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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
Dennis McNamara

SOMERS PLANNING BOARD
AGENDA
APRIL 8, 2015
7:30 P.M.

DISCUSSION

1. **GRANITE POINTE FINAL SUBDIVISION REVIEW**
   Proposal for consulting professional services for Frederick P. Clark in connection with the review of the Final Subdivision for the Granite Pointe Subdivision.

TIME EXTENSION

2. **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
   Request for a 90-day time extension for Amended Final Subdivision Plat Approval for Section II from May 10, 2015 up to and including August 8, 2015 under Town Law Section 276(7) (c). This is the second request for a time extension.

DECISION

3. **GERLACH/ZADJELOVICH (STUART FARM) [TM: 26.11-1-1]**
   Application for Preliminary Subdivision Approval for a 2 Lot subdivision including one 3.0047 acre building lot and a 96.9953 acre lot to remain undisturbed. The owner is Mary Lee Gerlach (Stuart) and the applicant is John Zadjelovich. The property is located on Granite Springs Road and is in the R-120 Zoning District.
   Consideration of a Draft Resolution (s) of Approval

PROJECT REVIEW

4. **SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**
   Application for Preliminary Subdivision Approval, Steep Slopes, Wetland, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits to create Lots 3a, 3b, 3c and 3d (45.1 acres), relative to the Site Plan application of AvalonBay Communities, Inc. and Lot 4 (4.9 acres) and Lot 5 (0.9 acres) for future commercial and firehouse uses respectively and Lot 6 (7.1 acres) to be marketed for an Assisted Living Facility, stormwater management improvements, including road right-of-ways (4.3 acres) as part of the Planned Hamlet proposed subdivision. Property is owned by Somers Realty Corp. and is located on the southeast side of Route 6 and Clayton Blvd. and is in the Planned Hamlet (PH) Zoning District.

5. **AVALONBAY SOMERS [TM: 4.20-1-13,14,15, p/o 12]**
   Application for Site Plan Approval, Steep Slopes, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits for AvalonBay Communities, Inc. for the construction of 152 residential units within 17 buildings with 23 affordable units on 45.1 acres. Also proposed is a community recreation building, pool and 324 parking spaces. Property is located on the south side of Route 6 and Clayton Blvd. and east of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District.

Next Planning Board Meeting is Wednesday May 13, 2015
Agenda information is also available at www.somersny.com

C/ PB TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

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

GERALDINE N. TORTORELLA
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HENRY M. HOCHERMAN
RETIRED

March 16, 2015

RECEIVED
MAR 16 2015
PLANNING BOARD
TOWN OF SOMERS
799

Via Electronic Mail

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

Re: Amended Final Subdivision Plat Approval for Haft/Ridgeview Designer Builders, Inc.
Lovell Street, Town of Somers
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42
Second Request for Extension for Section II

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated August 13, 2014, your Board granted Amended Final Subdivision Approval for the above-referenced Subdivision to permit the Final Plat to be filed in two sections. Section I was filed in the Office of the Westchester County Clerk, Division of Land Records on September 25, 2014 as Filed Map Number 28808 and Ridgeview Designer Builders is in the process of constructing a new residence on one of the lots in that Section. At the Board's February 11, 2015 meeting, it extended Amended Final Subdivision Approval to May 10, 2015. A portion of Section II continues to be encumbered with a mortgage and Ridgeview and Haft are not prepared to file Section II at this time. Even though Haft and Ridgeview have filed Section I and have three years from September 25, 2014 to file Section II, to avoid any confusion over the continued effect of the Amended Final Subdivision Approval for Section II, we are writing to request a ninety-day (90) extension of such Approval to and including August 8, 2015. This is our second request for an extension of Amended Final Subdivision Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Kindly schedule this request for consideration and action at the Board's April 8, 2015 meeting and let us know if an appearance is required or requested. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella

GNT:hc

cc: *(via electronic mail)*
Syrette Dym, AICP
Roland Baroni, Esq.
Joseph P. Eriole, Esq.
Mr. Steve Woelfle
Timothy Allen, P.E.
Ms. Susan F. Haft
Mr. Eric Moss

S:\# MATTERS\Moss 0056\Somers Subdiv 001\Letters\Currie Amended Subdivision Approval Second Ext 3-16-15.docx

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: March 25, 2015

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Susan Haft/Ridgeview Designer Builders, Inc. Amended Subdivision – Second Request for Extension for Section II

On August 13, 2014, the Planning Board granted Amended Final Subdivision Approval for Ridgeview Builders by Resolution 2014-01to permit the Final Plat to be filed in two sections. Section I was filed on September 25, 2014 in the Westchester County Clerk's office. The Resolution stated that the amended approval was to expire on February 9, 2015 and Ridgeview and Haft were not prepared to file Section II at that, so they requested a ninety-day (90) extension of approval until May10, 2015.

By Letter of March 16, 2015, the applicant's attorney indicated that even though they have three years from September 25, 2014 to File Section II, to avoid any confusion, they are requesting a second ninety-day (90) extension of approval up to and including August 8, 2015.

Given the filing of Section I in a timely manner and submission of the request for the second extension of approval for filing of Section II prior to the expiration date, and authority given to the Planning Board to grant such extension under Town Law Section 276(7)(c), I have no problem with the Board granting this request.

cc: Geraldine Tortorella, Esq.
Susan Haft

Z:\PE\Subdivision files\EricMossRidgeview\Modification\Extensions\2nd Ext. For Seciton II- Amended Sub.doc

COMMITMENT & INTEGRITY
DRIVE RESULTS

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MEMORANDUM

WOODARD &CURRAN

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: April 1, 2015
RE: Gerlach Subdivision
Subdivision Plat Approval, Stormwater Management and Erosion & Sediment Control Permit and Tree Removal Permit.
61 Granite Springs Road
TM: 25.11-1-1, R-120 District

The purpose of this memorandum is to provide the Planning Board with a summary of our final review of the documents received related to the Subdivision Plat Approval and Residential Site Plan Application for the property located at 61 Granite Springs Road. The Application proposes the construction of a new 4 bedroom residence and associated site elements including a new driveway, groundwater supply well, septic sewer system and stormwater infrastructure. The following documents were received during this review period:

DOCUMENTS RECEIVED:

- Cover Letter, by Bibbo Associates, L.L.P., dated March 16, 2015.
- Drawing Sheets: "SP, CP, D-1", prepared by Bibbo Associates, L.L.P., dated November 14, 2014, last revised March 12, 2015.
- Stormwater Pollution Prevention Plan, by Bibbo Associates, L.L.P., dated January 21, 2015, last revised March 12, 2015.

PERMITS AND APPROVALS REQUIRED:

- Town of Somers: Preliminary & Final Subdivision Approval
- Town of Somers: Tree Removal Permit
- Town of Somers: Stormwater Management and Erosion & Sediment Control Permit
- Town of Somers: Highway Permit
- NYSDEC: State Environmental Quality Review
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
- WCDOH: Approval of Septic System & Groundwater Well Locations

DISCUSSION:

The Applicant has provided an updated drawing set and SWPPP in response to our previously identified engineering comments. Based upon our review of the documents

received, the Applicant has addressed all significant engineering concerns. Outstanding comments that remain to be addressed as conditions of Subdivision Plat approval and include:

- **Preparation of a revised Stormwater Maintenance Agreement**
- **Preparation of a revised Final Subdivision Plat drawing**
- **Submittal of field testing data for confirmation of feasibility for the proposed stormwater management practice.**
- **Documentation of Highway Permit approval from the Town of Somers Highway Superintendent**
- **Documentation of Westchester County Department of Health Construction approvals for the proposed groundwater well and septic system.**

From an engineering perspective, out office is comfortable should the Planning Board choose to adoption Preliminary and Conditional Final Subdivision Plat approval for the subject application, providing that all outstanding comments are addressed as conditions of such approval, prior to further signature of the Final Plat and issuance of Building Permits, as noted below.

The following is a summary of our comments at this time. The status of all previously identified comments as well as new comments is shown in **Bold Type.** It should be noted that additional comments may be added upon receipt of additional information.

1. The Applicant shall submit an acceptable Preliminary Subdivision Plat, as required to accompany an application for Preliminary Subdivision Approval as required by Town Code Chapter 150-26. *Partially Addressed. Submitted Plat includes names and owners of properties across north, east and west borders and streets. Applicant shall update Plat to include names and owners of properties directly across southern bordering street: Granite Springs Road.* **Addressed.**

2. The provided site plan drawing does not indicate a limit of land disturbance as a result of the proposed development activities on site. The Applicant shall revise the drawing to include a limit of land disturbance and quantify in square feet. **Addressed. Limit of disturbance indicated as 28,314 square feet.**

3. Based upon the apparent level of site disturbance, the application is subject to preparation of a Stormwater Pollution Prevention Plan (SWPPP). Town Code Chapter 93 indicates that projects involving land disturbance greater than 5,000 square feet requires preparation of a SWPPP. In addition, an application for construction of a new residence requires the design of post-construction stormwater controls to be incorporated as part of such SWPPP.

   The Applicant has included preliminary stormwater details on the provided site plan drawing. The following comments are intended to guide the Applicant in preparation of additional information that is necessary to address stormwater requirements for an acceptable SWPPP:

   a. The SWPPP shall contain hydrologic calculations for the site for 1 year, 10 year and 100 year design rainfall events, consistent with the NYSDEC requirements. The

SWPPP shall include a table that compares pre versus post development stormwater flows at an applicable downstream design point identified on the plan. **Addressed.**

b. The SWPPP shall contain hydraulic design calculations for all proposed stormwater management practices and conveyance pipe. Stormwater infrastructure shall be sized to address site water quality volume requirements, as defined by the NYSDEC Stormwater Management Design Manual. **Addressed.**

c. The Applicant shall verify soil group WbD is appropriate for the entire parcel. **Addressed. Soil groups WdB and LcB are identified on drawing.**

d. The SWPPP shall contain an estimate of site earthwork, indicating total net cut/fill in cubic feet. *Not Addressed.* **Addressed.**

e. The SWPPP shall include a description of all necessary maintenance and inspection procedures for any proposed stormwater management and sediment control structures during construction. The SWPP shall include a template weekly inspection worksheet that will be utilized the Qualified Inspector during inspections. **Addressed.**

f. The Applicant shall prepare a draft maintenance agreement for permanent stormwater infrastructure, based upon Town Code Chapter 93, for review by the Town Attorney and Consulting Town Engineer. *Not Addressed.* **Partially Addressed. The Applicant has provided a draft stormwater maintenance for review. Technical comments will be communicated directly to the office of the Applicant's Engineer. Unless completion of a permanent stormwater maintenance agreement is waived by the Planning Board, the Applicant must satisfy a as a condition of approval prior to issuance of a Building Permit,**

CONDITION: The Applicant complete all revisions to the project stormwater maintenance agreement to the satisfaction of the Consulting Town Engineer and Town Attorney prior to issuance of a Building Permit

g. The Applicant shall revise the site plan drawing to incorporate a temporary sediment trap downgrade of the proposed area of developments for use during construction. **Addressed.**

h. The Applicant shall provide descriptions of and construction details for all proposed erosion and sediment control practices consistent with NYSDEC Blue Book. **Addressed.**

i. The SWPPP shall describe proposed final soil restoration and stabilization consistent with Chapter 5 requirements of the NYSDEC Stormwater Management Design Manual. **Addressed.**

j. The SWPPP shall include a description of controls for litter and any stored chemicals or substances on site. *Not Addressed.* **Addressed.**

k. The SWPPP shall include a Contractor Certification Statement, in accordance with SPDES permit. **Addressed.**

l. The construction sequence will be further assessed upon receipt of the complete project SWPPP. *Partially Addressed. Applicant shall add note to submitted*

construction sequence that the Consulting Town Engineer/Town Principal Engineering Technician shall inspect stormwater infiltrator system prior to backfill. **Addressed.**

4. The provided drawing shows a proposed stormwater management area to be constructed north of the proposed site driveway. While limited details of the proposed practice type/design have been provided, the following comments shall guide the Applicant:

    a. The Applicant shall provide field investigation data within the proposed stormwater management system area. Testing results must demonstrate greater than 3 foot vertical separation between the proposed system invert to groundwater, soil mottling and/or bedrock. In addition, percolation test data must be provided to demonstrate acceptable soil percolation rates for an infiltration system. **Not Addressed. The Applicant shall be required to submit field investigation data collected from the proposed stormwater practice area prior to issuance of a Building Permit.**

CONDITION: The Applicant shall submit field investigation data (deep hole excavation and percolation test) collected from the proposed stormwater management practice area, prior to issuance of a Building Permit.

    b. The Applicant shall provide hydraulic sizing calculations for the stormwater management practice. Calculations shall demonstrate that adequate storage is provided based upon the NYSDEC Water Quality Volume treatment objectives. **Addressed.**

    c. The Applicant shall design for bypass overflow to a stabilized outlet sized to the 100 year design storm. **Addressed.**

    d. The Applicant shall provide construction details for all proposed stormwater management practices. *Partially Addressed. Construction details have been submitted for the majority of proposed stormwater management practices. Applicant shall add a construction detail for gravel overflow strip for comment satisfaction.* **Addressed.**

    e. The Applicant shall provide a summary of practice specific maintenance and inspection procedures. *Not Addressed.* **Addressed.**

5. The following comments relate to our review of the preliminary plans for proposed driveway construction:

    a. The Applicant shall prepare profile view drawings of the proposed driveway. **Addressed.**

    b. The Applicant shall identify approximate sight distance in both directions along Granite Springs Road at the proposed driveway entrance. **Addressed.**

    c. Applicant shall provide a construction detail for driveway cross section. **Addressed.**

    d. The Applicant is required to obtain a Highway Permit from the Town of Somers Highway Superintendent to allow for construction of the new site driveway opening to Granite Springs Road. The Applicant shall submit documentation Highway Permit approval prior to issuance of a Building Permit for the project. **Not Addressed.**

CONDITION: Documentation of Town Highway Permit approval shall be provided prior to issuance of a Building Permit for the project.

6. The provided plans depict that site subsurface sewage treatment area (Septic Fields) will be located to the east of the proposed house. The proposed septic absorption fields are located outside the 100 foot buffer of adjacent wetland areas. The following comments are applicable to the proposed site septic field design:

    a. Revise the plans to show the proposed location of the site septic tank and effluent pipe connection to the absorption fields. **Not Addressed.**

    b. The included Construction Sequence details protective markers to be installed around the proposed septic field to prevent over-compaction by equipment tracking during construction. The Applicant shall revise the plans to show markers or construction fence surrounding the proposed septic absorption field limits. **Not Addressed.**

    c. Provide test pit excavation and percolation test data for the proposed septic fields. **Not Addressed.**

    b. Provide documentation of final Westchester County Department of Health WCDOH design approval for the proposed site septic system. **Not Addressed. Applicant states documentation will be provided when obtained.**

CONDITION: Documentation of WCDOH construction approval for the proposed septic system shall be provided prior to signing of the Final Subdivision Plat.

7. The proposed site development includes the construction of a new groundwater supply well located to the southwest of the proposed residence. The following comments are applicable to the proposed well location and design:

    a. The Applicant shall expand the proposed 100 foot radius around the groundwater well to show keyhole separation for upstream properties on the south side of Granite Springs Road. Adequate separation between the proposed site groundwater well and septic fields to existing groundwater wells and septic fields on these properties must be shown. **Not Addressed.**

    b. The Applicant shall revise the plans to illustrate the proposed water line connection from the well to the proposed dwelling. **Addressed.**

    c. The Applicant shall provide documentation of final design approval by the Westchester County Department of Health (WCDOH). **Not Addressed. Applicant states documentation will be provided when obtained.**

CONDITION: Documentation of WCDOH construction approval for the proposed septic system shall be provided prior to signing of the Final Subdivision Plat.

8. The provided plan shows a retaining wall adjacent to driveway. The following comments shall pertain to the proposed retaining wall:

    a. Update plan to show proposed top and bottom elevations of wall along proposed length of wall. **Applicant states the proposed retaining wall has been removed from plans. Comment is no longer applicable.**

WOODARD &CURRAN

b. Provide construction detail for typical wall cross-section. **Applicant states the proposed retaining wall has been removed from plans. Comment is no longer applicable.**

9. Signed and sealed structural design calculations shall be required for any retaining wall segments with an exposed height of greater than 4 feet. **Applicant states the proposed retaining wall has been removed from plans. Comment is no longer applicable.**

10. The provided drawings do not illustrate any installation of exterior site lighting.

    a. The Applicant shall update the plans to depict any proposed exterior lighting. *Not Addressed. Exterior lighting is not shown on site plan. Applicant shall confirm site lighting will not negatively affect neighboring properties.* **Addressed.**

    b. The Applicant shall update plan to show proposed electrical service to house. **Addressed.**

11. Proposed site development will require removal of several trees.

    a. Applicant shall update plan to show any regulated trees within the area of disturbance. **Addressed.**

    b. Applicant shall identify all trees to be removed or protected during construction. **Addressed.**

12. The Applicant shall revise plan to incorporate a north arrow or compass rose. **Addressed.**

13. The Applicant shall identify the source used for the wetlands delineation as shown on the submitted drawing and indicate when it was completed. **Addressed.**

14. **The Applicant shall revise the submitted Subdivision Plat drawing to address all requires contents for an acceptable Final Subdivision Plat in accordance with Town Code §150-30.**

CONDITION: The Applicant shall submit a revised Final Subdivision Plat drawing that contains all required contents in accordance with Town Code §150-30.

Please feel free to call me at anytime at 914-448-2266 with any questions.

Sincerely,

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

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

Sabrina D. Charney Hull, AICP
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Planning Board Meeting Date of April 8. 2015

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2015-02
Granting of Conditional Preliminary Subdivision Approval, Stormwater Management and Erosion and Sediment Control Permit to
John Zadjelovich
for the
Zadjelovich Subdivision
Town Tax Number: Section 26.11 Block 1, Lot 1

WHEREAS, an application for Preliminary Subdivision Approval together with a Full EAF and associated materials and subdivision fee were received by the Planning and Engineering Department on November 17, 2014, by Timothy S. Allen, P.E. of Bibbo Associates, LLP on behalf of John Zadjelovich (Applicant) and included the following plans and materials:

1. Plan titled, "Preliminary Subdivision Plat (SP)", prepared by Bibbo Associates, LLP, dated November 14, 2014;

2. Plan titled, "Site Construction & Erosion Control Plan (CP)", prepared by Bibbo Associates, LLP, dated November 14, 2014;

3. Plan titled, "Details" (D-1)", prepared by Bibbo Associates, LLP, dated November 14, 2014;

WHEREAS, the subject lands consist of a total area of 100± acres, and are

shown on the Town Tax Maps as Section 26.11, Block 1, Lot 1 located on Granite Springs Road at the southeastern edge of the subject property; and

WHEREAS, the subject lands are zoned "Residence R-120 District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

WHEREAS, the Applicant proposed a two lot residential subdivision including one 3.0047 acre building lot and one 96.9953 acre lot to remain undisturbed and;

WHEREAS, by letter of November 21, 2014, the Town of Somers Director of Planning indicated the application was incomplete due to changes needed in the application form, the need for an Agricultural Data Statement and Control Form since the parcel is a property within a designated Agricultural District containing a farm operation, a constraints and steep slope map and modifications to the EAF; and

WHEREAS, by letter of December 10, 2014, an updated application for preliminary subdivision approval dated November 20, 2014, Preliminary Construction Plan dated December 10, 2014, EAF dated December 10, 2014, a plan with a zoning conformance table on and an Agricultural Data Statement and Control Form dated December 4, 2014 were submitted; and

WHEREAS, the Town Consulting Engineer indicated that the revised submission was deficient with regard to submittal of a Stormwater Pollution Prevention Plan (SWPPP) and a driveway profile; and

WHEREAS, by letter of January 6, 2015 from Bibbo Associates, LLP, the applicant's engineer requested the Planning Board proceed with the Preliminary Application and schedule a public hearing and that such omitted materials would be submitted prior to the public hearing; and

WHEREAS, the project was scheduled for review at the Planning Board meeting of January 14, 2015 at which time the Planning Board declared its intent to be lead agency and distributed the Lead agency notice dated January 15, 2015 indicating the project as a Type II action to all interested and involved agencies; and

WHEREAS, by letter of January 21, 2015, revised plans including the following were submitted to the Planning Board;

- Preliminary Subdivision Plat, revised January 20, 2015
- Site Construction Control Plan, revised January 20, 2015,
- Details, dated January 20, 2015
- Tree Removal Permit Application with fee, dated August 27, 2014, identifying four trees to be removed
- Stormwater Pollution Prevention Plan dated January 21, 2015

WHEREAS, the Planning Board discussed the preliminary subdivision application at their meetings held on January 14, 2015 and February 11, 2015 at which time a public hearing was scheduled for March 11, 2015; and

WHEREAS, a duly noticed public hearing on the preliminary subdivision was held on March 11, 2015, at which time all those wishing to be heard were given the opportunity to be heard and the hearing was voted to be closed; and

WHEREAS, the preliminary subdivision application and associated plans and materials, as revised throughout the review process, were circulated to the Westchester County Department of Health, New York City Department of Environmental Protection, Westchester County Planning Board, Town of Yorktown, Town of Somers Open Space Committee, Somers Bureau of Fire Prevention and Somers Highway Department, ; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed preliminary subdivision application, the Planning Board received and considered correspondence from the public as well as Town staff, Town advisory boards, and other Involved and interested Agencies, as follows:

1. New York City Department of Environmental Protection, letter dated January 11, 2015
2. Memoranda from the Bureau of Fire Prevention dated January 16, 2015
3. Memoranda from the Open Space Committee dated January 20, 2015and February 26, 2015
4. Memoranda from the Bureau of Fire Prevention
5. Memoranda from Consulting Town Engineer dated January 8, 2015, February 2, 2015
6. Memoranda from the Town Planner dated November, 21, 2014, January 6, 2015, January 15, 2015, January 23, 2015 , March 3, 2015; and

WHEREAS, having had no objection to its acting as lead agency and assuming that role, the Planning Board, after determining that the original circulated lead agency notice incorrectly indicated the project as being a Type II action and determined the project was actually an unlisted action; and

WHEREAS, with approval of the Applicant, the Planning Board determined not to recirculate the lead agency designation notice with the corrected action category; and

WHEREAS, at its meeting of March 11, 2015, the Planning Board acting as Lead Agency, having reviewed the Full EAF and considered the Full Environmental Assessment Form (EAF) Part 2, and, determined that, pursuant to SEQR and Chapter 92 "Environmental Quality Review", of the Code of the Town of Somers, the Proposed Action minimizes or avoids significant environmental impacts , and , therefore, adopted a Negative Declaration as part of the conditional approval of

this preliminary conservation subdivision plat; which was circulated to all involved and interested agencies; and

WHEREAS, by letter of March16, 2015, the applicant submitted the following revised plans and reports to address areas of concern expressed in the February 2, 2015 memorandum from the Town Consulting Engineer:

- Preliminary Subdivision Plat, revised March 12, 2015
- Site Construction Control Plan, revised March 12, 2015,
- Details, dated March 12, 2015
- Stormwater Pollution Prevention Plan revised March 12, 2015; and

WHEREAS, the letter of March 16, 2015 identified 11 items in the Town Consulting Engineer's letter of February 2, 2015 that were addressed by way of the March 12, drawings and reports; and

WHEREAS, the Town Consulting Engineer by letter of April 1, 2015, indicated agreement that all significant concerns had been addressed and identified that all outstanding concerns could be addressed as conditions of a Planning Board resolution for preliminary and final subdivision approvals; and

WHEREAS the proposed subdivision will require the disturbance of greater than 5,000 square feet land and in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity, also known as Permit No. GP-0-15-002, the Applicant is required to develop a Stormwater Pollution Prevention Plan which considers erosion and sediment controls during construction in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

WHEREAS, the proposed subdivision will require the disturbance of greater than 5,000 square feet of land and involves construction of a single family residential subdivision and in accordance §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*, the Applicant will be required to obtain a Stormwater Management and Erosion and Sediment Control permit including post construction stormwater controls and an erosion and sediment control plan that is prepared in accordance with the standards and requirements contained in the best management practices defined in §93 and further described in the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

WHEREAS, a "Stormwater Pollution Prevention Plan" prepared by Bibbo Associates, LLP, dated January 21, 2015 and last revised March 12, 2015 was submitted addressing issues of stormwater quality and quantity controls; and

WHEREAS, the Stormwater Pollution Prevention Plan indicates that all stormwater generated from the subdivision will be directed to various "green infrastructure" practices in addition to a drainage conveyance system which will consist of a properly located drain inlet structure; High Density Polyethylene (HDPE) pipe, Rock Outlet Protection and a stormwater infiltration practice area.. Each feature has been designed following the New York State Department of Environmental Conservation (NYSDEC) standards and specifications to mitigate the detrimental effects of stormwater from the proposed improvements.

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

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, in accordance with §277(4) of the New York State Town Law and §150-24.A of the *Code of the Town of Somers*, the Planning Board has considered the relationship between the proposed subdivision and the potential recreational needs resulting therefrom; and

WHEREAS, the Planning Board finds that, given the creation of only one new lot and deminimus anticipated growth in the town population, the Planning Board does not find that a proper case exists for requiring that a park or parks be suitably located for playgrounds and other recreational facilities within the Town, however, does find that, due to use of townwide facilities by occupants of the proposed lot, the lot will be subject to a Town of Somers Recreation Fee as established by Chapter 55 of the Code of the Town of Somers Section; and

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

BE IT FURTHER RESOLVED, that the application for preliminary subdivision plat approval for the **ZADJELOVICH PRELIMINARY CONDITIONAL SUBDIVISION, TREE PRESERVATION AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMIT** as shown and described by the materials enumerated herein, **IS HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and §150-13J "Planning Board Action" of the *Code of the Town of Somers*, **SUBJECT TO** the following modifications and conditions being fulfilled at the time of application for final conservation subdivision plat approval, unless otherwise stated below:

1. Prepare and submit a final subdivision plat containing all required elements of §150-13 and 150-30 of the Code of the Town of Somers and

Articles IV and V of the Code of the Town of Somers, and reflecting the conditions as stated herein and including:

a). A note indicating that construction activity shall be limited from 8:00 a.m. to 6:00 p.m. and that no construction activity shall occur on Sundays or legal New York State holidays.

b). A note that if blasting is to occur it shall be limited to occur between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday only.

c).That three points be posted with the NAD83 State Plane Grid Coordinates.

d) The Final Plat shall bear all other notations, legends and signature blocks as required by Town Code §150-30.

2. The final plat should be submitted to the Planning and Engineering Office for review prior to submission to the Westchester County Health Department for signature.

3. The Applicant shall address all remaining engineering concerns identified as conditions of resolution of approval as enumerated in Woodard & Curran memorandum, dated April 1, 2015.

4. Submission of detailed construction plans, in form satisfactory to the Consulting Town Engineer, containing a complete soil erosion and sedimentation control plan and identifying the techniques to be employed to reduce construction noise and the generation of airborne dust on the subject site and in the surrounding neighborhood, among other requirements should be provided.

5. The final submitted plat shall bear the endorsement of the Westchester County Department of Health, as necessary.

6. Submission of evidence of having filed a Notice of Intent to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharge from Construction Activities (Permit #GP-0-15-002) shall be provided.

7. Submission of evidence of an application for a Stormwater and Erosion and Sediment Control Permit in accordance with §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers* and payment of associated fees shall be provided.

8. The Applicant shall pay the required recreation fees.

9. The Applicant shall reimburse the Town for any outstanding review fees, as applicable, consistent with Town Code as well as State and Local Environmental Quality Review laws.

10. The Applicant shall obtain a 'Highway Permit" approval by the Town of Somers Highway Superintendent.

11. That existing trees be preserved to the greatest extent practicable.

12. That the proposed dwelling be required to be located within the maximum clearing and grading limit lines and within the minimum buildable area, as shown on the plans.

13. That construction activity shall be limited from 8:00 a.m. to 6:00 p.m., and that no construction activity shall occur on Sundays or legal New York State holidays.

14. That if rock is encountered during construction, removal will first be accomplished by ripping, hammering or drilling, in accordance with §148-7.B (4)(k) of the Code.

15. That if blasting is to occur, all blast work be limited to occur Monday through Friday.

16. That the easement and maintenance documents be filed at the same time as the final plat.

BE IT FURTHER RESOLVED, that the conditional granting of preliminary conservation subdivision plat approval is also subject to compliance with the following conditions:

1. All references to "the Applicant" shall include the Applicant's successors and assigns.

2. Disturbance to Town regulated wetlands and 100 foot buffer areas, steep slope areas and trees, as may be approved by this action, shall not exceed that which is depicted on the proposed plans that were used as the basis for the granting of preliminary conservation subdivision plat approval, unless otherwise determined through the permitting process.

BE IT FURTHER RESOLVED that this conditional approval of the preliminary subdivision application shall expire on October 8, 2015, if no application for final subdivision approval is submitted, unless an extension of this time period is requested by the Applicant prior to the expiration date of the conditional

approval, and approved by the Planning Board in accordance with §150-12.N of the *Code of the Town of Somers*.

This resolution shall have an effective date of April 8, 2015.

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2015-02 adopted by the Town of Somers Planning Board granting Conditional Preliminary Subdivision Approval, Tree Preservation Permits and Stormwater Management and Erosion and Sediment Control Permit, subject to the modifications stated herein, to John Zadjelovich for the Zadjelovich Subdivision at a regular meeting held on April 8, 2015.

_____ _____

Syrette Dym, AICP **Date**
Director of Planning

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

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Planning Board Meeting Date of April 8. 2015

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2015-03
Granting of Conditional Final Subdivision Approval, Stormwater Management and Erosion and Sediment Control Permit to
John Zadjelovich
for the
Zadjelovich Subdivision
Town Tax Number: Section 26.11 Block 1, Lot 1

WHEREAS, an application for Preliminary Subdivision Approval together with a Full EAF and associated materials and subdivision fee were received by the Planning and Engineering Department on November 17, 2014, by Timothy S. Allen, P.E. of Bibbo Associates, LLP on behalf of John Zadjelovich (Applicant) and included the following plans and materials:

1. Plan titled, "Preliminary Subdivision Plat (SP)", prepared by Bibbo Associates, LLP, dated November 14, 2014;

2. Plan titled, "Site Construction & Erosion Control Plan (CP)", prepared by Bibbo Associates, LLP, dated November 14, 2014;

3. Plan titled, "Details" (D-1)", prepared by Bibbo Associates, LLP, dated November 14, 2014;

WHEREAS, the subject lands consist of a total area of 100± acres, and are

shown on the Town Tax Maps as Section 26.11, Block 1, Lot 1 located on Granite Springs Road at the southeastern edge of the subject property; and

WHEREAS, the subject lands are zoned "Residence R-120 District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

WHEREAS, the Applicant proposed a two lot residential subdivision including one 3.0047 acre building lot and one 96.9953 acre lot to remain undisturbed and;

WHEREAS, by letter of November 21, 2014, the Town of Somers Director of Planning indicated the application was incomplete due to changes needed in the application form, the need for an Agricultural Data Statement and Control Form since the parcel is a property within a designated Agricultural District containing a farm operation, a constraints and steep slope map and modifications to the EAF; and

WHEREAS, by letter of December 10, 2014, an updated application for preliminary subdivision approval dated November 20, 2014, Preliminary Construction Plan dated December 10, 2014, EAF dated December 10, 2014, a plan with a zoning conformance table on and an Agricultural Data Statement and Control Form dated December 4, 2014 were submitted; and

WHEREAS, the Town Consulting Engineer indicated that the revised submission was deficient with regard to submittal of a Stormwater Pollution Prevention Plan (SWPPP) and a driveway profile; and

WHEREAS, by letter of January 6, 2015 from Bibbo Associates, LLP, the applicant's engineer requested the Planning Board proceed with the Preliminary Application and schedule a public hearing and that such omitted materials would be submitted prior to the public hearing; and

WHEREAS, the project was scheduled for review at the Planning Board meeting of January 14, 2015 at which time the Planning Board declared its intent to be lead agency and distributed the Lead agency notice dated January 15, 2015 indicating the project as a Type II action to all interested and involved agencies; and

WHEREAS, by letter of January 21, 2015, revised plans including the following were submitted to the Planning Board;

- Preliminary Subdivision Plat, revised January 20, 2015
- Site Construction Control Plan, revised January 20, 2015,
- Details, dated January 20, 2015
- Tree Removal Permit Application with fee, dated August 27, 2014, identifying four trees to be removed
- Stormwater Pollution Prevention Plan dated January 21, 2015

WHEREAS, the Planning Board discussed the preliminary subdivision application at their meetings held on January 14, 2015 and February 11, 2015 at which time a public hearing was scheduled for March 11, 2015; and

WHEREAS, a duly noticed public hearing on the preliminary subdivision was held on March 11, 2015, at which time all those wishing to be heard were given the opportunity to be heard and the hearing was voted to be closed; and

WHEREAS, the preliminary subdivision application and associated plans and materials, as revised throughout the review process, were circulated to the Westchester County Department of Health, New York City Department of Environmental Protection, Westchester County Planning Board, Town of Yorktown, Town of Somers Open Space Committee, Somers Bureau of Fire Prevention and Somers Highway Department, ; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed preliminary subdivision application, the Planning Board received and considered correspondence from the public as well as Town staff, Town advisory boards, and other Involved and interested Agencies, as follows:

1. New York City Department of Environmental Protection, letter dated January 11, 2015
2. Memoranda from the Bureau of Fire Prevention dated January 16, 2015
3. Memoranda from the Open Space Committee dated January 20, 2015and February 26, 2015
4. Memoranda from the Bureau of Fire Prevention
5. Memoranda from Consulting Town Engineer dated January 8, 2015, February 2, 2015
6. Memoranda from the Town Planner dated November, 21, 2014, January 6, 2015, January 15, 2015, January 23, 2015 , March 3, 2015; and

WHEREAS, having had no objection to its acting as lead agency and assuming that role, the Planning Board, after determining that the original circulated lead agency notice incorrectly indicated the project as being a Type II action and determined the project was actually an unlisted action; and

WHEREAS, with approval of the Applicant, the Planning Board determined not to recirculate the lead agency designation notice with the corrected action category; and

WHEREAS, at its meeting of March 11, 2015, the Planning Board acting as Lead Agency, having reviewed the Full EAF and considered the Full Environmental Assessment Form (EAF) Part 2, and, determined that, pursuant to SEQR and Chapter 92 "Environmental Quality Review", of the Code of the Town of Somers, the Proposed Action minimizes or avoids significant environmental impacts , and,

therefore, adopted a Negative Declaration as part of the conditional approval of this preliminary conservation subdivision plat; which was circulated to all involved and interested agencies; and

WHEREAS, by letter of March16, 2015, the applicant submitted the following revised plans and reports to address areas of concern expressed in the February 2, 2015 memorandum from the Town Consulting Engineer:
:

- Preliminary Subdivision Plat, revised March 12, 2015
- Site Construction Control Plan, revised March 12, 2015,
- Details, dated March 12, 2015
- Stormwater Pollution Prevention Plan revised March 12, 2015; and

WHEREAS, the letter of March 16, 2015 identified 11 items in the Town Consulting Engineer's letter of February 2, 2015 that were addressed by way of the March 12, drawings and reports; and

WHEREAS, the Town Consulting Engineer by letter of April 1, 2015, indicated agreement that all significant concerns had been addressed and identified that all outstanding concerns could be addressed as conditions of a Planning Board resolution for preliminary and final subdivision approvals; and

WHEREAS, the proposed subdivision will require the disturbance of greater than 5,000 square feet land and in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity, also known as Permit No. GP-0-15-002, the Applicant is required to develop a Stormwater Pollution Prevention Plan which considers erosion and sediment controls during construction in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

WHEREAS, the proposed subdivision will require the disturbance of greater than 5,000 square feet of land and involves construction of a single family residential subdivision and in accordance §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*, the Applicant will be required to obtain a Stormwater Management and Erosion and Sediment Control permit including post construction stormwater controls and an erosion and sediment control plan that is prepared in accordance with the standards and requirements contained in the best management practices defined in §93 and further described in the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

WHEREAS, a "Stormwater Pollution Prevention Plan" prepared by Bibbo Associates, LLP, dated January 21, 2015 and last revised March 12, 2015 was submitted addressing issues of stormwater quality and quantity controls; and

WHEREAS, the Stormwater Pollution Prevention Plan indicates that all stormwater generated from the subdivision will be directed to various "green infrastructure" practices in addition to a drainage conveyance system which will consist of a properly located drain inlet structure; High Density Polyethylene (HDPE) pipe, Rock Outlet Protection and a stormwater infiltration practice area. Each feature has been designed following the New York State Department of Environmental Conservation (NYSDEC) standards and specifications to mitigate the detrimental effects of stormwater from the proposed improvements.

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

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, in accordance with §277(4) of the New York State Town Law and §150-24.A of the *Code of the Town of Somers*, the Planning Board has considered the relationship between the proposed subdivision and the potential recreational needs resulting therefrom; and

WHEREAS, the Planning Board finds that, given the creation of only one new lot and de minimus anticipated growth in the town population, the Planning Board does not find that a proper case exists for requiring that a park or parks be suitably located for playgrounds and other recreational facilities within the Town, however, does find that, due to use of townwide facilities by occupants of the proposed lot, the lot will be subject to a Town of Somers Recreation Fee as established by Chapter 55 of the Code of the Town of Somers Section; and

WHEREAS, by Resolution 2015-02, the Planning Board granted Conditional Preliminary Subdivision Approval; and

WHEREAS, the applicant has submitted a "Survey Reflecting Tax Lot Reapportionment Prepared For Mary Lee Gerlach", by Donnelly Land Surveying, P.C. completed on November 10, 2014; and

WHEREAS, the applicant shall prepare a final subdivision plat in recordable form based on the above survey satisfactory to the Town Consulting Engineer and Town Director of Planning for signature of the Planning Board Chairman and submission to the County Clerk ; and

WHEREAS, the Subdivision Plat Application was found to be complete and contained all required elements for environmental permit applications, as specified by the following sections of the Town Code:

- § 93-6 relative to Stormwater Management and Erosion and Sediment Control Permit Application to the Planning Board.

- §156-5 relative to Tree Removal Permit Application to the Planning Board.

WHEREAS, the Consulting Town Engineer recommended to the Planning Board that the Subdivision Application and associated documents meet all requirements for issuance of environmental permits by the Planning Board subject to the conditions of this Conditional Final Subdivision Plat Approval Resolution; and

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

WHEREAS, the Planning Board, based on the prior record and new information made available as part of this application review process, adopted a Negative Declaration under SEQRA with respect to this application on March 11, 2015; and

WHEREAS, on April 8, 2015, the Planning Board granted Conditional Preliminary Subdivision Plat Approval; and

WHEREAS, this being a two lot subdivision but one that is classified as an unlisted action under SEQRA, and, therefore is not eligible to be considered for an abbreviated subdivision approval under Section 150-15 of the Code of the Town of Somers; and

WHEREAS, the Final Subdivision Application was discussed at the Planning Board meeting held on April 8, 2015; and

WHEREAS, the Planning Board felt that all significant issues have been addressed and the final conditional subdivision approval could be processed at the same meeting as the preliminary conditional subdivision approval; and

WHEREAS, as permitted by Section 150-13F(2) of the Code of the Town of Somers, since the Planning Board deems the Donnelly Survey of November 10, 2014 that will serve as the basis of the final subdivision plat to be in substantial agreement with the approved preliminary subdivision plat, the Planning Board waives the requirement for a public hearing; and

WHEREAS, the Donnelly Survey of November 10, 2014, serving as the basis for the Final Subdivision Plat, and all associated subdivision drawings shall meet the conditions of Conditional Preliminary Subdivision Plat Approval granted on April 8, 2015 prior to signing of the final subdivision plat; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials,

including those presented at meetings of the Board as well as those submitted separately in writing; and

NOW, THEREFORE, BE IT

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

BE IT FURTHER RESOLVED, that the application for **Conditional Final Subdivision Plat Approval, including creation of two lots, and all other associated applications including, the Tree Removal Permit (§156) and Stormwater Management and Erosion and Sediment Control Permit (§93), and the approval of the SPPP, in accordance with §93-5(B), for the Zadjelovich Subdivision** as shown and described by the materials enumerated herein, **ARE HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and in accordance with §150-13J "Planning Board Action" of the Code of the Town of Somers, **SUBJECT TO** the following modifications and conditions as stated below unless otherwise stated below:

Conditions Required Prior to Signing of Plat

1. Prepare and submit a final subdivision plat containing all required elements of §150-13 and 150-30 of the Code of the Town of Somers and Articles IV and V of the Code of the Town of Somers, and reflecting the conditions as stated herein and including:

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

    b). A note that if blasting and/or rock removal is to occur it shall be limited to occur between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday only .

    c).That three points be posted with the NAD83 State Plane Grid Coordinates.

    d) The Final Plat shall bear all other notations, legends and signature blocks as required by Town Code §150-30.

2. Submission of payment of fees for a Stormwater and Erosion and Sediment Control Permit in accordance with §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers* .

3. Payment of the required recreation fees.

4. The Applicant shall submit written evidence of having obtained approval by the Westchester County Department of Health for the realty subdivision.

5. The final construction drawings for the subdivision shall include the following note: "Construction Activities, with the exception of rock removal, shall be limited to Monday through Saturday from 8 am to 6 pm. Rock Removal activities shall be limited to Monday through Friday from 9 am to 5pm. No construction activity shall occur on Sundays or legal holidays."

Ongoing Conditions Required After Signing of Plat

1. The Applicant shall obtain coverage under the NYSDEC General Permit No. GP-0-15-002 with a copy of the NOI, SSPPP acceptance form executed by the Consulting Town Engineer in accordance with the Town's MS4 manual, prior to issuance of a Building Permit. The Applicant shall implement construction activities in accordance with the approved SPPP and the requirements of GP-0-15-002.
2. The Applicant shall address all outstanding engineering concerns, as enumerated in Consulting Town Engineer letter, dated April 1, 2015 prior to issuance of a Building Permit, including the following:
    a. Submit documentation that the final approved stormwater maintenance agreement was filed with the Westchester County Clerks Office/
    b. Provide field investigation data for feasibility testing (deep hole excavation and percolation test) collected at the proposed stormwater management practice area.
    c. Obtain a Highway Permit from the Town of Somers Highway Superintendent for the proposed driveway curb-cut.
    d. Submit documentation of WCDOH Construction Approvals for the proposed groundwater well and septic field area.

3. Prior to issuance of a building permit, a performance bond/security shall be posted to cover the cost of soil erosion and sedimentation control measures on the site during the course of construction. The above stated security shall be in an amount recommended by the Town Consulting Engineer and Principal Engineering Technician and shall be in form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.

4. Prior to issuance of a building permit, an engineering inspection fee for the Subdivision shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board. The amount of such fee shall be set after submission by the

Applicant of estimated costs for required improvements, as identified by the Town Consulting Engineer and Principal Engineering Technician.

5. The Somers Engineering Department shall be notified (914-277-5366) prior to the beginning of any work on the site and also upon completion of the approved work.

6. Appropriate erosion control measures satisfactory to the Department Engineering Technician shall be installed prior to starting the construction and maintained during the contract period, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, and the New York State Stormwater Management Design Manual, dated January 2015 (including all updates/or revisions).

7. All drainage structures shall be inspected and approved by the Department Engineering Technician or Consulting Town Engineer before backfill, prior to issuance of a certificate of occupancy.

8. Work shall be undertaken consistent with Town of Somers regulations to the satisfaction of the Department Engineering Technician and the Consulting Town Engineer.

9. That field changes that do not change the intent of the design or are not significant, if required, may be approved by the Department Engineering Technician and the Consulting Town Engineer prior to implementation. Significant field changes or those that deviate from the intent of the design as approved by that Planning Board must be approved by the Planning Board.

10. All construction activities, with the exception of rock removal, shall be limited to occur Monday through Saturday, 7AM to 6PM. Rock removal shall be limited to Monday through Friday 8AM to 6PM. No construction activities shall occur on Sundays or legal holidays.

BE IT FURTHER RESOLVED that the Planning Board Chairman is authorized to sign the final subdivision plat in accordance with the procedures and requirements specified in §150-14.D of the "Subdivision of Land" regulations of the Code of the Town of Somers, and §276 of Town Law.

In accordance with §150-13.M of the Code of the Town of Somers, this conditional approval of the final subdivision plat shall expire on October 5, 2015, 180 days from the date of the resolution granting conditional approval, unless the above requirements have been certified as complete by the Planning Board's professional staff, or unless such time limit is extended by the Planning Board in accordance with §150-12.N of the Code of the Town of Somers for no more than

two (2) additional periods of 90 days each. The request for time extension shall be made by the Applicant **prior to** expiration of the specific time period.

Once the requirements have been certified as completed by the endorsement of the plat by the Chairman of the Planning Board, the plat shall be filed with the Westchester County Clerk, Division of Land Records, within 62 days after the date of signing by the Planning Board, or approval shall expire. The Applicant shall submit seven (7) copies of the subdivision plat showing all signatures and acknowledgments of filing to the Planning Board Secretary within 30 days after the date of filing with the County. In addition, a copy of the filed plat drawing shall be provided on diskette to the Planning and Engineering Department.

No building permits will be issued on any lot shown on the subdivision plat until the required copies of the plat have been delivered to the Planning Board in accordance with §150-14.H of the *Code of the Town of Somers*. Upon completion of all improvements, the Applicant shall submit an as-built plan to the satisfaction of the Town Consulting Engineer.

Any change in the subdivision plat which is filed in the office of the Westchester County Clerk constitutes a "resubdivision" which is subject to the same procedure, rules and regulations applying to an original subdivision, as stated in §150-4, "Resubdivision", of the *Code of the Town of Somers*.

This resolution shall have an effective date of April 8, 2015.

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2015-03 adopted by the Town of Somers Planning Board granting of **Conditional Final Subdivision Plat Approval to John Zadjelovich for the Zadjelovich Subdivision** at a meeting held on April 8, 2015.

_____ _____

Syrette Dym, AICP **Date**
Director of Planning

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Syrette Dym, AICP
Director of Planning
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MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: March 25, 2015

RE: Somers Realty Planned Hamlet Master Plan Preliminary Subdivision Application#3 – Response to Insite Memorandum of March 5, 2017 Regarding Stockpile Removal Truck Generated Traffic

Somers Realty Corporation – Planned Hamlet Zone Phase 3 Subdivision Preliminary Subdivision Approval

The original proposed action consisted of the following components and those that have since changed are highlighted:

1. *Proposed Amendment to the Somers Realty Planned Hamlet Master Plan pursuant to the Somers Zoning Code Planned Hamlet PH District Section 170-23.3 Approval process which states that: "The site plan required for each proposed development within a PH district shall be consistent with the approved site master plan. The site master plan may be amended only with the approval of the Planning Board."*

   The proposed amendments were initially indicated to include the following items, the first of which was identified in the application cover letter of June 9, 2014 from McCullough, Goldberger & Staudt LLP. That letter indicates that the subdivision plan is consistent with the approved Master Plan but then goes on to identify minor changes that include the following: (1) shortening of proposed Town Road B; (2) consolidation of AvalonBay site plan resulting in excess material due to imbalance of cut and fill and need for additional export from the

site in addition to stockpiled material from construction of Clayton Boulevard associated with the Mews I and 2; (3) additional area required for stormwater management facilities and associated minor disturbance outside of the designated Clearing and Grading Limit Line in area adjacent to Clayton Boulevard near the Route 6 entrance. Additional modifications not included in that letter include: (4) Elimination of 80,000 square foot assisted living facility and 30,000 square foot mixed professional office/retail/restaurant use moved south of Clayton Boulevard as part of the Subdivision 2 approval by not showing any evidence of location for these uses. The Preliminary Subdivision Plat dated June 6, 2014 showed only 5 lots whereas the September 17, 2014 plat preliminary plat drawing showed 6 lots. No use was proposed for lot 6, but a previous informal submission by Somers Realty to the Planning Board identified this area as a possible site for an assisted living facility; (5) a reserve parcel has been identified on Insite Drawing MC-1 Proposed Post-Development Drainage Boundaries that was not identified in the Planned Hamlet Master Plan; This is the same parcel that is now the 7.1 acres Lot 6 referred to above; (6) Proposed lot 3c, to be conveyed to Avalon Bay, was previously identified as a community recreation area and now is a 6.4 acre subdivided lot with no identified use; and (7) the Planned Hamlet Master Plan called for the development of 152 townhouse units which were to be fee simple units and Avalon is building rental units with a differing bedroom count than previously proposed and analyzed for purposes of impacts on traffic, parking, utilities, community facilities and fiscal impacts.)

The Preliminary subdivision Plat dated October 20, 2014 has further modified the lot arrangements. Proposed Town Road B has been extended beyond the edge of the proposed Village Green through a newly configured Avalon site layout that provides connection to a proposed Town Right-of-Way that had previously been shown on the approved conceptual Planned Hamlet Master Plan to the southern boundary of the property. This proposed Road B extension and proposed Town Right-of-Way now divide what was the prior proposed Lot 3A of 38.3 acres, into two lots, Lot 3A of 27.3 acres to the west of Town Road B and the proposed Right-of-Way and a new Lot 3D of 10.0 acres to the east of Town Road B and the proposed Right-of-Way. The increased road and right-of-way area of 1.0 acre has been added to the prior proposed Right-of-Way parcel total of 3.3 acres for a now proposed 4.3 acre total. In total, therefore, there are now 7 proposed lots in addition to the right-of-ways, compared to the original proposed submission of 5 lots.

The Preliminary Subdivision Plat of January 6, 2014 (Should say 2015) now shows a proposed Town right-of-way from the end of proposed Town Road B to the southern property boundary and an associated proposed stormwater management practice construction and maintenance easement. The plat also shows the Proposed Access, Utility and Stormwater Management Practice Easement from the Proposed Clayton Boulevard Extension to proposed Lot 6. This easement will also provide a second, western access road to the proposed AvalonBay 153 unit multifamily development.

These modifications from the Somers Realty Planned Hamlet Master Plan that was the subject of the SEQRA Findings Statement of February 10, 2009, while many are identified in the long form EAF provided, may require further analysis to determine that they are not significant changes to the approved Master Plan and that their resulting impacts are the same as or less than those identified in the Findings Statement.

2. *Preliminary Subdivision#3 for Applicant Somers Realty Corporation, for the Somers Realty Planned Hamlet Master Plan to further subdivide prior created Lot 3 (Town Tax Map Sheet 4.20, Block 1. Lot 15) now with the October 20, 2014 submission, into seven lots and several street right-of-ways totaling 62.3 acres.* ***The right-of-ways include Clayton Boulevard extension to Route 6 and proposed town roads B, C, D, and E (4.3 acres); Lot 3A for AvalonBay Communities (27.3 acres); Lot 3B Village Green (1.4 acres); Lot 3C Area north of Road D (6.4 acres, Lot 3D (10.0 acres);) all four to be developed by AvalonBay Communities; Lot 4 is the Planned Hamlet commercial lot of 4.9 acres; Lot 5 is the firehouse parcel (0.9 acres) and Lot 6 is he formerly referred to "Reserve Parcel", now to be subdivided (7.1 acres).***
3. *Steep Slopes Permit*
4. *Wetland and Watercourse Protection Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

Insite Comment Letter of March 5, 2015

The Insite letter was an attempt to address the issue of truck traffic to be generated by removal of the stockpile remaining on the Somers Realty site, whether or not impacts of this removal were previously studied during the prior SEQR review, what the impacts of this removal would be and, if required, what would be proposed mitigation for such impacts.

The letter did make the following assumptions:

- Maximum Amount of Export - 50,000 c.y.
- Size of transport truck – 20 c.y. tri-axel truck
- Average daily truckloads of export – 60
- Average daily c.y. of fill exported – 1,200 c.y.
- Worst Case Scenario Length of export operation – 8 weeks

Unfortunately, this calculation was premature and the assumptions incomplete to make a determination of potential impact. Joe Barbagallo and I met with the Avalon Bay team yesterday, March 24, 2015 at the Town House to discuss their proposed draft construction phasing plan. Avalon indicated that it was now clear that there was approximately 70,000 c.y. of fill in the stockpile and that they had committed to utilize approximately 25,000 c.y. of fill on the site. A modified site and grading plan showing use of this material is yet to be submitted to the town. Therefore, the assumption that

50,000 c.y. of fill is what needs to be removed from the site by Somers Realty made by Insite would be a worst case scenario as presented in their March 5, 2015 letter.

What the draft phasing plan indicated, was that the stockpile would begin to be used by Avalon in its Phase III construction, estimated to take 8 weeks, and would need to be completely removed by the end of its Phase IV construction, also to take 8 weeks. Therefore, stockpile removal time assumptions should be made for a worst case scenario of complete removal of 8 weeks maximum, and, if potential impacts are identified, what those truck traffic trip impacts would be if removal was spread over a maximum of 16 weeks.

Review of the Planned Hamlet FEIS of December 2008 revealed the following assumptions about the stockpile:

FEIS page 118 –

"Comment 3.8.40: The impact of truck traffic related to the 1.7 million cubic feet of fill that is proposed to be brought onto the site must be incorporated into the traffic study." By Guy Gagne

"Response: "Under the Preferred Alternative, the amount of fill proposed for the site has been eliminated as a balanced cut and fill is now proposed. This will greatly reduce truck traffic associated with construction on the project site. Trucks will come into and out of the site via Route 6 prior to 8AM and between 2PM and 4PM., prior to peak traffic hours."

The above would seem to indicate that the traffic study did not initially incorporate the impacts of the truck traffic related to import of fill. Since the revised project as the Preferred Alternative did not require this fill, it appears this analysis was never done.

Therefore, the truck traffic to be generated by the 50,000 c.y. of exported fill must be considered over and above other vehicular and truck traffic incorporated into the traffic study.

Also, the comment indicates that overall truck construction traffic would enter the site prior to 8AM and between 2PM and 4PM. The applicant's traffic engineer needs to verify whether the FEIS traffic analysis took these time frames into consideration in the trip generation for construction trucks during peak hours or whether overall construction truck traffic was only considered outside roadway peak hours.

Once this is known, the assumption of time frames for stockpile removal truck traffic can be stated and incorporated into the trip analysis, identifying if this will occur throughout the day including or excluding morning and evening peak hours. If Saturdays are to be utilized, the impacts on the Saturday peak hour, if applicable, should be discussed. .

Other assumptions not provided in the March 5, 2015 memorandum that need to be provided are added in bold below:

- Maximum Amount of Export - 50,000 c.y.
- Size of transport truck – co c.y. tri-axel truck
- Average daily truckloads of export – 60
- Average daily c.y. of fill exported – 1,200 c.y.
- Worst Case Length of export operation – 8 weeks and required mitigation, if any
- Length of export operation at 16 weeks and required mitigation, if any
- **Time to fill each truck**
- **Time to unload each truck**
- **Assumed travel time to yet unknown destination site**
- **Start and end of day – are there any assumed restrictions during peak hours?**
- **No. days per week**
- **Entrance/exit to Route 6 to be used**
- **Number of entering and exiting vehicles per hour/peak hour.**

Since the required mitigation on Route 6 of a new westbound left-turn lane into the site and eastbound deceleration lane along Route 6 will not be in place during truck export operations, identify impacts to the LOS and any required mitigation without these improvements.

Present this information to NYSDOT as part of your discussion regarding their comment memorandum of February 23, 2015, and have them respond directly to your analysis and potential impacts and any mitigation they might require during the export period. .Include their response in your response memorandum to these issues.

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Cc: Roland Baroni
Joe Barbagallo
Linda Whitehead
Janet Giris
Rich Williams

PB
TP
CTE
applicant

BUREAU OF FIRE PREVENTION

Town of Somers

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EFREM CITARELLA
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RECEIVED
MAR 13 2015
PLANNING & ENGINEERING
TOWN OF SOMERS

796

MEMO TO: Planning Department

FROM: Bureau of Fire Prevention

RE: 50 Route 6 – AvalonBay Somers

DATE: March 13, 2015

At our monthly meeting on March 11, 2015, the Bureau met with Todd Nicotra, Development Director, AvalonBay Communities, Inc. and Raymond Sullivan, AIA, NCARB, The Sullivan Architectural Group to review updated site and building construction plans for AvalonBay Somers located at 50 Route 6. All were pleased with the revisions made. A request for two additional fire hydrants was approved, as well as changing the smoke curtain in the attic to a one hour fire rated wall.

PLANNING AND ENGINEERING DEPARTMENTS

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: April 2, 2015

RE: Comments on Avalon Bay Somers Submission of March 18, 2015
AvalonBay Communities, Inc. - Site Plan Approval for Somers Avalon

The current proposed action consists of the following components:

1. *Site Plan approval for Applicant AvalonBay Communities, Inc. for Avalon Somers, to construct 152 residential rental apartments units containing a total of 183,060 square feet of which 129 are market rate and 23 are to be affordable units. Apartment mix is to be 62 one-bedroom, 66 two-bedroom and 24 three-bedroom units. The project includes a 3,779 square foot community recreation building and outdoor pool, and a "town green", the community recreation building for the sole use of apartment unit renters. The project site consists of proposed subdivided Lots 3a, 3b, 3c and 3d (45.1 acres), where Lot 3b is the Village Green lot at 1.4 acres, to be subdivided as part of the associated Somers Realty, Inc. subdivision application. Tree Removal Permit*
2. *Stormwater Management and Erosion and Sediment Control Permit*
3. *Steep Slope Protection Application*

Overall

The submission to which this memorandum responds included a letter of March 18, 2015 from Peter Wise of DelBello Donnellan Weingarten Wise & Wiederkehr and a small scale, 11X 17 inch revised site plan prepared by Milone & MacBroom dated March 17, 2015. As indicated in the cover letter, there are several minor changes including a rotated

building a modified footprint of the clubhouse, elimination of one three car garage and addition of one four car garage structure. Most importantly, an area for twenty-eight 28 "land banked" parking spaces has been delineated on the site. A minor clarification regarding the total Avalon site size needs to be made in that the preliminary plat identifies 45.1 acres and the February 18, 2015 submission specifies 46.1 acres.

The following are how this submission addresses comments from the prior submission and my memorandum of March 2, 2015 as well as new issues raised.

Site Easements – March 2, 2015 Comment Memorandum

As indicated in the memorandum, Note 12 has been added to drawing LS-2 to indicate height of planted material and required "limbing" of trees to be planted in the sight line easement areas. Typo "slight" should be changed to "site", here as well as on other drawings. **Adjustment will be noted on next full set of plans submitted.**

Steep Slopes – March 2, 2015 Comment Memorandum

Retaining wall heights are now shown in a table on drawing GR-1, as requested.

The project slope data has been revised on drawings SA-1 and SA-2to reflect a boundary of disturbed area plus 25 feet beyond. The only question now is, the existing condition area totals 12.5 acres and the proposed condition totals 12.75 acres. Although these are indicated as "±", is there any other reason for this difference? **Still to be addressed.**

Architectural Plans

Elevations for the garages have now been provided. Although the rear of the buildings is facing away from the main areas of the project, the Planning Board may want to discuss additional articulation of the buildings. **Planning Board has not addressed**

Issues Still to be Resolved

Village Green
At its meeting of March 11, 2015, the Planning Board provided the applicant with its opinion that the design with the playscape was its preferred alternative design. The issue regarding the level of recreation fee and considered offsets will have to be determined by the Town Board.

Affordable Housing
The program(s) under which affordable housing units will be offered still has to be resolved. The selected program or programs could have an impact on the amount of recreation fees to be provided.

Parking Requirement

The following issue was raised in my memorandum of January 13, 2015:

"The Master Plan Table 1 Zoning Requirements on page 10 under "Parking" only indicates a standard of two spaces per each one family dwelling, which is the standard Avalon has indicated that it is meeting. How these 36 spaces outside Avalon's boundaries can be counted toward this total needs to be addressed so it can be found that the parking requirement is met. Since they exist in what will be Town right-of-way, will the Town or Avalon be responsible for their maintenance and control?"

The plan submitted tries to address this issue, which was also raised and discussed at the Planning Board meeting of March 11, 2015.

The Previous plan provided a total of 324 spaces (all of which were required); of which 274 were surface spaces that included 36 on street spaces outside of Avalon's subdivision parcels, 50 spaces provided in garages, for a total of 324 spaces. An additional 18 spaces were shown surrounding the village green with 8 along Road A, i.e., Clayton Blvd., and 10 along Road D. The new plan has a total of 332 spaces if the 36 on street spaces are included or 296 spaces without them. It would appear from the Zoning Code that all parking spaces required to be provided are "off-street" spaces as indicated by Section 170-33. Off-street parking and loading which states: "For every building hereafter erected or altered or use hereafter established, there shall be provided off-street parking and loading areas as set forth in this Article." Section 170-40 Required number of off-street parking and loading units specifies the number of spaces required, which, in the case of this proposal, is 2 per each dwelling unit and five per 1,000 sf of floor area for the clubhouse, for a total of 324 spaces. Avalon is actually proposing to build only 296 spaces and would like to land bank 28 spaces now shown within its site boundaries. To do so, the Planning Board would have to waive the immediate building of these 28 spaces in accordance with Section 170-41. Waiver of parking and loading space improvement. This section allows the Board to reduce the number of spaces initially improved subject to conditions to assure the future improvement of such space at such time the Board may deem them necessary.

However, other issues regarding the public roads and parking spaces within them also have been raised and need to be resolved. Whereas the Preliminary Plat shows the road to the east of the village green as Road E, the Avalon site plan shows it as Road D. This needs to be corrected. Roads B, C, D and E have been shown and discussed as assumed Town roads. Looking back at Figure 7: Site Access and Public Roads in the Master PH Concept Plan, Road E was not considered as a public road, although with adjacent commercial uses and the green to be open to the public, it could be open to consideration as such, if all other roadway issues are resolved.

What is not clear is what the position of the Somers Highway Superintendent is regarding dedication of these proposed streets as public roads lined with parking spaces (assuming

this is permitted), the maintenance and repair of which would be his department's responsibility.

Additionally, the issue of whether the proposed parking spaces are permitted within these public right-of-ways is an item for discussion. Peter Wise alluded to this issue at the Planning Board meeting of March 11, 2015. Peter clarified this issue in a phone conversation of March 31, 2015 with me. Section 170-40B says permitted residential uses in the PH district will have parking required as provided in Section 170-12D (5) and 170-40A. Section 170-12D(5) seems to indicate some requirement other than 2 spaces per unit or at 1 1/3 per unit plus 1/3 per bedroom or a total of 290 required for residential and the same 20 required for the clubhouse for a total of 310 spaces to meet this requirement. Since this requirement is less than that proposed to be provided, the parking is in compliance with zoning.

In discussion with Peter Wise, another issue related to the location of permitted parking spaces relative to public roads came up. Section 170-12D(5) (c) addresses location of parking along roads. Parallel parking is permitted along a Class B road, angled and parallel permitted along a Class C road and no parking is permitted along a Class A road.

The definition of roads is found in the Subdivision Regulation Chapter 150 of the Town Code, Section 150-21H Streets. Town Roads are Class A roads and Private Roads are Class B Roads. There is no reference to Class C roads. So it would appear that all the parking spaces shown on the proposed town roads of the project are not permitted. However, as permitted by Section 150-7 Adjustment of Regulations, the Planning Board is permitted to adjust the subdivision regulations in the case of special circumstances or if strict compliance results in extraordinary hardship.

Still the position of the Superintendent of Highways must be considered regarding the location of parking spaces on Town roads.

Road D

Road D is meant to connect to a parcel of land that currently is landlocked. It is also proposed as a public town road and appears to be shown as to be improved as part of the Avalon site Plan. First, the issue is, why should this road be improved now as a "road to nowhere" and if accepted as a town road, one that would have to be maintained to no current purpose. It is not clear from the plan whether this road is intended to have a sidewalk, which I would recommend on one side of the road at such time it may be built.

Continuation of Road C

Road C is shown as a stub partial hammerhead that appears to be set up to continue as it was shown on the Planned Hamlet Concept Plan Figure 7 Site Access and Public Roads. This needs to be discussed within the context of decisions that will be made regarding the public or private nature of the roads surrounding the village green and the parking along them.

Sidewalks

The Avalon plan and the letter from Peter Wise of March 18, 2015, indicate that sidewalks are provided and that Avalon will be responsible at its own cost and expense for the construction, maintenance and repair of the sidewalks located within the rights-of-way of the internal public streets. This resolves the issue that I raised in my earlier comment memorandum. However, the design of the sidewalks and their relationship to the roadways also needs input from the Highway Superintendent.

Among these sidewalks is one along Clayton Blvd. which leads out to Route 6. Provision of the this sidewalk then begs the question asked by NYS DOT regarding whether the Planning Board will require the Somers Realty subdivider to build sidewalks along the property frontage along Route 6. This needs to be discussed by the Planning Board.

Cc: Rick Morrissey
Roland Baroni
Joe Barbagallo
Steve Ralston
Tommy Chiaverini
Janet Giris
Peter Wise
Grant Jaber
Linda Whitehead

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: April 2, 2015

RE: Somers Realty Planned Hamlet Master Plan Preliminary Subdivision Application #3

Somers Realty Corporation – Planned Hamlet Zone Phase 3 Subdivision Preliminary Subdivision Approval – Response to Submittal Letter of March 5, 2015

The original proposed action consisted of the following components and those that have since changed are highlighted:

1. *Proposed Amendment to the Somers Realty Planned Hamlet Master Plan pursuant to the Somers Zoning Code Planned Hamlet PH District Section 170-23.3 Approval process which states that: "The site plan required for each proposed development within a PH district shall be consistent with the approved site master plan. The site master plan may be amended only with the approval of the Planning Board."*

   The proposed amendments were initially indicated to include the following items, the first of which was identified in the application cover letter of June 9, 2014 from McCullough, Goldberger & Staudt LLP. That letter indicates that the subdivision plan is consistent with the approved Master Plan but then goes on to identify minor changes that include the following: (1) shortening of proposed Town Road B; (2) consolidation of AvalonBay site plan resulting in excess material due to imbalance of cut and fill and need for additional export from the

site in addition to stockpiled material from construction of Clayton Boulevard associated with the Mews I and 2; (3) additional area required for stormwater management facilities and associated minor disturbance outside of the designated Clearing and Grading Limit Line in area adjacent to Clayton Boulevard near the Route 6 entrance. Additional modifications not included in that letter include: (4) Elimination of 80,000 square foot assisted living facility and 30,000 square foot mixed professional office/retail/restaurant use moved south of Clayton Boulevard as part of the Subdivision 2 approval by not showing any evidence of location for these uses. The Preliminary Subdivision Plat dated June 6, 2014 showed only 5 lots whereas the September 17, 2014 plat preliminary plat drawing showed 6 lots. No use was proposed for lot 6, but a previous informal submission by Somers Realty to the Planning Board identified this area as a possible site for an assisted living facility; (5) a reserve parcel has been identified on Insite Drawing MC-1 Proposed Post-Development Drainage Boundaries that was not identified in the Planned Hamlet Master Plan; This is the same parcel that is now the 7.1 acres Lot 6 referred to above; (6) Proposed lot 3c, to be conveyed to Avalon Bay, was previously identified as a community recreation area and now is a 6.4 acre subdivided lot with no identified use; and (7) the Planned Hamlet Master Plan called for the development of 152 townhouse units which were to be fee simple units and Avalon is building rental units with a differing bedroom count than previously proposed and analyzed for purposes of impacts on traffic, parking, utilities, community facilities and fiscal impacts.)

The Preliminary subdivision Plat dated October 20, 2014 has further modified the lot arrangements. Proposed Town Road B has been extended beyond the edge of the proposed Village Green through a newly configured Avalon site layout that provides connection to a proposed Town Right-of-Way that had previously been shown on the approved conceptual Planned Hamlet Master Plan to the southern boundary of the property. This proposed Road B extension and proposed Town Right-of-Way now divide what was the prior proposed Lot 3A of 38.3 acres, into two lots, Lot 3A of 27.3 acres to the west of Town Road B and the proposed Right-of-Way and a new Lot 3D of 10.0 acres to the east of Town Road B and the proposed Right-of-Way. The increased road and right-of-way area of 1.0 acre has been added to the prior proposed Right-of-Way parcel total of 3.3 acres for a now proposed 4.3 acre total. In total, therefore, there are now 7 proposed lots in addition to the right-of-ways, compared to the original proposed submission of 5 lots.

The Preliminary Subdivision Plat of January 6, 2014 (Should say 2015) now shows a proposed Town right-of-way from the end of proposed Town Road B to the southern property boundary and an associated proposed stormwater management practice construction and maintenance easement. The plat also shows the Proposed Access, Utility and Stormwater Management Practice Easement from the Proposed Clayton Boulevard Extension to proposed Lot 6. This easement will also provide a second, western access road to the proposed AvalonBay 153 unit multifamily development.

These modifications from the Somers Realty Planned Hamlet Master Plan that was the subject of the SEQRA Findings Statement of February 10, 2009, while many are identified in the long form EAF provided, may require further analysis to determine that they are not significant changes to the approved Master Plan and that their resulting impacts are the same as or less than those identified in the Findings Statement.

2. *Preliminary Subdivision#3 for Applicant Somers Realty Corporation, for the Somers Realty Planned Hamlet Master Plan to further subdivide prior created Lot 3 (Town Tax Map Sheet 4.20, Block 1. Lot 15) now with the October 20, 2014 submission, into seven lots and several street right-of-ways totaling 62.3 acres.* ***The right-of-ways include Clayton Boulevard extension to Route 6 and proposed town roads B, C, D, and E (4.3 acres); Lot 3A for AvalonBay Communities (27.3 acres); Lot 3B Village Green (1.4 acres); Lot 3C Area north of Road D (6.4 acres, Lot 3D (10.0 acres);) all four to be developed by AvalonBay Communities; Lot 4 is the Planned Hamlet commercial lot of 4.9 acres; Lot 5 is the firehouse parcel (0.9 acres) and Lot 6 is he formerly referred to "Reserve Parcel", now to be subdivided (7.1 acres).***
3. *Steep Slopes Permit*
4. *Wetland and Watercourse Protection Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

Comments on Letter of March 5, 2015 from Mc Cullough, Goldberger and Staudt and Insite Letter of March 18, 2015

Water Main Extension From Mahopac Avenue to Hidden Meadow Project

The applicant indicated it would update the Planning Board regarding how it will treat creation of a looped water system along Route 6 at the Planning Board meeting of March 11, 2015. My question of how the applicant would proceed if they are delayed and Hidden Meadow precedes them was answered in that the Town of Somers would possibly complete the loop. How Somers Realty would contribute to this since it relieves them of the responsibility of providing their required emergency water system needs to be determined.

Soil Stockpiles

My separate memorandum of March 25, 2015 in response to the Insite letter of March 5, 2015 identified the additional information necessary to assess the potential impacts of these trucks trips. Since that time, the Somers Realty team met with DOT. The issue of this additional truck traffic should be shared with DOT and part of any new information provided to them. Response from DOT regarding these impacts should be provided directly from DOT. Any new developments regarding removal of the stockpile and timing should be presented to the Planning Board at its meeting of April 8, 2015.

Drainage Issues

To be addressed by Woodard and Curran

Vehicle Traffic Issues

The Insite letter of March 18, 2015 indicates that updated traffic check counts will be provided to DOT. The above referenced issue regarding soil export should also be presented as part of this new information. Information provided to DOT and DOT's response should be provided to the Planning Board.

Pedestrian Traffic

As reported in the Insite letter of March 18, 2015, the applicant indicated their position regarding provision of a sidewalk along Route 6. In so doing they noted information in my comment letter regarding the lack of provision of such sidewalks for the DOT improvement just to the east of the project, including some of the project frontage. However, the applicant's comments did not indicate that DOT was providing pedestrian poles at the intersection signals to accommodate those pedestrians who currently walk along the route and to accommodate any changes that might occur in the future that would accommodate sidewalks, such as along the north side of Route 6. The Planning Board should take its own position regarding the provision of sidewalks or possibly even the installation of a pedestrian pole at the Clayton Blvd. entrance. .

Connection to Putnam Trailway

Connection to the Putnam Trailway access has still not been addressed and needs to be. The DOT assumption that a bike lane would be provided and extended needs to be discussed and determined by the Planning Board.

Land Donation

As indicated in the March 18, 2015 letter, work related to the land donation is ongoing with NYSDOT

Preliminary Subdivision Plat and Plans – Roadways, Sidewalks and Parking Spaces in Proposed Public Right-of-Ways

A detailed explanation of these issues and how they relate to the Avalon plan have been provided in my comment memorandum of April 2, 2015 regarding Avalon's submission of March 18, 2015. A copy of that memorandum is attached. Many of the issues in that memorandum arise from subdivision issues which I will restate here.

Sidewalks

The Avalon plan and the letter from Peter Wise of March 18, 2015, indicate that sidewalks are provided and that Avalon will be responsible at its own cost and expense for the construction, maintenance and repair of the sidewalks located within the rights-of-way of the internal public streets. This resolves the issue that I raised in my earlier comment memorandum. However, the design of the sidewalks and their relationship to the roadways also needs input from the Highway Superintendent.

Among these sidewalks is one along Clayton Blvd. which leads out to Route 6. Provision of the this sidewalk then begs the question asked by NYS DOT regarding whether the Planning Board will require the Somers Realty subdivider to build sidewalks along the property frontage along Route 6. This needs to be discussed by the Planning Board.

Town Roads and Parking Spaces

Roads B, C, D and E have been shown on the Preliminary Subdivision Plat and discussed by the applicant as assumed Town roads. Looking back at Figure 7: Site Access and Public Roads in the Master PH Concept Plan, Road E was not considered as a public road. The Preliminary Subdivision Plat shows parking located along all these roads as well as along the south side of Clayton Blvd.

It would appear from the Zoning Code that all parking spaces required any uses that are part of the Planned Hamlet would have to be provided as "off-street" spaces as indicated by Section 170-33. Off-street parking and loading which states: "For every building hereafter erected or altered or use hereafter established, there shall be provided off-street parking and loading areas as set forth in this Article." in accordance with Section 170-41. Waiver of parking and loading space improvement. This section allows the Board to reduce the number of spaces initially improved subject to conditions to assure the future improvement of such space at such time the Board may deem them necessary.

What is not clear is what the position of the Somers Highway Superintendent is regarding dedication of these proposed streets as public roads lined with parking spaces (assuming this is permitted), the maintenance and repair of which would be his department's responsibility. The issue of whether the proposed parking spaces are permitted within these public right-of-ways is an item for discussion. Peter Wise alluded to this issue at the Planning Board meeting of March 11, 2015 and clarified this issue with me in a phone conversation of March 31, 2015. Section 170-12D(5) (c) addresses location of parking along roads. Parallel parking is permitted along a Class B road, angled and parallel permitted along a Class C road and no parking is permitted along a Class A road. The definition of roads is found in the Subdivision Regulation Chapter 150 of the Town Code, Section 150-21H Streets. Town Roads are Class A roads and Private Roads are Class B Roads. There is no reference to Class C roads. So it would appear that all the parking spaces shown on the proposed town roads of the project are not permitted. However, as permitted by Section 150-7 Adjustment of Regulations, the Planning Board

is permitted to adjust the subdivision regulations in the case of special circumstances or if strict compliance results in extraordinary hardship.

Still the position of the Superintendent of Highways must be considered regarding the location of parking spaces on Town roads.

The impact of potential elimination of any of these parking spaces, if required, on the parking required for the future proposed commercial uses on Lot 4 will need to be addressed.

Road D

Road D is meant to connect to a parcel of land that currently is landlocked. It is also proposed as a public town road and appears to be shown as to be improved as part of the Avalon site Plan. First, the issue is, why should this road be improved now as a "road to nowhere" and, if accepted as a town road, one that would have to be maintained to no current purpose. It is not clear from the plan whether this road is intended to have a sidewalk, which I would recommend on one side of the road at such time it may be built.

Continuation of Road C

Road C is shown as a stub partial hammerhead that appears to be set up to continue as it was shown on the Planned Hamlet Concept Plan Figure 7 Site Access and Public Roads. This needs to be discussed within the context of decisions that will be made regarding the public or private nature of the roads surrounding the village green and the parking along them.

Cc: Rick Morrissey
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