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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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



**SOMERS PLANNING BOARD
SPECIAL MEETING
AGENDA
APRIL 22, 2014
7:30 P.M.**

PROJECT REVIEW

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

DISCUSSION

- Referral from Town Board for review and comment on the proposed plan modifications and text amendments.
- Revised Layout Plan
- Protocol on Threatened and Endangered Species Habitat

Next Planning Board Meeting, May 14, 2014
Agenda information is also available at www.somersny.com

OPEN SPACE COMMITTEE

Telephone
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Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MICHAEL BARNHART
CHAIRMAN



MEMO TO: Planning Board

FROM: Open Space Committee

RE: Hidden Meadow – 16 Route 6

DATE: April 14, 2014

The Committee reviewed Ecological Solutions' draft "Biodiversity Assessment Protocol" for the Hidden Meadow project. We are generally pleased with the document and look forward to seeing the results. We would like to make the following suggestions:

- That State and other lists not be entirely disregarded for purposes of the study. Particularly, we would suggest consulting DEC's NYS Species of Greatest Conservation Need, NYS Species of Special Concern, as well as Audubon's Hudson River Valley Priority Species.
- That there be consideration of the possible occurrence of species of conservation concern on adjacent offsite habitat.
- That assessment not be limited to species observed onsite but also species likely to occur given the presence of appropriate habitat.
- That conditions during the site walks be noted (e.g. whether the weather was rainy, temperature, etc.) as this affects interpretation of the results.

The assessment is supposed to identify significant biodiversity resources onsite or that interact with the site. To that end, we believe that species that have been discussed before, such as Indiana bat, as well as other important species that Somers' list may overlook be included in order to get a full picture of the site's importance. Furthermore, because species that occur in adjacent offsite habitat are likely to transit or otherwise

make use of the site, these should be considered as well. Finally, a limited number of site visits do not always permit discovery of all species likely to occur. Again, because the purpose is to assess the site's biodiversity, such an assessment must also consider what is unseen but likely. This is especially a concern as the proposed site walks are both limited in number and in only one season. Rare plant species and some breeding birds and butterflies may not turn up, which should not be taken as evidence of total absence from the site.

cc: Somers Town Board
Somers Parks and Recreation Board

Marilyn Murphy

From: Rob Wasp <rwasp@woodardcurran.com>
Sent: Wednesday, April 16, 2014 1:34 PM
To: Marilyn Murphy
Cc: Wendy Getting; Syrette Dym; Joe Barbagallo
Subject: Hidden Meadow at Somers - Biodiversity Study Protocol
Attachments: Hidden Meadow Biodiversity Assessment protocol.pdf

Marilyn,

When you have a moment, please distribute the email below with the attached document to the members of the Planning Board. Thank you!

Members of the Planning Board,

This email is intended to provide a brief update on the status of the previously identified ecological concerns related to the Hidden Meadow at Somers application.

Please find the attached Biodiversity Assessment Protocol that has been prepared by Michael Nowicki of Ecological Associates, LLC (the Applicant's ecological consultant for the project). This assessment protocol has been drafted to scope and define the investigation of the additional species of concern within the project area, as identified by the Town of Somers Open Space Committee. Field study operations are scheduled to begin before the end of April and are currently proposed to be complete in early June. Woodard & Curran's technical specialists, Steve Ewing and Marcus Rubenstein, are currently reviewing the draft protocol. If any significant comments/concerns are found, such issues will be identified prior to, and discussed at the next week's meeting.

In addition, a site walk with members of the Open Space Committee, Woodard & Curran, and the Applicant's representatives was held on the morning of April 11th. Joseph Barbagallo, along with Marcus and Steve of our office walked the project site with Michael Nowicki and Open Space Committee members Michael Barnhart and Bob Macgregor. Also in attendance during the site walk were Ken Kearny, Jeff Contelmo and Rich Williams of Insite Engineering.

Following the site walk, the Open Space Committee issued a revised comment memorandum for consideration by the Planning Board. Our office is considering these comments in review of the draft assessment protocol, and will offer necessary comments/recommendations if they are identified.

As always, please let us know if you any questions or concerns. Best wishes for a wonderful Easter holiday if we do not have the opportunity to speak before.

-Rob
Rob Wasp, EIT, CDT
Engineer
Woodard & Curran
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Biodiversity Assessment Protocol - Hidden Meadow Property Somers, New York

The Town of Somers Open Space Committee has requested a biodiversity assessment be performed on the site in accordance with the Guidelines for Habitat Assessment provided by *Hudsonia Ltd.* which is in addition to the Federal and State Threatened/Endangered Species Habitat Assessment already completed for the site.

This protocol for the biodiversity assessment includes identification of habitats on and adjacent to the site, identification of Town designated species of special concern that use, or may use the habitats such as wood turtle, wood thrush, etc., and evaluations of habitat quality for those species. A maximum of 5 field visits will be completed: 1 in April, 3 in May, and 1 in early June. Each site evaluation will occur in 4 hour blocks with varying timeframes, i.e early morning, dusk, etc.

The Findings of the biodiversity assessment will be presented in the following format.

1.0 Habitat Assessment Report

The following format for the biodiversity assessment report will be used.

1. Title page

Name of subdivision, report date, applicant, name and contact information for report preparer

2. Introduction

Project and general site description; location map using USGS topographic base map.

3. Methods

Sources of information (existing studies, maps); agency inquiries; aerial photographs; field visits. All onsite field observations must be accompanied by the date, time of day, and general temperature/weather conditions, locations, methods of observation, and seasonal considerations.

4. Results will include

- Site overview with descriptions of soils
- Habitat descriptions - Indicators of habitat quality (e.g., size of trees, degree of disturbance, invasive species, abundance of species or groups, vegetation characteristics, relationships to offsite or adjacent habitats, extent of habitat)
- Habitat map of the site including roads, existing structures, habitat labels, contours, topographic features, and soils
- Soils map

5. Discussion

- Includes Town of Somer's species of special concern that use the site
- Overview of biodiversity
- Connectivity of habitats on site to offsite areas with discussion of physical barriers to wildlife movement
- Ecological impacts of the proposed development in the context of the larger landscape

6. Potential impacts of proposed project activity

Include cumulative, primary and secondary impacts and stormwater management impacts. Considerations include magnitude, spatial extent, and duration.

7. Recommended mitigation measures

Include mitigation measures that will minimize impacts to Town designated species of special concern, maintain biodiversity, limit habitat fragmentation, minimize impacts to water resources, reduce edge effects, and minimize impacts to the surrounding landscape.

2.0 Biodiversity Assessment

The methods to gather data and complete the assessment follow:

1. Existing habitats

Assessment of habitats includes onsite the surrounding landscape. The habitat assessment will describe existing conditions onsite, and observable habitats on adjacent and nearby properties. Habitat assessment will include the following:

- Soils information
- Habitat descriptions, including approximate acreage for each habitat type, dominant vegetation, and connections with adjacent habitat
- Assessment of habitat quality/condition for each habitat
- Approximate acreage for each habitat type that will be impaired or lost as a result of the project activity
- Habitat evaluation of all wetlands and streams (perennial and intermittent) onsite.

For purposes of habitat description, the NYSDEC publication *Ecological Communities in New York State* will be used (Edinger 2002).

2. Species associated with habitat types

Identification of plant and animal species present will be based on field visits and existing information. The presence of local, state, or federal threatened, endangered, special concern or rare species will be identified based on the field visits. Invasive species if any and their extent onsite will also be identified.

Assessment of habitat condition will include:

- Extent (e.g., for forests or meadows)
- Connectivity with other habitats or corridors
- Age or size of trees
- Presence and abundance of downwood, standing snags, rocks, organic debris, woody hummocks, and other microhabitat features
- Level of human disturbance (e.g., from logging, adjoining roads, etc.)
- Abundance of non-native or invasive species
- Diversity of native plant species
- Observable indicators/quality of surface water and substrates (for tributaries)

3. Species of conservation concern

For purposes of this habitat assessment, species of conservation concern include those listed as:

- Regionally Endangered, Threatened, Rare, or Special Concern as per the Town of Somer's species list since both federal and State listed species have already been addressed in a separate report

Many of the species of concern are restricted to specialized habitats with particular physical or biological features. *If the appropriate habitat is present onsite it will be evaluated during the field work to determine use by such species.*

4. Evaluation of onsite habitat

The assessment includes the value of the habitats for non-protected as well as protected species - biodiversity. This includes habitat for breeding, nursery habitat, foraging, seasonal movements, nesting, overwintering, and population dispersal.

Some criteria for evaluating these natural resources (both species and habitat) include:

- Size (critical habitat areas)
- Representativeness (high-quality habitat for a variety of species)
- Importance to wildlife
- Local importance (e.g., only site in the Town with certain undisturbed habitat features)
- Connectivity to adjacent habitats and wildlife corridors
- Habitat fragmentation, both onsite and within the landscape context

The observed presence of habitat specialist species (e.g. wood vernal pool amphibians, interior forest birds) may indicate high-quality habitats on or offsite where development-related impacts must be avoided, minimized or mitigated.

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Referral Review

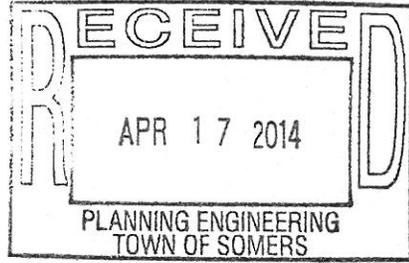
Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code

Robert P. Astorino
County Executive

County Planning Board

April 17, 2014

Honorable Rick Morrissey, Supervisor
Town of Somers
335 Route 202
Somers, NY 10589



655

**Subject: Referral File No. SOM 14-002 – Multi-family Residence Districts
Comprehensive Plan Amendment and Zoning Text
Amendment – Lead Agency**

Dear Supervisor Morrissey:

The Westchester County Planning Board has received a copy of proposed amendments to the 1994 *Town of Somers Comprehensive Master Plan* as well as to the text of the Town Zoning Ordinance with respect to multi-family residence districts. Specifically, the Town proposes to amend the Master Plan to expand the recommended area for multi-family housing in the Baldwin Place area to include parcels west of the Muscoot River along Route 6. Currently a recommendation is only in place for parcels east of the river. The proposed plan modifications also specify that any parcel considered for MFR-BP zoning must also currently be zoned R-40 or R-80, have frontage on Route 6, and meet all the other criteria for the MFR-BP district. Associated text amendments in the Zoning Ordinance are also proposed, including a clarification concerning the exact location of the Baldwin Place business center area.

It is intended that the proposed modifications would provide at least two opportunities for future application of the MFR-BP zone. The first of these sites would likely be a 16.7 acre parcel currently zoned R-80 which is being considered for 53 townhouse units (including 16 affordable AFFH units) known as the Hidden Meadows at Somers. The second of these sites could include two vacant parcels just west of Mahopac Avenue, fronting on Route 6.

We have no objection to the Somers Town Board assuming Lead Agency status for this review.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code.

We support the proposed amendments as they will increase the opportunities for a range of housing types in the northern end of the county, a goal that is consistent with the policies of *Westchester 2025* and *Patterns for Westchester*, which have been adopted by the Westchester County Planning Board. We point out that the subject area is designated as Medium Density Suburban according to the *Patterns for Westchester* map contained in those documents. The Medium Density Suburban category recommends a residential density range of 2 to 7 units per acre, which can typically be accommodated in multi-family

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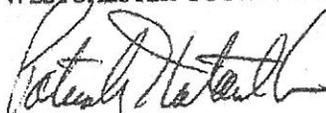
developments similar to those prescribed by the MFR-BP zoning regulations. We also point out that this section of Route 6, due to its close proximity to shopping, services and express bus stops is well positioned for higher density housing. Higher housing densities can also be facilitated via potential future sewer district expansions given the fact that a County trunk sewer runs along Route 6.

As part of the proposed amendment package, we urge the Town to also consider incorporating the Model Ordinance Provisions with respect to affirmatively furthering fair housing (AFFH) into the Town Code. Doing so will ensure that all future developments within the MFR-BP zoning district – as well as elsewhere in the town – will include affordable AFFH units

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:



Patrick Natarelli
Chief Planner

PPN/LH