collectively written off in the text, stating that there are no observed occurrences in the field. However, potential habitat concerns for these species are not addressed either and should be listed, given the variety of habitats on site and the variety of plant species on the list. **Addressed.**

10. Town of Somers regulated wetlands are located on the project site downgradient of the proposed area of disturbance. These wetland limits were delineated by the Applicant and confirmed by a Woodard & Curran Wetlands Scientist on August 21, 2013. The Applicant intends to provide an updated Wetlands Impact Analysis prepared by a certified wetlands scientist to analyze any potential impacts to the existing wetlands based upon the proposed site hydrologic conditions. Such report is intended to be prepared based upon the final limits of site disturbance following further acceptance of the site layout by the Planning Board. Review of the Wetlands Impact Analysis and necessary mitigation will be



1 coordinated with the findings of the site biodiversity study protocol currently in progress.
2 **Not Addressed. Wetlands analysis findings and mitigation to be coordinated in the**
3 **future between our office and the Applicant's consultant.**

- 4 11. Preliminary design calculations and details for the proposed water service and sanitary
5 sewer connections have not yet been updated to reflect to current design layout
6 development. Our previously identified comments that remain unaddressed have been
7 carried forward in this memorandum as provided below. It should be noted that these
8 comments reflect our review of the conceptual level of detail that has been provided and
9 that additional comments will be issued upon future submittal of detailed design
10 documents:

11 Wastewater Engineering Report

- 12 a. Section 4 – The Applicant must provide design calculations for the pump station
13 and force main discharge will be included in future submittals. **Not Addressed.**
14 **Response to comment expected with future Applicant submittal.**
- 15 b. Section 4 - Future discussion of pump station design should include system
16 controls and emergency power. **Not Addressed. Response to comment**
17 **expected with future Applicant submittal.**

18 Water Engineering Report

- 19 c. Section 3 - Please provide additional information on water distribution system
20 demands in the Windsor Farms district to justify the availability of adequate flow
21 and pressure, as well as additional information on the fire flow test, including the
22 location of the hydrant that was opened and the time of day of the test. We note
23 that there was a significant drop in residual system pressure during the fire flow
24 test, which was run at a relatively low flow for a 10-inch diameter pipe. Please
25 comment on whether the observed residual pressure drop is due to friction losses
26 in the pipe or if the meter pit is restricting the available flow. The Applicant should
27 evaluate whether the existing 6" meter is appropriately sized given the added
28 demand. **Not Addressed. Response to comment expected with future**
29 **Applicant submittal.**
- 30 d. Section 3 - It is noted that additional review of flow availability will be required
31 when the project's fire flow requirements are known. **Not Addressed. Response**
32 **to comment expected with future Applicant submittal.**

33 Utility Plan and Details

- 34 e. SP-3 - While we note the preliminary nature of these plans, an initial review of the
35 proposed pump station location does not show much space or provisions for
36 access, controls, and emergency power. **Partially Addressed. Review of the**
37 **final pump station layout will be confirmed following the submittal of**
38 **wastewater engineering design calculations and details.**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

- f. The Applicant shall prepare a utilities profile to illustrate all layout of sanitary sewer and water service infrastructure in profile view. **Not Addressed. Response to comment expected with future Applicant submittal.**

- 12. The proposed site layout includes construction of access roadway terminating at the eastern property boundary of the adjacent Town of Somers owned parcel (the Windsor Farms parcel). It is our understanding that the Town of Somers may wish to pursue development of a conceptual park layout for adjacent Town owned parcel so that it can be coordinated with the current applications. Coordination of conceptual plan development should be contemplated by the Planning Board during review of the subject application. **The Applicant indicates that they are still seeking direction from the Planning Board on the desired provisions for access to the adjacent Town owned parcel. It is our recommendation to the Board that the Applicant should be required to provide an easement for potential future access driveway construction including layout accommodations for an intersection with "Roadway A", but not require grading or construction for an access way as part of project approvals.**

- 13. The provided plans indicate that a block retaining wall is proposed to be constructed to a maximum height of 6.5 feet between the parking area and adjacent slope to Pocket Wetland "1.2P. The following sub-comments are applicable to proposed retaining walls:
 - a. **Update the grading plan to indicate top of wall/bottom of wall elevations along all proposed retaining wall segments.**
 - b. **Provide signed and sealed design calculations for retaining walls greater than four feet in retained soil height.**
 - c. **Include a note on the plan that indicates all designed walls greater than four feet in height shall be inspected at the completion of construction to verify design consistency with the approved plans, prior to issuance of certification of occupancy by the Building Inspector.**

- 14. **A Tree Removal Permit was issued for the Hidden Meadow project on March 9, 2016 to allow for tree cutting prior to the March 30th restriction due to potential wildlife impact. It is our understanding that all tree cutting activities have been completed for the development. The Applicant shall confirm that tree removal is complete and that no further tree removal is proposed for the Hidden Meadow project.**

- 15. **The Applicant shall provide a construction detail for typical gas / electric utility trench.**

- 16. **The provided submittal includes a Subdivision Plat drawing intended to satisfy required plat contents prescribed by Town Code §150-33. The following sub-comments are related to the provided plat:**
 - a. **Revise the plat drawing to include an explanation of the proposed Town easement to the adjacent property owned by the Town of Somers to the west.**
 - b. **Revise the plat to indicate proposed survey monument locations.**



1

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

3

4

5 Sincerely,

6

7

8

9 Robert Wasp, P.E., CDT
10 Assistant Consulting Town Engineer

A handwritten signature in cursive script, appearing to read 'Robert Wasp'.

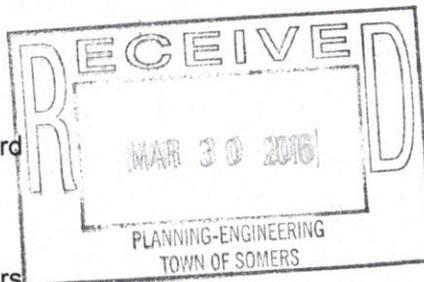
On behalf of,

A handwritten signature in cursive script, appearing to read 'Joseph C. Barbagallo'.

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

March 30, 2016

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



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

Dear Chairman Currie and Members of the Board:

Enclosed please find fifteen copies (15) of the following items in support of an application for Final Subdivision approval for Hidden Meadow at Somers:

- Application for Final Approval of Subdivision, dated March 28, 2016.
- Application Processing Certification, dated December 19, 2013.
- Property Deed.
- Title Report.
- Site Plan Set (19 sheets), last revised March 30, 2016.
- Final Subdivision Plat, dated September 29, 2015.
- Highway Improvement Plans, prepared by Maser Consulting, last revised September 25, 2015
- Preliminary Stormwater Pollution Prevention Plan, last revised March 29, 2016 (4 copies only).
- Results of Sieve Analyses and Hydrometer Testing, dated February 22, 2016

With respect to the comments offered by the Town Planner and Consulting Town Engineer as well as the items listed in the conditional Preliminary Subdivision Approval we offer the following responses. Please note, comments that have been acknowledged as "addressed" have not been included in the responses below

Town Planner Letter Dated December 2, 2014

1. Conservation Easement – No response necessary, the seven (7) acre conservation easement is still proposed as previously shown.
2. Open Space Committee Memorandum –The grading for the fill section associated with the access road has been revised so as not to restrict amphibian movement. As such the 2' x 2' box culvert is no longer proposed. Cape Cod curbing has been provided as requested.

Tree #334 has shown to be preserved on the enclosed Tree Plan as requested. Trees 465, 466, 469, 470 and 471 were required to be removed for the installation of the proposed rain gardens.
3. Parks and Recreation Board Response Regarding Park Connection - The applicant is still seeking direction from the town as to whether or not it wishes to see the access to the park constructed. At a minimum the easement will be provided allowing the connection to be constructed in the future.

4. Location of School Bus Stop and Parking Spaces – No response necessary, the requested letter from the Traffic Engineer was provided and incorporated into the Negative Declaration previously issued.
5. Negative Declaration – No response necessary, the Negative Declaration was previously issued.

Woodard and Curran Memorandum Dated June 6, 2014

2. The project drawings and SWPPP have been revised previously to address the comments issued by the Watershed Inspector General's Office (WIG). We will coordinate with the Town Consulting Engineer regarding any outstanding concerns relative to this comment.
3. Regarding the project Stormwater Pollution Prevention Plan (SWPPP) we offer the following:
 - a. The enclosed Preliminary SWPPP has been revised to include pipe sizing calculations. The proposed stormwater collection/conveyance system has been sized to safely convey runoff from the 100 year storm event in accordance with the Town Consulting Engineer's request.
 - b. As requested, the enclosed drawings have been revised to include drainage profiles with all pertinent rim and invert elevations as well as utility crossing locations.
 - c. Regarding the pocket wetland design we offer the following:
 - i. Future submissions will include the wetland planting plan as requested.
 - ii. A final profile view will be provided in future submissions.
 - iii. Final soil testing was completed on January 7, 2016 with representatives from Woodard and Curran, the NYCDEP, as well as Insite. The results and locations of the final soil testing are included on the enclosed site plan set.
 - d. Regarding the proposed sand filter design we offer the following:
 - i. As noted above, final soil testing locations and results are included on the enclosed site plan set as requested. As a result of the observed soil data as well as rock and groundwater depths, the sand filter bottom has been raised to provide the minimum required separation distance.
 - iii. A detail for the hydrodynamic separator has been provided on the enclosed project drawings as requested.
 - e. Regarding the proposed porous pavement design we offer the following:
 - i. As noted above final soil testing locations and results are included on the enclosed site plan set as requested. As a result of the observed soil data as well as rock and groundwater depths, the porous pavement driveways have been eliminated from the project drawings. It should be noted that adequate separation distance and suitable soils for infiltration were observed in the locations of the proposed porous paver patios. However no RRv credit has been applied for their use as they are located within the contributing area to the downstream infiltration basin.
 - iii. As part of the detailed site plan review the project drawings will illustrate the porous pavement underdrains.
 - iv. Appendix O has been provided in the SWPPP and demonstrates the porous paver sections will be able contain the 10-year design storm below the paver section. Details for the porous pavers are provided on drawing D-1.
 - v. The porous paver patio will be separated from the foundation by one foot, allowing for the appropriate waterproofing. The final project drawings will contain the

- necessary design details relative to the porous paver patios and their integration with the building design.
- f. Regarding the two bioretention filter areas we offer the following:
 - ii. As noted above final soil testing locations and results are included on the enclosed site plan set as requested.
 - iii. As a result of the observed soil data as well as rock and groundwater depths, the porous pavement driveways have been eliminated from the project drawings.
 - g. Regarding the proposed rain garden design we offer the following:
 - ii. As part of the detailed site plan review the rain garden underdrains will be added to the drawings.
 - iii. Section 5.3 of the enclosed SWPPP has been revised to include routine inspection and maintenance procedures for the proposed rain gardens as requested.
 - h. Future submissions will include the requested stone sizing for the proposed level spreader.
 - i. As indicated by the comment the requested draft agreement has been provided.
 - j. The requested US Route 6 improvement plans are enclosed as requested.
 - k. As noted above Drainage profiles with all pertinent rim and invert elevations as well as utility crossing locations have been provided.
 - l. Rip rap has been extended along the toe of slope as requested. Future submissions will include the requested rip-rap sizing.
 - n. Appendix D of the enclosed SWPPP contains a HydroCAD model which accounts for the effects of the upstream Green Infrastructure practices provided. The Curve Number for subcatchment 1.1S was lowered until the WQ_v generated by the subcatchment was approximately the same as the remaining WQ_v calculated in the excel spreadsheet in Appendix B. By accounting for the effects of the RR_v practices in the subcatchment, the flow splitter downstream of subcatchment 1.1S could then be designed in HydroCAD.
4. Draft easement agreements will be provided in future submissions as part of the detailed site plan review.
 5. The phasing plan prepared to date is consistent with a SEQRA level review. Additional detail will be provided in future submissions as part of the detailed site plan review.
 6. Regarding the requested earthwork plan we offer the following:
 - a. An earthwork plan will be provided in future submissions as part of the detailed site plan review. The earthwork plan will be keyed to the phasing plan and will include the requested detail.
 - b. The profile view previously provided was to understand the viewshed from US Route 6. It will be coordinated with the Town Consulting Engineer prior to determine if a subsurface profile is warranted, the results of the final soil testing should be reviewed. Results of the final soil testing are provided on the enclosed drawings. It should be noted that no bedrock was encountered in any of the deep test holes shown on the project drawings. Groundwater was encountered at varying depths (4' – 10') in some of the test holes. Based on the results of the recently completed soil testing it is not anticipated any significant rock removal will be necessary for the construction of the proposed development, and standard excavation dewatering procedures may be required at certain locations during construction.

- c. Based upon the testing performed to date, the results of which are included on the drawings, rock removal is not anticipated. It should be noted the test pits performed to date were excavated to proposed finished grade elevations.
7. Future submissions associated with the detailed site plan review will contain an updated erosion and sediment control plan which will be keyed to the earthwork plan.
9. It is our understanding that all outstanding comments relative to the Biodiversity Study were previously addressed.
10. A wetland impact assessment has been previously provided and discussed the potential impacts to the onsite wetlands. The overall limits of disturbance are relatively similar to that discussed in the wetland impact analysis (wetland impact analysis accounted for 0.04 acres and 0.02 acres is currently proposed). The applicant's wetland consultant will contact the Town's environmental consultant directly to determine what specific comments need to be addressed.
11. Regarding the water and wastewater system designs we offer the following:
 - a. A Wastewater Engineering Report including the required pump station and forcemain design calculations will be submitted under separate cover.
 - b. The Wastewater Engineering Report will provide a discussion of system controls and emergency power as requested.
 - c. The requested information on the existing Windsor Farms Water District will be provided in the final Water Engineering Report to be included under separate cover.
 - d. The final Water Engineering Report will include the project's fire flow demand as requested.
 - e. The enclosed project drawings have been revised to include a preliminary layout and details for the proposed pump station as requested.
 - h. Utility profiles with all pertinent rim and invert elevations as well as utility crossing locations have been provided as requested.
13. No response necessary, the grading shown on the enclosed site plan drawing set has been revised to eliminate the proposed retaining wall between "Driveway C" and Pocket Wetland 1.2P.

Conditions Listed in Preliminary Subdivision Approval, dated October 26, 2015

1. As noted above a Final Subdivision Plat is enclosed as requested.
2. Approval of funding from the Westchester County Department of Planning of Housing Implementation is forthcoming and will be provided in a future submission.
3. Realty Subdivision Approval from the Westchester County Department of Health is forthcoming and will be provided in a future submission.
4. Relative to the outstanding engineering comments we offer the following:
 - a. The enclosed project drawings have been revised to incorporate the head in School Bus Stop parking area into project grading and the stormwater management system design as requested.
 - b. A revised SWPPP with detailed sizing calculations is enclosed as requested.
 - i. As noted above, the phasing plan prepared to date is consistent with a SEQRA level review. Additional detail will be provided in future submissions as part of the detailed site plan review.

- ii. Additional detail relative to the phasing plan will be provided under separate cover.
 - iii. Results of sieve analyses and hydrometer testing performed on soil samples taken during the recently completed soil field testing are enclosed as requested. It should be noted that the Erosion and Sediment Control Plan has been prepared in accordance with the Town of Somers and New York State standards.
 - c. A final draft Stormwater Maintenance agreement has been provided in the enclosed SWPPP.
 - d. As noted above the proposed retaining wall between the "Driveway C" and the proposed pocket wetland has been eliminated. The heights of the retaining walls for the residential driveways will be provided as part of the detailed site plan review but are envisioned to be approximately 4 feet in height or less and used to create a planted area along the foundation.
 - e. Final Wastewater and Water Engineering reports and design details will be provided under separate cover.
5. NYCDEP SWPPP and Sanitary Sewer Extension approvals are forthcoming and will be provided with future submittals.
 6. The Westchester County Board of Legislators has placed the subject property in the Peekskill Hollow Sewer District. Evidence of the property's inclusion in the Sewer District will be provided under separate cover.
 7. ACOE approval is forthcoming and will be provided with future submittals.
 8. NYS DOT approval for the proposed highway improvements is forthcoming and will be provided with future submittals.

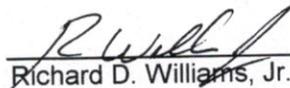
We trust you will find the enclosed information in order, and respectfully request this item be placed on the April 13, 2016 agenda.

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

Very truly yours,

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

By:


Richard D. Williams, Jr., PE
Senior Project Engineer

RDW/amh

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

Insite File No. 13155.100

SOMERS PLANNING BOARD

APPLICATION FOR FINAL APPROVAL OF SUBDIVISION

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

I. IDENTIFICATION OF APPLICANT:

A. OWNER: THE KEARNEY REALTY AND DEVELOPMENT GROUP SUBDIVIDER: SAME AS OWNER
 ADDRESS: 34 LANTON BLVD, BALDWIN PLACE ADDRESS: _____
 TELE #: NY 10905 845-306-7305 TELE #: _____
 B. SURVEYOR: INSITE ENGINEERING, TELE #: _____
 ENGINEER: SURVEYING, & LANDSCAPE ARCHITECTURE, P.C. TELE #: _____

II. IDENTIFICATION OF PROPERTY:

A. Subdivision identifying Title: HIDDEN MEADOW AT SOMERS
 B. Street abutting property: US ROUTE 6
 C. Tax Map Designation: Sheet: 15.07 Block: 1 lot: 6
 D. Zoning District: R-80 & MFR-BP
 E. Total area of property in acres: _____

III. APPLICATION FEES PAID: By certified check payable to Town of Somers
 Fee: \$150 for each lot shown on the final subdivision plat, minimum application fee is \$600. Fee: \$6,900 Paid: \$6,900
 14 copies of all correspondence/plans must be submitted to the Planning Board during review.

- A. 14 copies of Final Subdivision Plat.
- B. 14 copies of Construction Plans.
- C. Proof of ownership by the applicant of the premises affected by the application.
- D. Certificate of Title Company covering all interests, liens, & objections to title if any.
- E. Engineer's or surveyor's certification of total area of subdivision shown on the plat.
- F. Length of all proposed streets shown on plat.
- G. Engineer's estimate of cost of construction of the subdivision streets and all other improvements shown on the final construction plans.
- H. N/A Deed to Town of the proposed streets and park areas shown on the plat.
- I. TBP Proof of approval by Somers Town Board of all proposed street names. (TO BE PROVIDED)
- J. TBP Proof of approval by the State Department of Transportation or the County Department of Public Works, as appropriate, of the design and proposed construction of any intersection of a proposed street on the plat with a State or County highway if any. (TO BE PROVIDED)
- K. Proof that taxes have been paid.

IV. LIST OF ADJOINING PROPERTY OWNERS OF RECORD:

NAME	ADDRESS	BLOCK	LOTS
<u>SEE ATTACHED LIST</u>			

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

WAIVERS: As part of this application, I request the Planning Board to

Robert P. Astorino
County Executive

County Planning Board

March 22, 2016

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

Subject: **Referral File No. SOM 16-004 – Somers Crossing
Petition for Zoning Text and Map Amendments
Application for Site Plan Approval
Final Environmental Impact Statement**

Dear Ms. Dym:

The Westchester County Planning Board has received a final environmental impact statement (EIS) (dated accepted March 10, 2016) pursuant to the NYS Environmental Quality Review Act (SEQR) for the proposed "Somers Crossing." The applicants are petitioning the Town Board to establish a new Multifamily Residence Downtown Hamlet (MFR-DH) floating zone district in the Town Zoning Ordinance and to apply this new district to a 26.68-acre site within the Somers hamlet. The site surrounds the existing Somers Towne Centre shopping center and has frontage on both Somerstown Turnpike (NYS Route 100) and Somers Road (US Route 202). The site is currently zoned R-40 and R-80, for single-family development, and is within the Groundwater Protection Overlay district.

If the zoning petition is approved by the Town Board, the applicant intends to seek site plan approval to develop the site with 65 condominium residential units and a 19,000 square foot grocery store with 422 total parking spaces. The proposed grocery store would be located on Route 202 and would function as an extension of the existing Somers Towne Center shopping center. The condominium units are proposed to be arranged around a new private road system with access from Route 100 and a vehicular connection to the Somers Towne Center. The proposed unit mix is 35 two-bedroom units and 30 three-bedroom units. One additional unit is proposed to be donated to the Town as a two-bedroom "special needs unit," which may be made affordable as per the Town's discretion. No affordable units which would affirmatively further fair housing (AFFH) are proposed.

Because the site is encumbered with a sizable amount of wetlands, the applicant is proposing to preserve 10.58 acres of the site as open space, which is primarily comprised of wetland or wetland buffer. Water and sewer for the development will be provided via extensions of the Heritage Hills Water District and the Heritage Hills Wastewater District, for treatment at the Heritage Hills Sewage Treatment Plant.

The County Planning Board previously reviewed the draft EIS under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we

responded to the Town in a letter dated April 15, 2015. We have reviewed the final EIS and we find that a number of our responses have been responded to adequately. Furthermore, we note that the applicant has made several changes to the site plan in response to the comments received on the draft EIS. It is our opinion that the currently proposed plan is an improvement over the draft EIS plan.

We offer the following additional comments on the final EIS:

1. Affirmatively furthering fair housing (AFFH). The applicant continues to state that the proposed development will not contribute towards affirmatively furthering fair housing in Somers through the inclusion of affordable AFFH units. No rationale is provided for this lack of inclusion. We note that the comments of several people are included in final EIS that call for this development to contribute towards the Town's efforts to affirmatively further fair housing.

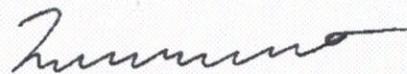
The County Planning Board recognizes the work that Somers has accomplished with the development of affordable units. We also note that the majority of the affordable units have been constructed (or proposed) for the Baldwin Place hamlet and that a majority of these units are restricted to seniors. This proposed development in Somers hamlet provides an excellent opportunity to provide additional affordable AFFH units for a wider population.

2. Addition of retail and the potential for shared parking. We continue to recommend that the applicant and the Town explore the feasibility of sharing parking with the Somers Towne Centre. If this application moves into site plan review with the Somers Planning Board, we recommend that a parking study be undertaken to determine if excess parking associated with the shopping center could be used for the grocery store. Allowing for shared parking between the two retail parcels could potentially mean that fewer new parking spaces need to be constructed for the grocery store. Constructing fewer parking spaces would have a substantial environmental benefit given that the site contains significant wetlands and is within the Croton Watershed and the Town's Groundwater Protection zone.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

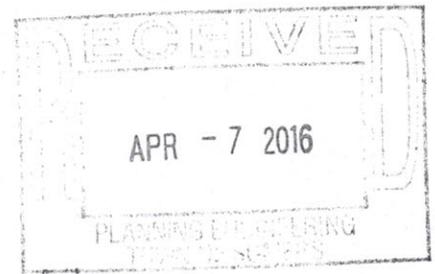
For:
By:



Edward Buroughs, AICP
Commissioner

EEB/LH

cc: Cynthia Garcia, Bureau of Water Supply, SEQR Coordination Section, NYC DEP
Christopher Lee, NYS Department of Transportation, Region 8



985

Via E-Mail to sdym@somersny.com

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

Ré: Comments on Somers Crossing Final Environmental Impact Statement

Dear Ms. Dym:

Riverkeeper, Inc. ("Riverkeeper"), respectfully submits the following comments on the Somers Crossing Final Environmental Impact Statement ("FEIS"), which was made available for public review via notice in the Environmental Notice Bulletin on March 23, 2016,¹ and subsequently modified and provided to Riverkeeper via email on April 1, 2016. We thank the Somers Town Board and JMC Site Consultants for recognizing that Riverkeeper's comments were accidentally omitted from the initial version of the FEIS and for acting quickly to incorporate and respond to our comments.

Riverkeeper is a member-supported watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents. As a signatory to the New York City Watershed Memorandum of Agreement, we have a commitment to ensure that development projects in the Watershed do not adversely impact the surface water resources that provide drinking water to consumers. Accordingly, Riverkeeper is concerned with any project in the Watershed that proposes potentially significant disturbance of streams, wetlands, or their buffers.

The FEIS was prepared to evaluate the environmental impacts of the Somers Crossing development ("Proposed Project") and the zone change and site plan approval sought from the Town of Somers Town Board ("Town Board") by Boniello Land and Realty Ltd. ("Applicant"). The Proposed Project would consist of the construction of 66 multifamily residential units and a 19,000 square-foot grocery store on a site with wetland, soil and steep slope constraints, and located within a Groundwater Protection Overlay District. As proposed, the Project would require the siting of stormwater management practices within approximately 0.33 acres of wetland buffer, which could impair buffer function by clearing trees, altering existing wetland hydrology, and/or increasing thermal

¹ Notice of Acceptance of Final EIS for Somers Crossing, Environmental Notice Bulletin (Mar. 23, 2016), available at http://www.dec.ny.gov/enb/20160323_not3.html.



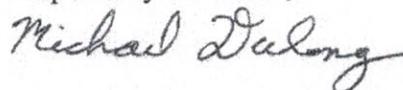
impacts. We request that the Town Board require the Applicant to move all stormwater management practices out of the wetland buffer.

We appreciate that the Applicant has reduced the proposed permanent wetland buffer disturbance from 1.1 acres to 0.33 acres, but the Applicant has yet to meet its strict burden under the Somers Town Code to show that the 0.33 acres of wetland buffer disturbance is unavoidable and “there is no feasible on-site alternative to the proposed activity, including reduction in density, change in use, revision of road and lot layout and related site planning considerations” that would avoid such disturbance. Town Code at §§ 167.8(D)(2)(b); 167-8(C). The lack of analysis of a single feasible alternative, besides the No Action Alternative, that would avoid wetland buffer impacts also renders the FEIS deficient under the New York State Environmental Quality Review Act (“SEQRA”). See N.Y. E.C.L. §§ 8-0109(2)(d), (4); 6 N.Y.C.R.R. § 617.9(b)(5). The FEIS provides no justification for failing to evaluate such an alternative. In doing so, it fails to satisfy the Town Code requirement and the Town Board’s duties under SEQRA. Each of these concerns, along with a description of the potential environmental harm that may be caused by wetland buffer disturbance, is discussed more fully in Riverkeeper’s April 20, 2015 comment letter on the Draft Environmental Impact Statement for the Proposed Project.

In order to satisfy the strict requirements of the Town Code and SEQRA, the Applicant must remove all stormwater management practices from the wetland buffer, or in the alternative, the Town Board must consider the feasibility of an alternative with no wetland buffer disturbance or provide a sufficient justification for omitting such review. Such an alternative may require the Applicant to propose reconfiguration or further reduction of the number of proposed multifamily residential units in order to site the stormwater treatment areas outside of the buffer.

Thank you for your consideration of these comments.² We look forward to continuing to support sustainable economic development in the Town of Somers consistent with Riverkeeper’s water resource protection goals.

Respectfully submitted,



Michael Dulong
Staff Attorney
78 North Broadway
White Plains, NY 10603
(914) 422-4133
mdulong@riverkeeper.org

² Although Riverkeeper limits its comments in this letter to wetland buffer disturbance concerns, we reserve our legal rights to challenge any unlawful determinations or actions by the Town Board in approving the FEIS, site plan, and or rezoning.



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 8, 2016

Subject: **Crossroads at Baldwin Place – Application for Amended
Site Plan and Environmental Permit Approvals**

As requested, we have reviewed the letter dated April 4, 2016 to the Planning Board from Charles V. Martabano, the Applicant's Attorney, regarding the SEQRA process for the above noted project. The project proposes a mixed-use development with 24,000 square feet of commercial space provided in one building and 64 residential units provided in three separate buildings. Of the 64 residential units proposed, 52 units would be age-restricted, affordable units. The remaining 12 units would be non-age restricted and 6 of the units would be affordable units. The Application also includes a zoning text amendment.

As the Board may recall, the site was the subject of the previous Amended Site Plan application for "The Green at Somers." On February 13, 2013, the Planning Board, acting as Lead Agency, adopted a Negative Declaration in relation to that project. As outlined in the Applicant's April 4 letter, the currently proposed project is similar to the previous project with some additional modifications. Because the projects are similar, the Applicant is requesting that the Board continue to serve as Lead Agency and reaffirm the adopted Negative Declaration, after it has been demonstrated by the Applicant to the satisfaction of the Planning Board, that any additional impacts have been analyzed and can be mitigated. The process proposed by the Applicant is permitted under SEQRA, as noted in the supporting documentation attached to the April 4, 2016 letter.

The next steps that will need to be considered by the Planning Board with regard to SEQRA, are as follows:

1. The Planning Board will need to reaffirm that it will act as Lead Agency.

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

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

I. IDENTIFICATION OF APPLICANT:

- A. Owner: NATIONAL COLLEGE Applicant: THE KEARNEY REALTY & DEVELOPMENT GROUP, INC
 Address: 212 W 79TH ST NY, NY Address: 34 CLAYTON BLVD, SUITE A BALDWIN PLACE NY 10505
 Tele #: _____ Tele #: 845 306-7705
- B. Architect: COAROLA ASSOCIATES Engineer: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, PC
 Address: 6 OLD NORTH PLANK RD NEWBURGH NY 12550 Address: 3 GARRET PLACE CARMEL, NY 10512
 Tele #: 845-581-3559 Tele #: _____
- C. Surveyor: SABRE AS ENGINEER Tele #: _____
 Address: _____

II. IDENTIFICATION OF PROPERTY:

- A. Identifying Title: Crossroads at Baldwin Place
 B. Tax Map Design: Sheet: 4.20 Block: 1 Lot(s): 3-1 (86.14-1-6, Carmel)
 C. Zoning District: NS
 D. Street which property abuts: US Route 6
 E. Does property connect directly into State or County highway? YES
 F. Is site within 500 feet of Town Boundary? YES
 G. Total area of site: 11.07 Area of site activity: APPROX 7AC
 H. Site coverage: 27 % +/- Building coverage: 9 % +/-
 I. Affected Wetland Area 2005 +/- Wetland Buffer Area 1.9AC +/- PREVIOUSLY DISTURBED
 J. Affected Steep Slope Area: 15%-25% _____ Over 25% _____
 K. Existing building size: _____ New/additional building size: _____
 L. Existing parking spaces: _____ New parking spaces: _____

III. APPLICATION FEE:

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

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

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

Total Fee: _____ Date Paid: _____

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:

Submit 14 copies of all correspondence and plans to the Planning Board.

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

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

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

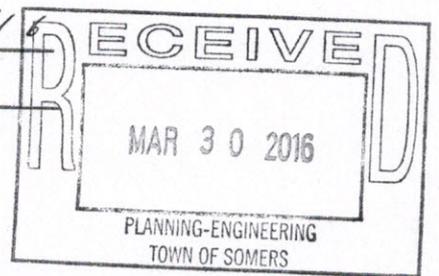
By submission of this application, the property owner agrees to permit Town Officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal. The property shall be identified on site as being proposed for site plan approval.

 Signature of Applicant

 Signature of Owner

Date: 3/28/16

Date: 3/20/16



11/08

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

Application Processing Affidavit must also be completed. Click here for form.
APPLICATION FEE: \$100 for disturbances of five thousand (5,000) square feet and/or for the placement or removal of 50 cubic yards of soil, plus \$500 for each additional acre of disturbance.

OWNER: NATIONAL GOLFWORK Tel.#:
Mailing Address: 212 W 79TH ST NY NY
APPLICANT: THE KENNEDY REALTY AND DEVELOPMENT Tel.#: 845-306-7705
Mailing Address: 34 CLAYTON BOULEVARD, SUITE A BALOWIN PLACE, NY 10505
State authority: If other than owner, authorization must be submitted in writing

PREMISES: Sheet: 4.30 Block: 1 Lot: 3.1 (86.14-1-6 CARMEL)

DESCRIPTION OF WORK AND PURPOSE: REDEVELOPMENT OF EXISTING DRIVING RANGE INTO A MIXED USE DEVELOPMENT CONSISTING OF 12,000 SF OF RETAIL PROFESSIONAL SERVICE, 12,000 SF OF PROFESSIONAL OFFICE 52 SENIOR APARTMENTS UNITS AND 12 NEW ADD RESTRICTED UNITS

SIZE OF ACTIVITY AREA: feet by feet
(include all construction activity area)

VOLUME OF EXCAVATED MATERIAL: TO BE DETERMINED
(leave blank if not known)

IN CONJUNCTION WITH:
Wetland Permit: YES Steep Slopes Permit: Tree Preservation Permit:
Site Plan: YES Subdivision: NO

PROPOSED STARTING DATE: 12-1-16 PROPOSED COMPLETION DATE: 7-1-18
PLANS PREPARED BY: INSITE ENGINEERING DATED: 3-30-16

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

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:
SEE ATTACHED COMPASSION OF PROPOSED ACTION TO NEGATIVE DECLARATION

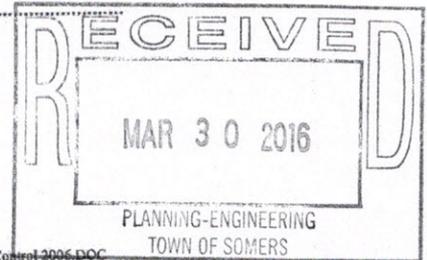
LIST OF PROPERTY OWNERS OF RECORD OF LANDS AND CLAIMANTS OF WATER RIGHTS WITHIN 100 FEET OF SUBJECT PROPERTY

NAME ADDRESS BLOCK/LOT
TO BE PROVIDED PRIOR TO PUBLIC HEARING

APPLICANT'S SIGNATURE: DATE: 3/29/16
OWNER'S SIGNATURE: DATE: 3/20/16

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

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



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

APPLICATION FEE:

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

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

OWNER: NATIONAL GOVERNOR Tel.#: _____

Mailing Address: 212 W 79TH STREET NEW YORK, NEW YORK

APPLICANT: THE KEARNEY REALTY AND DEVELOPMENT GROUP, INC. Tel.#: 945-306-7705

Mailing Address: 24 CLAYTON BOULEVARD, SUITE A BALDWIN PLACE, NY 11505

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

PREMISES: Sheet: 420 Block: 1 Lot: 3.1 (56.14-1-6 CARMA)

Situated on the NORTH side of US ROUTE 6 (Street), 0 feet from the intersection of THE FUTURE END OF CLAYTON BOULEVARD (Street)

DESCRIPTION OF WORK AND PURPOSE: REDEVELOPMENT OF EXISTING DRIVING RANGE INTO A MIXED USE DEVELOPMENT CONSISTING OF 12,000 SF OF RETAIL/PROFESSIONAL SERVICE, 12,000 SF OF PROFESSIONAL OFFICE 52 SENIOR AFFORDABLE UNITS AND 12 NON-AGE RESTRICTED UNITS

SIZE OF ACTIVITY AREA: 7 AC +/-

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

Is there an existing house located on the site: NO, COMMERCIAL BUILDING FOR DRIVING RANGE

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

Functions provided by Wetland: SEE PREVIOUS WETLAND REPORT

Wetland Expert delineating Wetland: _____

ESTIMATED QUANTITY OF EXCAVATION: FB C.Y. CUT FILL {SEE DRAWINGS

ESTIMATED TOTAL VALUE OF WORK: TO BE DETERMINED

PROPOSED STARTING DATE: 12-1-16 PROPOSED COMPLETION DATE: 7-1-18

PLANS PREPARED BY: INSITE DATED: 3-30-16

Plans must be submitted with application.

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: SEE ATTACHED COMPARISON OF PROPOSED ACTION TO NEGATIVE DECLARATION.

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

NAME	ADDRESS	BLOCK	LOTS
<u>TO BE PROVIDED PRIOR TO PUBLIC HEARING.</u>			

APPLICANT'S SIGNATURE: [Signature] DATE: 3/28/16

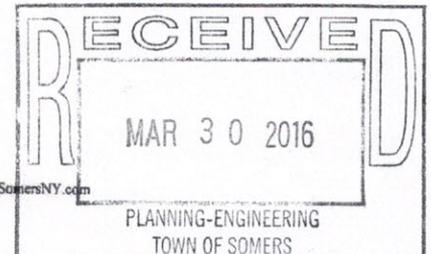
OWNER'S SIGNATURE: [Signature] DATE: 3/20/16

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

.....Office Use Only.....

Administrative Permit: _____

Planning Board Permit: _____



**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

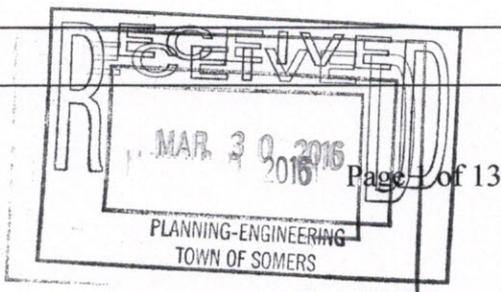
Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: The Crossroads at Baldwin Place		
Project Location (describe, and attach a general location map): 57 US Route 6, Somers, New York (See Location Map on Project Drawings)		
Brief Description of Proposed Action (include purpose or need): The Crossroads at Baldwin Place is proposing to redevelop the existing golf driving range at 57 US Route 6 into a mixed use development. The total property is 11.1 acres with 10.54 acres in the Town of Somers and 0.53 acres in the Town of Carmel. Located in the Town of Somers NS Zone the property is identified as Town of Somers Tax Map # 4.20-1-3.1 and Town of Carmel Tax Map #86.14-1-6. No development is proposed within the Town of Carmel. The proposed redevelopment program consists of: 1. A 2 story, 24,000 square foot building consisting of 12,000 square feet of retail/ professional service and 12,000 square feet of professional office. 2. 52 Senior Affordable Housing rental apartments located in two, 2 1/2 story buildings. 3. 12 non-age restricted rental apartments. Sixty-two of the above units will meet either the Town of Somers or Westchester County affirmatively furthering fair and affordable housing (AFFH) requirements. On February 13, 2013 the Town of Somers Planning Board adopted a Negative Declaration for The Green at Somers Project. The previous project initially studied, and upon which some of the studies are based, is more intense in use than both the current Proposed Action and the project for which the Negative Declaration was adopted. A comparison of the proposed action to the previous action has been provided.		
Name of Applicant/Sponsor: The Kearney Realty and Development Group, Inc.	Telephone: (845) 306-7705	E-Mail: kkearney@kearneyrealtygroup.com
Address: 34 Clayton Boulevard, Suite A		
City/PO: Baldwin Place	State: New York	Zip Code: 10505
Project Contact (if not same as sponsor; give name and title/role): Same As Sponsor	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): National Golfworx	Telephone:	E-Mail:
Address: 212 W. 79th Street		
City/PO: New York	State: NY	Zip Code: 10024



B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Zoning Code Text Amendment	February 26, 2016
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Site Plan, Stormwater Management Erosion and Sediment Control, Wetland and Watercourse	March 30, 2016
c. City Council, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Fire Prevention Bureau (Advisory to Planning Board) Open Space Committee (Advisory to Planning Board) Architectural Review Board	To Be Determined To Be Determined To Be Determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County - Funding & Water and Sewer Approval	Submitted April
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYCDEP - Stormwater Pollution Prevention Plan and Sewer Approval	April
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Freshwater Wetland Permit NYSDOT - Coverage Under General Permit and Highway Work Permit	April April
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): NYC Watershed Boundary _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Neighborhood Shopping
- b. Is the use permitted or allowed by a special or conditional use permit? Yes No
- c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? A text amendment to the Zoning Code is proposed

C.4. Existing community services.

- a. In what school district is the project site located? Somers Central School District
- b. What police or other public protection forces serve the project site?
Town of Somers Police Department
- c. Which fire protection and emergency medical services serve the project site?
Somers Volunteer Fire Department
- d. What parks serve the project site?
Town of Somers Parks and Recreation Department facilities

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Mixed Use-Retail/Professional Service, Office, and Affordable Residential
- b. a. Total acreage of the site of the proposed action? 11.07 acres
b. Total acreage to be physically disturbed? 6.2 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.07 acres
- c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____
- d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____
- e. Will proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated 3
• Anticipated commencement date of phase 1 (including demolition) 12 month 2016 year
• Anticipated completion date of final phase 7 month 2017 year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: Phasing only for construction activities.
Phase 1 is SMP construction. Phase 2 is site / building pad / building construction and Phase 3 is installation of wetland mitigation.

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	0
At completion of all phases	_____	_____	_____	64

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,
 i. Total number of structures 1
 ii. Dimensions (in feet) of largest proposed structure: <30' height; 60 width; and 190 length
 iii. Approximate extent of building space to be heated or cooled: 24,000 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,
 i. Purpose of the impoundment: Stormwater
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: Stormwater
 iii. If other than water, identify the type of impounded/contained liquids and their source. Not Applicable
 iv. Approximate size of the proposed impoundment. Volume: 0.37 million gallons; surface area: 0.2 acres
 v. Dimensions of the proposed dam or impounding structure: 2 height; 230 length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Earth Fill

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:
 i. What is the purpose of the excavation or dredging? Site work
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): 0 (unless contaminated or unsuitable soil encountered)
 • Over what duration of time? 2 months
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. Unsuitable soil for building construction or contaminated soil removed in accordance with applicable regulations.
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. Dewatering ancillary to building footing/utility construction
 v. What is the total area to be dredged or excavated? 0.2 acres
 vi. What is the maximum area to be worked at any one time? 0.2 acres
 vii. What would be the maximum depth of excavation or dredging? Approximately 5 feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: Site will be stabilized with final surface treatments, i.e. building, pavement, sidewalk, lawn or landscape areas.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Restoration of approximately 26,400 s.f. of currently disturbed wetland buffer/adjacent area.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Proposed action will recreate 26,400 s.f. of adjacent / buffer area currently being used as lawn

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:
• acres of aquatic vegetation proposed to be removed: _____
• expected acreage of aquatic vegetation remaining after project completion: _____
• purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
• proposed method of plant removal: _____
• if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____
Disturbance in adjacent / buffer area is to convert existign lawn into a SMP and renaturalize 26,400 s.f. of lawn

c. Will the proposed action use, or create a new demand for water? Yes No
If Yes:

i. Total anticipated water usage/demand per day: _____ design flow 10,790 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
If Yes:

- Name of district or service area: Amawalk Shenorock Water District
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____
Not Applicable (N/A)

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ N/A gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
If Yes:

i. Total anticipated liquid waste generation per day: _____ design flow 10,790 gallons/day
ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
If Yes:

- Name of wastewater treatment plant to be used: Peekskill Wastewater Treatment Plant
- Name of district: Somers Sewer District 1 / Westchester County Peekskill Sanitary Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____
 A sewer forcemain will be installed that connects to an existing municipal pump station _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):
Not Applicable

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
Note Applicable

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ 3 acres (impervious surface)
 _____ Square feet or _____ 11.1 acres (parcel size)
 ii. Describe types of new point sources. Discharge from stormwater management practices.

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
Onsite stormwater management practices (SMP's).

 • If to surface waters, identify receiving water bodies or wetlands: _____
The onsite SMP's discharge to NYSDEC Wetland ML-12.

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ 1

iii. Parking spaces: Existing 60± Proposed 201 Net increase/decrease 141

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Not Applicable

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
To Be Determined

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Local Utility

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am - 6 pm</u> • Saturday: <u>7am - 6pm</u> • Sunday: <u>0</u> • Holidays: <u>0</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Anticipated 9am to 5pm for commercial</u> • Saturday: <u>Anticipated 10am to 6pm for commercial</u> • Sunday: <u>Not anticipated for commercial</u> • Holidays: <u>Not anticipated for commercial</u>
---	--

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
Monday - Saturday 7am to 6pm

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Details to be determined but direct down lighting with full cut off shields are anticipated in proposed parking areas next to buildings.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored Potential for Bioxide as part of pump pit odor control.

ii. Volume(s) TBD per unit time TBD (e.g., month, year)

iii. Generally describe proposed storage facilities: _____
To be determined, if deemed necessary by Town.

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 1 to 2 tons per week (unit of time)
- Operation : 1.5 tons per week (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: Recycling meeting Westchester County Recycling Law will be provided.

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Onsite dumpster managed by private waste hauler.
- Operation: Onsite dumpster managed by private waste hauler.

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:
Property is located along a commercial corridor and across the street from a mixed use development. Residential neighborhoods are located to the north and west of the site.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.7	3.0	+2.3
• Forested	1.3	1.3	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)		0.6	+0.6
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	3.2	3.2	0
• Non-vegetated (bare rock, earth or fill)			0
• Other Describe: <u>Grass Turf</u>	5.9	3.0	-2.9

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes - Spills Incidents database Provide DEC ID number(s): 9810929
 Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 360023
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Remediation closed out with NYSDEC.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Not Encountered feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Udorthents, Smoothed	_____	22 %
Udorthents, Wet Substratum	_____	34 %
Ridgebury Loam	_____	36 %

d. What is the average depth to the water table on the project site? Average: 4 feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	_____	30 % of site
<input type="checkbox"/> Moderately Well Drained:	_____	% of site
<input checked="" type="checkbox"/> Poorly Drained	_____	70 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	97 % of site
<input type="checkbox"/> 10-15%:	_____	% of site
<input checked="" type="checkbox"/> 15% or greater:	_____	3 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name <u>Federal Waters, Federal Waters, NYS Wetland, Fe...</u>	Approximate Size <u>NYS Wetland (in a...</u>
• Wetland No. (if regulated by DEC)	<u>ML-12</u>	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: Baldwin Place Area
 ii. Basis for designation: Difficulties w/ portable water source
 iii. Designating agency and date: Date:9-26-90, Agency:Somers, Town of

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>Taconic State Parkway</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Scenic byway</u>	
iii. Distance between project and resource: _____ <u>3</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

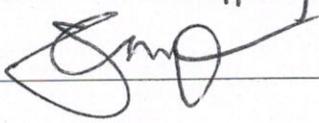
Attach any additional information which may be needed to clarify your project.

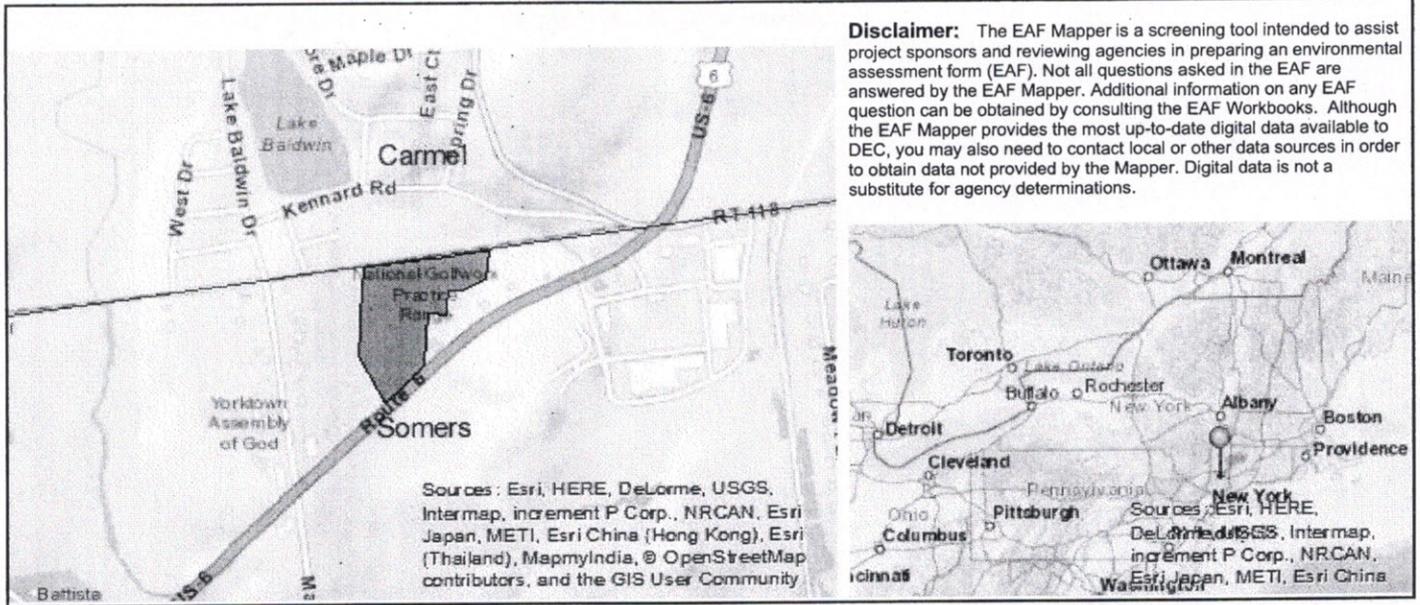
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Jeffrey Costelmo Date 3/30/16

Signature  Title Senior Principal Engineer
Insite Engineering



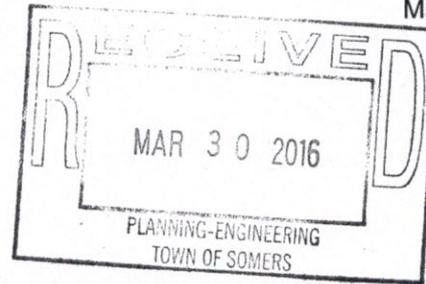
B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360023
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):4.9
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	ML-12
E.2.h.v [Impaired Water Bodies]	No

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Baldwin Place Area
E.3.d.ii [Critical Environmental Area - Reason]	Difficulties w/ portable water source
E.3.d.iii [Critical Environmental Area – Date and Agency]	Date:9-26-90, Agency:Somers, Town of
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



March 30, 2016

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



RE: The Crossroads at Baldwin Place
57 U.S. Route 6
Tax Map # 4.20-1-3.1

Dear Chairman Currie and Members of the Board:

Enclosed please find fourteen (14) copies of the following in support of site plan and associated permits for the above referenced project:

- Site Plan Application, dated March 28, 2016.
- Letter from Receiver of Taxes indicating taxes have been paid, dated February 20, 2016.
- Affidavit for Corporate Owner, dated March 24, 2016.
- Applicant Acknowledgement, dated March 28, 2016.
- Applicant Processing Certification, dated March 28, 2016.
- Stormwater Management and Erosion Control Application, dated March 28, 2016.
- Wetland and Watercourse Protection Permit, dated March 28, 2016.
- Full Environmental Assessment Form, dated March 30, 2016.
- Proposed Action Comparison to Previously Issued Negative Declaration, dated March 30, 2016.
- Site Plan Drawing Set, 9 sheets, dated March 30, 2016.
- Preliminary Stormwater Pollution Prevention Plan, dated March 30, 2016 (4 copies only).
- Architectural Rendering of Building #1.
- Architectural Rendering of Building #2.

This project was informally presented to your Board at the March 9th Planning Board meeting. The Crossroads at Baldwin Place is proposing to redevelop the existing golf driving range at 57 US Route 6 into a mixed use development. The total property is 11.07 acres with 10.54 acres in the Town of Somers and 0.53 acres in the Town of Carmel. Located in the Town of Somers NS Zone, the property is identified as Town of Somers Tax Map # 4.20-1-3.1 and Town of Carmel Tax Map #86.14-1-6. No development is proposed within the Town of Carmel.

The proposed redevelopment program consists of:

1. A 2 story, 24,000 square foot building consisting of 12,000 square feet of retail/professional service and 12,000 square feet of professional office.
2. 52 Senior Affordable Housing rental apartments located in two, one 2 story and one 2 ½ story building.

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

3. 12 non-age restricted rental apartments in a 2 story building.

Sixty-two of the above units will meet either the Town of Somers or Westchester County affirmatively furthering fair and affordable housing (AFFH) requirements.

On February 13, 2013 the Town of Somers Planning Board adopted a Negative Declaration for The Green at Somers Project.

As we discussed at the March 9th Planning Board meeting, based on the similarity of the proposed action to the previous action, it is our intent to provide the Planning Board with sufficient information for you to re-affirm the previous Negative Declaration. A comparison of the proposed action to the previously issued Negative Declaration has been attached herewith.

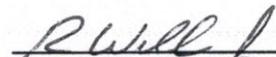
We respectfully request to be placed on the April 13 Planning Board agenda to obtain additional input from the Board, as well as determine what, if any additional items, the Board may need relative to its re-affirmation of the previously issued Negative Declaration. At this meeting we will also request that you issue a courtesy notification to the previous interested and involved agencies under SEQRA, indicating you have received an updated application.

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

Very truly yours,

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

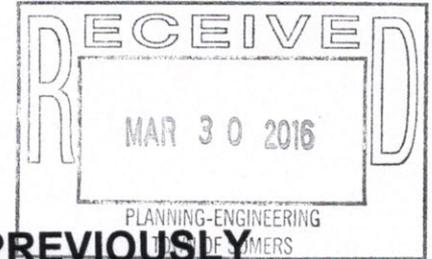
By:


Richard D. Williams, Jr., PE
Senior Project Engineer

RDW/amh

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

Insite File No. 15335.100



PROPOSED ACTION COMPARISON TO PREVIOUSLY ISSUED NEGATIVE DECLARATION

For

**Crossroads at Baldwin Place
57 US Route 6
Town of Somers, New York**

Dated: March 30, 2016

Introduction:

On February 13, 2013 the Town of Somers Planning Board adopted a Negative Declaration for The Green at Somers Project. The previous project initially studied, and upon which some of the studies are based, is more intense in use than both the current Proposed Action and the project for which the Negative Declaration was adopted. The previous project for which the Negative Declaration was adopted was revised to:

1. 8,000 square feet of commercial development.
2. 72 non-age restricted rental apartments meeting the Town of Somers definition of Affordable and also counting towards the Westchester County Housing Settlement.

Since the adoption of the Negative Declaration The Kearney Realty & Development Group, Inc. have become the contract vendee on the property. The new applicant is proposing a similar project to previous project, but has been revised to address several concerns raised by the Town as it relates to the associated Zoning Text Amendment. Specifically the ratio of the commercial development to residential development has been increased to address the concern to develop commercial uses in the NS zone.

The intent of this document is to provide a summary of the potentially significant adverse impacts cited in the previously adopted Negative Declaration and demonstrate that the Crossroads at Baldwin Place project either:

1. Results in a smaller potential impact for which a negative declaration was already adopted.
2. Results in a slightly larger potentially significant impact but, provides adequate mitigation, or documents a project change that has been made such that the potential impact has been mitigated and the Negative Declaration can be re-affirmed.

For each section below, the text in italics is taken directly from the previously issued Negative Declaration. A discussion comparing the Proposed Action to the statement in the Negative Declaration follows each statement from the Negative Declaration.

Impact on Land

1. **From Negative Declaration: Any construction on slopes of 15% or greater.** Site work is proposed in a limited number of areas having slopes greater than 15%. One area is located at the base of the "tee boxes" on the existing driving range and comprises 6,525 square feet; the other area is located along the easterly property line of the Site and comprises 5,925 square feet. Construction activity on the steep slopes associated with the tee boxes would be limited to the deposition and grading of fill material. Due to the location of these existing steep slopes, it is not possible to further reduce the impact by alteration of the site plan. This area of steep slopes is limited, not naturally occurring, and the area would be filled, thereby reducing concerns about potential erosion. Within the sloped area along the easterly property line, some grading would take place as part of the grading operations during construction of the outer loop road that encircles the proposed residential buildings. The potential impacts related to the grading of the steep slopes would be minimized by the design and layout of the site; however, road geometry and desired road gradients would not entirely eliminate disturbance to existing or the creation of new steep slopes in this area. Therefore, mitigation of any potential impacts related to grading activities within the steep slope areas or the creation of new steep slopes would be provided by implementation of soil and erosion controls, including permanent erosion protection by installation of stone rip rap as shown on the Sediment and Erosion Control Plan (Sheet 7 of 17), vegetative slope stabilization, and minimizing the extent and steepness of new steep slopes, which should limit the magnitude of any impacts. The Applicant will be required to design and implement a Stormwater Pollution Prevention Plan (SWPPP) that complies in all respects with the requirements of Somers Town Code Chapters 93 and 148, as well as the "New York State Stormwater Management Design Manual," dated August 2010, and the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, both published by the NYSDEC. Based upon the foregoing, there will be no significant adverse impacts to steep slopes.

- a. **Proposed Action:** There is no change being proposed to the quantity of construction on slopes 15% or greater. With a similar overall layout the reasons for the slope disturbance remain unchanged as well. The Crossroads at Baldwin Place will be designed to similar standards as the previous project, conforming to the *New York State Standards and Specifications for Erosion and Sediment Control*, dated August 2005 (Blue Book), and the new version of the *New York State Stormwater Management Design Manual*, dated January 2015 (Design Manual). Similar to the previous project, the Proposed Action will provide stone rip rap, vegetative slope stabilization, minimization of steepness of new slopes, and will also provide erosion control blankets on slopes in excess of 3H : 1V.

2. **From Negative Declaration: Construction on land where the depth to water table is less than 3 feet.** Based upon the results of soil borings completed by Carlin-Simpson & Associates on behalf of the Applicant (which are summarized in a report dated May 31, 2012), it has been determined that the Proposed Action would not involve any construction where the depth to ground water is 3 feet or less. However, it is anticipated that some of the proposed site work will encounter the groundwater table at a depth of more than 3 feet in a limited number of locations. In the event that further soil investigations indicate that dewatering will need to be undertaken, the water will not be discharged directly into the existing wetlands and all dewatering activities will be performed in accordance with the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, published by the NYSDEC. Based upon the foregoing, there will be no significant adverse impacts to areas of shallow water table or where the groundwater table may be encountered during construction, and procedures will be in place to avoid negative impacts to the adjacent wetland in the event that groundwater is encountered.

- a. **Proposed Action:** The overall site layout and grading is similar to the previous application in that the building pads will be constructed primarily in fill. Similar to the previous action it is anticipated that that construction in the groundwater table will occur in a limited number of locations, such as for stormwater management practice (SMP) construction and building footing construction. The same mitigation will be provided in that should dewatering need to be undertaken it will not be discharged directly in the existing wetlands and all dewatering activities will be performed in accordance with the Blue Book.

One additional potential impact is the contract vendee has determined there is an isolated area of contaminated soil in the south eastern corner of the site. Located under the existing parking lot, the contamination is thought to have originated from a gas station that is reputed to have existed on the site. Any contaminated soils that are encountered, including the associated groundwater if located in the groundwater table, will be mitigated by removing and properly disposing of the soil and groundwater in accordance with local, state, and federal regulations. The identification and removal of any contaminated soil / groundwater during construction will provide mitigation that results in a net benefit to the overall groundwater supply in the area.

3. **From Negative Declaration: Construction of paved parking area for 1,000 or more vehicles.** *The Proposed Action would not involve the construction of 1,000 or more parking spaces, but would involve the construction of approximately 187 parking spaces. The number of required parking spaces is directly related to the amount of floor area and the number of dwelling units that are proposed. The use of underground parking garages will reduce the amount of impervious surfaces that would otherwise be created on the Site if all proposed parking spaces were located in outdoor surface parking lots. The proposed parking does not exceed the amount required for the proposed land uses by the applicable off-street parking requirements of the Town of Somers Zoning Ordinance and the Applicant is also proposing the shared use of one parking space. Stormwater runoff generated by paved parking spaces will be handled by multiple practices to be incorporated into an approved Stormwater Pollution Prevention Plan (SWPPP) that fully complies with all applicable requirements of the New York State Stormwater Management Design Manual, dated August 2010, published by the NYSDEC. These practices, which will include vegetated swales, a bioretention filter area, other water quality treatment areas, stormwater planters, and permeable pavement, will be designed to promote the removal of pollutants from stormwater while controlling the peak rate in runoff after construction of the proposed development. Based upon the foregoing, there will be no significant adverse impacts associated with the proposed construction of 187 parking spaces.*

- a. **Proposed Action:** Similar to the previous action, the Proposed Action would not involve the construction of 1,000 or more parking spaces, but is proposing to construction 201 parking spaces (182 impervious and 19 pervious). The Proposed Action will result in 3.0 acres of paved / building surfaces as follows, 2.2 acres of new impervious surfaces, 0.1 acres of permeable pavement and 0.7 acres of existing impervious surfaces being redeveloped. This is more than the previous action, which proposed a total of 2.8 acres of paved / building surfaces as follows 1.7 acres of new impervious surfaces, 0.4 acres of permeable pavement and 0.7 acres of existing impervious surfaces to be redeveloped. A SWPPP will be developed that will capture and treat the proposed impervious surfaces. The project SWPPP will conform to a later version of the Design Manual that the previous action, and will also meet the requirements of the NYCDEP *Rules and Regulations from the Contamination, Degradation and Pollution of the Water Supply and Its Sources*, dated April 2010 (Rules and Regulations). The project SWPPP will include vegetated swales (NYSDEC

Design O-1), bioretention filters (NYSDEC Design F-5), porous pavement, a surface sand filter (NYSDEC Design F-1), and a Pocket Wetland (NYSDEC Design W-4).

4. From Negative Declaration: Proposed Action involves importation of 24,289± cubic yards of fill. Based on the results of preliminary soil investigations undertaken by Carlin-Simpson & Associates on behalf of the Applicant, it has been determined that several areas of the Site contain fill material that cannot provide structural support for the proposed buildings and certain other structures. For that reason, it will be necessary to remove the unsuitable material where encountered and replace it with structural fill that will need to be imported to the Site to create the proposed finished grades. In its current condition, the Site slopes down from U.S. Route 6 towards the rear of the property. The proposed site improvements would be located in the southern half of the Site. Based on the proposed grading plan, most of the fill would be placed in areas closest to the Site's U.S. Route 6 frontage, thereby providing for considerable separation between areas of fill and the State-and Town-regulated wetlands. The Site is not located in the 100-year flood zone. Therefore, the proposed filling operation should not affect neighboring or downstream properties due to displacement of flood storage areas. During the construction phase of the project, a sediment and erosion control plan will be implemented in accordance with the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, published by the NYSDEC and the NYSDEC's Best Management Practices (BMP) to prevent mud and silt from entering into existing and proposed drainage facilities and to protect the receiving waters from contamination. Based upon the foregoing, there will be no significant adverse impacts associated with the proposed importation of 24,289 cubic yards of fill.

- a. **Proposed Action:** The proposed action is similar to the previous action in that the building pad will be constructed primarily in fill. Based on the proposed grading plan a similar quantity of fill is anticipated to be imported than analyzed in the previous action.

The construction techniques are similar to that of the previous action in that unsuitable material may need to be removed, and structure fill imported under structures. Also similar to previous action is that the proposed action would be placing fill in the southern half of the property in the portion of the site closest to US Route 6. The site is still not located in a 100-year flood zone, therefore no downstream flooding impacts area anticipated as a result of the fill importation. Finally, during the construction phase of the project, erosion controls designed in accordance with the Blue Book will be implemented and include, silt fence, dust control, stabilized construction entrances, inlet protection, stabilization of disturbed areas and construction of a temporary sediment trap.

Impact on Water

- 1. From Negative Declaration: The Proposed Action involves the removal of two existing drainage pipe(s) and a 50-foot high chain link fence that currently defines the perimeter boundary of the of a State-regulated wetland (identified as Wetland "A" on the site plan).** As part of the proposed Site redevelopment, the Applicant is proposing to remove two existing drainage pipes that are located in the 100-foot buffer of the State regulated wetland on the Site. One of these drainage pipes runs along the westerly boundary of the Site; the other runs through the center of the Site. Both pipes currently discharge to the State wetland. Under the proposed site plan, stormwater would continue to be discharged to the same wetland, but it would be done in accordance with an approved Stormwater Pollution Prevention Plan (SWPPP) that meets all applicable requirements of Somers Town Code Chapter 93 and the New York State Stormwater Management Design Manual, dated August 2010, published by the NYSDEC. The

Applicant is also proposing to install new plant material in the 100-foot buffer of the State-regulated wetland. Plant materials selected will be suited to the expected hydrologic conditions where they are proposed to be planted, will be native species, and will not include invasive species. While these activities technically involve disturbance within the 100-foot buffer of the State-regulated wetland and are likely to require approval of a State wetland permit, they are intended to provide for enhancements to the functioning of that wetland buffer. During the construction phase of the project, a sediment and erosion control plan will be implemented in accordance with the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, published by the NYSDEC and the NYSDEC's Best Management Practices (BMP) to prevent mud and silt from entering into existing and proposed drainage facilities and to protect the receiving waters from contamination during construction. Other disturbances in the 100-foot buffer of the State-regulated wetland that were previously proposed and/or under consideration are no longer part of the Proposed Action, such as the construction of a stormwater mitigation area substantially within the 100-foot buffer, the installation of a new pipe discharging from the proposed pocket wetland to the State-regulated wetland, and the establishment of a wetland creation area. Based upon the foregoing, there will be no significant adverse impacts to the State regulated wetland.

- a. **Proposed Action:** The proposed action is no longer proposing to remove / shorten portions of the existing piping. Similar to the previous action, the Proposed Action will continue to discharge stormwater into the same NYSDEC wetland, but will do so under an approved SWPPP designed to the latest standards. Part of designing to the latest standards involved additional GIP's to be located upstream of the permanent SMP's. While the amount of impervious surfaces proposed, and general locations of the SMP's are similar between the previous and proposed action (3.0 acres versus 2.8 acres), the results of the 2015 revision to the Design Manual and latest General Permit have resulted in the proposed action's SMP's extending beyond what was previously proposed. The increased size of the proposed SMP does not allow the existing pipe in the center of the site be shortened. However, a portion of the second drainage pipe previously proposed to be shortened will still be eliminated.

It should be noted that the two existing drainage pipes were not previously proposed to be removed in their entirety, but shortened. The one existing pipe that runs through the center of the site was proposed to be replaced and relocated. This pipe, which conveys runoff from US Route 6 is still proposed to be replaced and relocated, but it will also be increased in size. As determined in the Somers Realty Phase 3 SWPPP the existing drainage line in the center of the subject property currently limits the capacity of the upstream NYSDOT Drainage System. The proposed application will increase the size of this drainage line so the NYSDOT system can flow at its design capacity which is equal to the 50-year storm event. This improvement being undertaken by the Proposed Action will improve the safety of US Route 6, by reducing the potential for flooding, and will improve the existing NYSDOT collection system.

Similar to the proposed action the area between the proposed SMP's and the NYSDEC wetland will be allowed to re-naturalize. A total of three wetland mitigation areas are provided, all located within the Town / NYSDEC Wetland Buffer. These areas comprise 26,400 s.f. total, are currently lawn, and will be planted with wetland mitigation planting. As a result, the performance of the existing wetland buffer will be improved by the Proposed Action. Another benefit to the receiving wetland is that the SWPPP will not only treat the new development, but also the onsite existing impervious surfaces being redeveloped, as well as portions of US Route 6 which currently untreated. As such there will be an improvement in stormwater quality being discharged to the wetland.

2. From the Negative Declaration: The Proposed Action involves the removal of existing site features (pavement, structures, drainage pipes), new grading, construction of a stormwater management system, installation of portions of the Site's vehicular circulation system, and addition of plantings within the 100-foot buffer of Town-regulated Wetland "B," located in the southwesterly portion of the Site. The Proposed Action also involves the removal of an existing equipment storage shed and portions of a 50-foot high chain link fence that currently defines the perimeter boundary of the existing golf driving range within the 100-foot buffer of Town regulated Wetland "C," located along the easterly property line of the Site.

To offset the proposed disturbance to the 100-foot buffer of Town-regulated Wetland "B," the buffer area will be enhanced with diversified plantings suited to the hydrologic regime expected to be found where such plants will be installed. In addition, the proposed site plan involves the use of permeable pavement in selected locations as a means of further reducing potential adverse impacts on Town-regulated wetlands and their 100-foot buffers resulting from an increase in impervious surface areas. The final details of any walking trail to be established on the Site will be designed to prevent residents from encroaching into Town regulated wetland buffer areas. During the construction phase of the project, a sediment and erosion control plan will be implemented in accordance with the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, published by the NYSDEC and the NYSDEC's Best Management Practices (BMP) to prevent mud and silt from entering into existing and proposed drainage facilities and to protect the receiving waters from contamination during construction. Based upon the foregoing, there will be no significant adverse impacts to Town-regulated wetlands.

- a. **Proposed Action:** The proposed action is similar to the previous action in that wetland mitigation is still proposed throughout the site, and within the wetland buffers of Wetland A and B. In addition permeable pavement is proposed within the Wetland B 100' buffer area. Further an erosion control plan has been prepared for the project which is consistent with the Blue Book and will prevent mud and silt from entering the wetlands during construction. The Proposed Action will result in decrease buffer area disturbance from what exists today. In addition the SWPPP will not only treat the new impervious surfaces but will also provide treatment for the redeveloped onsite impervious areas, as well as portions of US Route 6 which are currently untreated. As such the Proposed Action still results in no significant adverse impacts to Town regulated wetlands.

3. From Negative Declaration: Proposed Action will adversely affect groundwater.

The addition of impervious surfaces to the Site will create additional runoff that could contain pollutants that may adversely affect the groundwater. To promote the removal of pollutants from stormwater while controlling the peak rate in runoff after development, a Stormwater Pollution Prevention Plan will be prepared for the Site in accordance with the New York State Stormwater Management Design Manual, dated August 2012, published by the NYSDEC (the "Design Manual"). The Design Manual provides a wide range of acceptable practices which are to be incorporated into the required Stormwater Pollution Prevention Plan (SWPPP). These practices are designed to promote the removal of pollutants from the stormwater stream while controlling the peak rate in runoff after development. For this project, the SWPPP will include such practices as vegetated swales, a pocket wetland, a bioretention filter area, other water quality treatment areas, stormwater planters, and permeable pavement. In addition, slow release fertilizers will be applied by hand to horticultural plantings as part of regular horticultural maintenance program and will be limited to a single spring application. During construction, petroleum products will be stored in tightly sealed containers that are clearly labeled and all vehicles on the Site will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. The use of road salt for maintenance of driveway and

Proposed Action Comparison To Previously Issued Negative Declaration

parking lot areas will be minimized on the Site. Based upon the foregoing, there will be no significant adverse impacts on groundwater.

- a. Proposed Action:** The Proposed Action will create slightly more impervious surfaces than previously proposed. The Proposed Action will result in 3.0 acres of paved / building surfaces as follows, 2.2 acres of new impervious surfaces, 0.1 acres of permeable pavement and 0.7 acres of existing impervious surfaces being redeveloped. This is more than the previous action, which proposed a total of 2.8 acres of paved / building surfaces as follows 1.7 acres of new impervious surfaces, 0.4 acres of permeable pavement and 0.7 acres of existing impervious surfaces to be redeveloped. The SWPPP prepared for the Proposed Action will be designed in accordance with the latest addition of the Design Manual, and will be designed to capture and treat the proposed impervious surfaces. Similar to the previous action the Proposed Action will provide a wide range of SMP's including vegetated swales (NYSDEC Design O-1), bioretention filters (NYSDEC Design F-5), porous pavement, a surface sand filter (NYSDEC Design F-1), and a Pocket Wetland (NYSDEC Design W-4). Also fertilizers will only be used as necessary and will be applied in accordance with the New York State *Dishwasher Detergent and Nutrient Runoff Law*. During construction, petroleum products will be stored in tightly sealed containers that are clearly labeled. Fueling and maintenance of vehicles will occur in specific staging areas as discussed in the project SWPPP. The project SWPPP also requires the routine inspection of vehicles to minimize the change of leakage throughout the site. The use of road salt for maintenance of driveway and parking areas will be minimized. Based on the above the Proposed Action results in no change from the previous action's determination.

4. From Negative Declaration: Proposed Action would use water in excess of 20,000 gallons per day. The Proposed Action would use water but it involves the projected consumption of 12,900 gallons of water per day upon completion of proposed development. *The proposed development will receive water from the Amawalk-Shenorock Water District, which is expected to provide an ample supply of water to the Site. Based upon the foregoing, there will be no significant adverse impacts associated with the proposed consumption of water.*

- a. Proposed Action.** The Proposed action will also receive water from the Amawalk- Shenorock Water District. The Proposed Action's design flow of 10,720 gpd is less than the previous action's design flow of 12,900 gpd, and as such there will still be no significant adverse impacts associated with the proposed consumption of water. The proposed water demand for the project is calculated as follows:

Crossroads at Baldwin Place
Proposed Action Comparison To Previously Issued Negative Declaration

Proposed Use	Hydraulic Loading Rate ¹	Average Daily Design Flow (gpd)
24,000 Square feet of Commercial Space (retail, professional service, professional office)	0.08 gpd/ s.f. ²	1,920 gpd.
48 –One Bedroom Apartments	110 gpd/bedroom	5,280 gpd
16 –Two Bedroom Apartments for a total of 32 bedrooms.	220 gpd/dwelling	3,520 gpd
Total		10,720 gpd

¹ Hydraulic Loading Rates taken from *New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, 2014*.

² A 20% reduction has been applied to the Commercial Design Flow as permitted by *New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, 2014*.

5. From Negative Declaration: Proposed Action will require the storage of petroleum or chemical products greater than 1,000 gallons. The Proposed Action will require the use of Bioxide for odor control as part of the operation of the proposed Sewage Pump Station, but the amount of Bioxide to be stored on the Site will be less than 1,100 gallons. Bioxide will be handled and stored in accordance with "Recommended Standards for Wastewater Facilities 2004 Edition," published by the Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ("10 States Standards Wastewater Design Manual") and with "Design Standards for Wastewater Treatment Works Intermediate Sized Sewerage Facilities 1988", dated 1980, revised 1988, published by the NYSDEC. Based on the foregoing, there will be no significant adverse impacts associated with the storage of petroleum or chemical products on the Site.

- a. **Proposed Action:** There is no change from the previous action, except that the use of Bioxide may no longer be required based on other offsite improvements to the sewer district. If Bioxide is determined to be required than less than 1,100 gallons will be stored on site and it will be stored in accordance with the previously cited requirements in #5.

6. From Negative Declaration: Proposed Action involves site dewatering activities in areas of proposed central drainage pipe removal and proposed building foundations during construction. Based upon the results of soil borings completed by Carlin-Simpson & Associates on behalf of the Applicant (which are summarized in a report dated May 31, 2012), it has been determined that the Site has a shallow groundwater table that is likely to be encountered during the construction phase. The Carlin-Simpson & Associates report also notes, however, that its findings are based on only seven borings completed in May 2012 and that additional sub-surface soil investigation will be necessary to determine the elevation of the water table in all areas to be disturbed. The Applicant will be required to complete the additional soil investigations prior to the Planning Board granting final site plan approval. Depending on the elevation of the water table, dewatering of the Site during construction may be required. At a minimum, these locations are expected to include the area where an existing drainage

pipe to be removed in the central portion of the Site is now located as well as the location of one or more proposed building foundations. Any groundwater that may be encountered during the normal course of construction is proposed to be piped or pumped via a low head "trash pump" into the temporary sediment basin in accordance with the requirements of the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, published by the NYSDEC and will be part of the approved Stormwater Pollution Prevention Plan (SWPPP) that will be prepared in accordance with the requirements established by the NYSDEC SPDES General Permit. The Applicant will also be required to submit a dewatering plan that complies with the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, published by the NYSDEC, prior to the Planning Board granting final site plan approval. The required dewatering plan will identify the proposed collection and conveyance routes of intercepted groundwater, and will detail the quantity and duration of the dewatering, discharge points, and erosion and sediment control measures. The Applicant will not be permitted to discharge any water associated with dewatering operations into any State- or Town-regulated wetland on the Site. Based on the foregoing, there will be no significant adverse impacts associated with site dewatering activities.

- a. **Proposed Action:** The proposed action is similar to the previous action with respect to the overall limits of disturbance, elevations of construction, and removal of the existing drainage line in the center of the site. Therefore there is no change in what was previously studied and discussed above with the exception of the potential for contaminated soil / groundwater in the south eastern corner of the site.

Located under the existing parking lot, the contamination is thought to have originated from a gas station that is reputed to have existed on the site. Any contaminated soils that are encountered, including the associated groundwater if located in the groundwater table, will be mitigated by removing and properly disposing of the soil and groundwater in accordance with local, state, and federal regulations. The identification and removal of any contaminated soil / groundwater during construction will provide mitigation that results in a net benefit to the overall groundwater supply in the area.

7. From Negative Declaration: Proposed Action may cause substantial erosion.

Proposed grading activities on the Site and areas stripped of vegetation during and after construction may result in erosion on the Site. During the construction phase of the project, a sediment and erosion control plan will be implemented in accordance with the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005, published by the NYSDEC and the NYSDEC's Best Management Practices (BMP). The primary goals of the sediment and erosion control plan are to prevent the tracking of dirt and mud onto adjacent roads, to prevent mud and silt from entering into existing and proposed drainage facilities, to protect the receiving waters from contamination during construction, and to provide proper site stabilization. Based upon the foregoing, there will be no significant adverse impacts resulting from erosion.

- a. **Proposed Action:** The proposed action has a similar limit of disturbance as the previous action. An Erosion and Sediment Control Plan designed in accordance with the Blue Book will be prepared for the project, and similar to the previous application will offer adequate mitigation such that there will be no significant adverse impacts resulting from erosion.

Impact on Open Space and Recreation:

1. **From Negative Declaration: Proposed Action involves elimination of existing privately-owned golf driving range.** According to the Applicant, the existing golf driving range is no longer considered a viable commercial enterprise. The loss of a privately-owned recreation facility is a relatively small and unavoidable impact. Based upon the foregoing, there will be no significant adverse impacts resulting from elimination of the existing golf driving range.

a. **Proposed Action:** There is no change from the determination made above.

Impact on Transportation

Proposed Action involves the generation of up to 254 vehicle trips per hour upon completion. The Applicant completed a Traffic Report on the basis of the originally proposed development concept, which included approximately 24,760 square feet of retail space, a 4,000 square-foot restaurant and 71 residential units. According to the Applicant's Traffic Consultant, the proposed development was originally estimated to generate 69, 125 and 180 vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours, respectively, based on trip rates provided by the Institute of Transportation Engineers (ITE). The analysis was based on full occupancy in 2015 and accounts for other planned or approved developments along the U.S. Route 6 corridor. Based upon the findings of the Applicant's Traffic Report, the proposed multi-use commercial/residential development would not have a significant adverse impact on the overall traffic operation along U.S. Route 6, based upon implementation of the following recommended transportation improvements:

1. U.S. Route 6 at Curry Street/New York State Route 6N – Traffic Signal Timing Improvements.
2. U.S. Route 6 at Mahopac Avenue – Traffic Signal Timing Improvements.
3. U.S. Route 6 at Somers Commons Access (South) – Traffic Signal Timing Improvements.
4. U.S. Route 6 at New York State Route 118/Baldwin Place Road – Traffic Signal Timing Improvements.
5. U.S. Route 6 at Proposed Site Access Drive/Planned Hamlet Site Access Drive – Recommend signalization of this intersection and the construction of separate left turn lanes on U.S. Route 6 at the location of the proposed access drive.

Each of the recommended improvements along U.S. Route 6 requires approval from the New York State Department of Transportation (NYSDOT). Therefore, the Applicant will be required to obtain a Highway Work Permit for the proposed improvements at the Site access drive, which includes signalization and left turn lane construction. Modification to traffic signal timing plans upstream of the Site will also require an approval by the NYSDOT or findings that the NYSDOT will implement the traffic signal timing improvement plans, as needed. Subsequent to the completion of the Traffic Study by the Applicant's Traffic consultant, the development concept for the Site continued to evolve. The Proposed Action now includes 6,000 square feet of retail floor area, 2,000 square feet of restaurant floor area, and 72 multifamily dwelling units (36 one-bedroom and 36 two-bedroom). Because the scale of the proposed development has been reduced, projected trip generation would be slightly lower than originally estimated. However, the findings remain the same. Based upon the analysis completed by the Applicant's Traffic Consultant and the recommended improvements to be provided by the Applicant, the proposed development will not result in an adverse impact on the overall traffic operations along U.S. Route 6 along the Site frontage and at upstream traffic signals. Based upon the foregoing, there will be no significant adverse impacts resulting from the generation of additional Site traffic.

- a. **Proposed Action:** The use for which the above traffic report was prepared was more intense than the Proposed Action and as such results in a higher traffic generation rate. Thus there is no change from the determination made above.

For comparison purposes:

- The Traffic Report analyzed 24,760 square feet of retail plus a 4,000 square foot restaurant.
 - The Proposed Action only has 24,000 square feet of commercial space with 12,000 s.f. of retail / professional service and 12,000 s.f. of office. Thus the Proposed Action will generate less traffic for the commercial component of the development.
- The Traffic Report analyzed 71 market rate residential units.
 - The Proposed Action has a total of 64 residential units with only 12 non-age restricted units, and 52 age-restricted units. Thus the Proposed Action will generate less traffic for the residential component of the development.

Similar to the findings above, the Proposed Action will result in less traffic than contemplated in the Traffic Study prepared for the project. However, while the impact is less than previously studied, the mitigation proposed above will still be implemented, and as such there will be no significant impacts resulting from generation of additional site traffic.

2. From Negative Declaration: Proposed Action involves generation of traffic during construction phase, including that associated with importation of fill to the Site.

During the initial phases of site work, earthwork activities will require the importation of fill. Because of constraints that would limit the availability of on-site staging areas, the Applicant has projected that no more than 40 truckloads of fill could be imported to the Site on a daily basis. This represents a total of 80 truck trips per day that could be expected to result from filling operations, probably over the course of an 8-hour work day for approximately 5 weeks. This could result in short-term delays along U.S. Route 6 since trucks of this type and size are typically slow-moving vehicles. To reduce potential impacts associated with this type of construction traffic, the Applicant will employ a flag person to direct traffic at the Site entrance drive and will use standard signing along U.S. Route 6. Prior to the Planning Board granting final site plan approval, the Applicant will also be required to submit a construction management plan that accounts for the projected amount of delivery truck activity generally. In addition, the final approved Sediment and Erosion Control Plan will be designed to ensure that dirt and mud from trucks transporting fill and as well as other construction vehicles will not be deposited onto U.S. Route 6 and other area roads during the construction phase. Based upon the foregoing, there will be no significant adverse impacts associated with construction traffic.

- a. **Proposed Action:** Since the Proposed Action will require a similar amount of fill as previously studied, a similar number of truck trips are anticipated. As such the previous mitigation will still be provided, i.e. a flag person will be employed, a construction management plan will be provided, and the required Erosion and Sediment Control Plan will be provided. Since the quantity of material to be imported is the similar, and the same mitigation will be provided, there will be no significant adverse impacts associated with construction traffic.

Impact on Growth and Character of Community or Neighborhood:

- 1. From Negative Declaration: Proposed Action will conflict with officially adopted plans or goals.** *The Proposed Action is consistent with Town Development Plan policies, but does not comply with existing zoning policies concerning the specific location of residential and retail uses in the NS District. Under existing zoning provisions, apartments are not permitted on the first floor of any building in an NS District and, when proposed, such apartments must be located over stores (i.e., retail uses) but may not be located over other permitted nonresidential uses, such as but not limited to restaurants. The Proposed Action includes the proposed adoption of supplementary zoning provisions that*

seek to create more flexibility in the permitted location of apartments in an NS District. If all applicable criteria can be satisfied, the supplementary zoning text provisions would allow apartments to be located on any floor of a building that is set back more than 100 feet from the road frontage. The proposed zoning provisions would have limited applicability because they could only be applied to a property larger than 8 acres in size, with road frontage of less than 500 feet, and located on the same road as and within 2,000 feet of property in the CS District, and then only if at least 50% of the proposed residential units would qualify as "affordable dwelling units." Before the normally applicable provisions of the NS District could be modified and replaced with the supplementary zoning provisions, the approval authority would also be required to make a specific finding that nonresidential uses located in the rear portion of a development site would not be marketable. Based upon the foregoing, there will be no significant adverse impacts associated with the proposed zoning text amendments.

- a. **Proposed Action:** Similar to the previous action the Proposed Action requires a text change to the zoning code. The text changes are summarized as follows:
- i. For mixed commercial and affordable residential developments the commercial and residential units may be located in separate buildings provided:
 1. There is a minimum lot size of 8 acres.
 2. The lot has less than 500 feet of frontage.
 3. The lot is serviced by public water and sewer.
 4. The minimum ratio of commercial floor area to residential floor area is 0.27.
 5. The project shall include at a minimum, residential units where at least 50% of the total number of residential units are considered affordable dwelling units as defined in Section 170-3 of the zoning code.
 6. The maximum building footprint is 12,500 s.f.
 7. Except as modified above the dimensional standards applicable to a mixed commercial and affordable residential development project shall be governed by provisions of Section 170-20.3.

As indicated above the approval authority would need to make the same specific finding that nonresidential uses located in the rear portion of a development site would not be marketable. Based on the above, the determination that there will be no significant adverse impacts associated with the proposed zoning text amendments can be reaffirmed.

2. **From Negative Declaration: Proposed Action will cause a change in the density of land use.** *The Proposed Action involves the construction of approximately 72 multifamily dwelling units and approximately 8,000 square feet of commercial floor area (to be occupied by retail and restaurant uses) in place of an existing golf driving range. In comparison to the character of the existing golf driving range, the proposed development would clearly represent a change in the density of land use. However, the proposed number of dwelling units and amount of commercial floor area are permitted by the existing provisions of the NS District, in which the Site is located. Based upon the foregoing, there will be no significant adverse impacts related to changes in the density of land use.*

- a. **Proposed Action:** Similar to the previous application the project density is permitted by existing provisions of the NS District. When compared to the previous action, the Proposed Action's ratio of commercial to residential development has been increased so there is 24,000 square feet of commercial development and 64 units of residential development. The ratio of commercial to residential was increased to address the concern to develop commercial uses in the NS zone. While the ratio of commercial to residential development was

increased, the overall project density is similar to the previous action such that the previous finding can be reaffirmed.

3. Development will create a demand for additional community services (e.g., schools, police and fire, etc.). *Because the approximately 72 proposed residential dwelling units would not be age-restricted, and because 50% of the proposed dwelling units would have two bedrooms, the Proposed Action is expected to attract some families with school-age children. In addition, the construction of new residential and nonresidential buildings where a golf driving range previously existed would create a demand for additional police and fire protection services. However, Somers Central School District has sufficient capacity to accommodate additional students. Additionally, according to the Applicant, the Somers Fire District has indicated that its fire apparatus would be able to access the Site based upon the currently proposed site layout. Any new development with residential dwelling units would also generate a demand for recreation facilities. To offset the increased demand for those facilities by residents of the proposed dwelling units, the Proposed Action includes payment of a \$400,000 recreation fee. To the extent that the recreation fee required by Somers Town Code § 55-3 would be higher than \$400,000, the Applicant will be seeking a Town Board waiver of the normally applicable requirements pursuant to Somers Town Code § 55-5. Based upon the foregoing, there will be no significant adverse impacts related to the creation of additional demand for community services.*

- a. **Proposed Action:** The Proposed Action will result in less school age children than the previous action because 52 of the 64 residential units proposed will be senior age restricted units. As such there will be less demand for community services. The applicant will review the recreation fee with the Town Board as it relates to Section 55-3 of the Somers Town Code.

4. Proposed Action will create or eliminate employment. *The Proposed Action involves the creation and elimination of jobs, but would result in a net increase in employment. Closure of the existing golf driving range would eliminate 3 jobs. The proposed development of residential, retail, and restaurant uses would create 30-35 jobs during construction and approximately 15 jobs once the proposed development is occupied. Based upon the foregoing, there will be no significant adverse impacts associated with employment.*

- a. **Proposed Action:** The Proposed Action proposes more commercial development than the previous action and as such will result in a greater amount of long-term employees at the site, particularly when compared to the existing golf driving range. As the project is of similar size and nature to the previous application the jobs created during construction are expected to be similar. As such the previous finding can be re-affirmed and there will be no significant adverse impacts associated with employment.