

Telephone
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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



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

**SOMERS PLANNING BOARD
AGENDA
APRIL 9, 2014
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for February 12, 2014

TIME-EXTENSION

1. MITCHELL CONSERVATION SUBDIVISION

[TM: 16.09-1-9]

Application of Gary Mitchell for a four (4) lot Conservation Subdivision on a 7.1 acre property. Request for a third 180 day time-extension to Conditional Preliminary Subdivision Re-Approval which expires on April 14, 2014.

PROJECT REVIEW

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

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

Next Planning Board Meeting, May 14, 2014

Agenda information is also available at www.somersny.com

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

DATE: April 1, 2014
TO: Planning Board
FROM: Syrette Dym, AICP
Town Planner
RE: Mitchell Conservation Subdivision Conditional Preliminary Subdivision
Re-Approval Time-Extension – 3rd 180-day Request

On March 5, 2014, a request for a third 180-day time extension of Conditional Preliminary Subdivision Re-Approval, previously granted on October 9, 2013, was received by the Planning Board. The previously granted conditional preliminary subdivision re-approval 180-day extension in accordance with Section 150-12-N of the Code of the Town of Somers will expire on April 14, 2014. As such, this office has no objection to the Planning Board issuing the requested third 180-day time extension from April 14, 2014 up to and including October 13, 2014 (the first business day after the 180th day which is October 11, 2014).

If you have any questions, please do not hesitate to contact me.

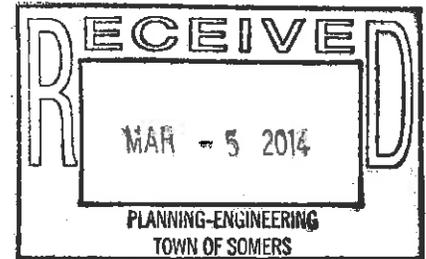
cc: Timothy S. Allen, P.E.
Gary Mitchell
Ann Mitchell
Roland Baroni

U- PB TACTE
BIBBO ASSOCIATES, L.L.P.

Consulting Engineers

Joseph J. Buschynski, P.E.
Timothy S. Allen, P.E.
Sabri Barisser, P.E.

March 4, 2014



Somers Planning Board
335 Route 202
Somers, NY 10589-3206

ATTN: Mr. John Currie, Chairman

RE: Mitchell Conservation Subdivision
Tomahawk Street
Sec. 16.09, Block 1, Lot 9

Dear Chairman and Members of the Board:

On behalf of our client we are writing to formally request a 180-day extension of the conditional preliminary subdivision re-approval, granted for the above noted property on September 12, 2012. (*Resolution # 2012-06*) and extended to currently expire on April 14, 2014.

This office currently is close to obtaining all necessary approvals from outside agencies, and assembling the required documents necessary to satisfy the conditions of approval listed in the above noted resolution.

As always feel free to contact us with any questions you may have regarding this matter. We respectfully request this matter be placed on your next available agenda for consideration.

Very truly yours,

Timothy S. Allen, P.E.

TSA/mme
Enclosures

cc: G. Mitchell
File

Site Design ♦ Environmental

C/PB
T.P.
CTE
Application

Westchester
gov.com

Referral Review

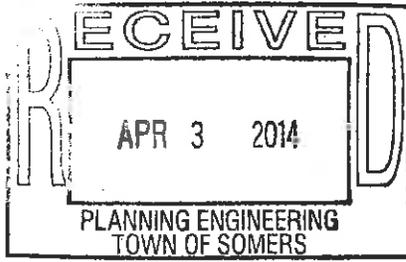
Pursuant to Section 239 L, M and N of the General Municipal Law and
Section 277.61 of the County Administrative Code

Robert P. Astorino
County Executive

County Planning Board

April 1, 2014

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



649

Subject: Referral File No. SOM 14-001 – Hidden Meadows at Somers - Zoning Map Amendment, Subdivision and Site Plan

Dear Ms. Dym:

The Westchester County Planning Board has received a preliminary subdivision plat (dated January 29, 2014), site plans (dated revised January 29, 2014), architectural drawings (dated revised January 27, 2014) and related materials for the above referenced application. The application involves the development of a 16.7-acre undeveloped wooded parcel with 45 townhouses on individual fee simple lots. The townhouses would be serviced by a common driveway/private roadway ("Road A") connecting into Birdsall Road (US Route 6). Eight of the townhouses would be two-family dwellings, containing a total of 16 units. These units would be set aside as affordable affirmatively furthering fair housing (AFFH) units and would contain a three-bedroom homeownership unit on the upper floors and a one-bedroom rental unit on the ground floor with entrances in the rear. In total, the development would contain 53 housing units. Each townhouse unit would contain a one-car garage. The eight rental apartments would have reserved on-street parking spaces on the internal roadways in the development. Surface parking spaces will be provided for 15 cars to accommodate parking for visitors. A small recreational space would be provided at the south end of the site.

The site plans show two alternate configurations of "Road A." Our understanding is that a proposed "Road B" would be constructed connecting to "Road A" to provide access to an adjacent Town-owned parcel, if the Town chooses to develop this parcel for recreational purposes. In this case "Road B" and the segment of "Road A" that is between "Road B" and Birdsall Road would be dedicated to the Town. The alternative configuration, assuming the adjacent Town-owned property is not developed for recreational purposes, shows only "Road A" connecting to the new subdivision with a small recreation area provided adjacent to "Road A" with parking for four vehicles; all of "Road A" would remain in private ownership.

The site, which is currently zoned R-80 Single-Family, is proposed to be rezoned with a zoning map amendment that would place the MFR-BP Floating Overlay District onto the site. It is our understanding that site plan and subdivision approvals would also be required.

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

332 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-4400 Fax: (914) 995-9098 Website: westchestergov.com

1. **Westchester 2025 and Patterns for Westchester.** *Westchester 2025 and Patterns for Westchester*, which have been adopted by the Westchester County Planning Board, are the policies and strategies to guide land use development in Westchester County. The subject site is in an area designated as Medium Density Suburban according to the Patterns for Westchester map contained in those documents. The Medium Density Suburban category recommends a residential density range of 2 to 7 units per acre, and the proposed subdivision is at a density of 3.2 units per acre, within the recommended range.
2. **Town Comprehensive Plan.** As the proposed subdivision requires a zone change, the Town should review the proposed zoning for its consistency with the recommendations of the *Town of Somers Comprehensive Master Plan*, January 1994.
3. **Affordable affirmatively furthering fair housing (AFFH) units.** We are generally supportive of development concepts that include a range of housing types that will also serve to affirmatively further fair housing in the Town. As a separate matter, we continue to recommend the Town take steps to incorporate the Model Ordinance Provisions with respect to affordable AFFH into the Town Code.
4. **County sewer impacts.** The site is not within a Town or County sewer district. The applicant proposes that the site be added to Town and County districts so as to allow sewage generated by the development to flow to and be treated at the Peekskill Wastewater Treatment Plant operated by Westchester County.
5. **Bee-Line bus.** While the subject site is located along a section of the Route 6 corridor served by two Bee-Line bus routes (Route 16 local service and Route 77 express service), the nearest bus stop to the proposed development is located at the intersection of Route 6 and Mahopac Avenue. We recommend that the applicant contact the County Department of Public Works and Transportation (WCDPWT) to determine the best way to provide transit access to the proposed development.
6. **Stormwater management.** We commend the applicant for taking a number of steps to treat and retain as much stormwater on-site as possible through the use of above ground stormwater management basins as well as with low-impact development techniques such as permeably paved surfaces.
7. **Croton Watershed protection.** The site is located in the Croton Watershed. The proposed development will entail site disturbance during construction and will result in the creation of new impervious surfaces. Components of the site development may be subject to compliance with the New York City Department of Environmental Protection (NYC DEP) *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources*, including the preparation of a Stormwater Pollution Prevention Plan. Adequate erosion and sediment control and stormwater runoff water quality protection, both during and after construction, are of critical importance.
8. **Internal sidewalk network.** The proposed site plan appears to have a partial sidewalk network connecting “Driveway C” to “Road A” and the entrance of the development. We recommend extending the proposed sidewalk network to include all of the proposed interior roadways so that people can walk from each townhouse to the proposed recreation areas at each end of the site. If “Road B” is constructed to provide access to an adjacent Town recreational use, this road should contain sidewalks as well.

9. Proposed townhouse design. We note that the architectural design of the proposed townhouses is very “auto-centric” with the garage extending out in front of each townhouse as the dominant feature and potentially blocking the view of the front door of each dwelling, depending on the vantage point of the viewer. We typically recommend against such design as it detracts from the creation of a pedestrian-scaled streetscape.

10. Green building technology. We encourage the applicant to incorporate as many green building methods and technologies into the proposed development as possible.

11. NYS DOT review. US Route 6 is a state highway. The Town should forward a copy of the application to NYS DOT to identify any required permits for the proposed project and to evaluate potential traffic impacts.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 
Patrick Natarelli
Chief Planner

PPN/LH

cc: Michael Swee, Associate Transportation Planner, County Department of Public Works and Transportation
Cynthia Garcia, Bureau of Water Supply, SEQR Coordination Section, NYC DEP
Richard Dillman, PE, SEQR Unit, NYS Department of Transportation, Region 8

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

MEMORANDUM

TO: Town of Somers Town Board

FROM: Syrette Dym, Director of Planning

DATE: April 1, 2014

RE: Proposed Modifications to 1994 Town of Somers Comprehensive Master Plan and Associated Zoning Text Amendments to Section 170-13 Multifamily Residence MFR Districts

Review and processing of the proposed Hidden Meadow subdivision/site plan project which proposed application of the MFR-BP Floating Zone over the subject site, initially raising the question of whether the site was eligible for such overlay zone. In my memorandum to the Town Board of March 20, 2014, I researched this issue and concluded, with the concurrence of the Town Attorney, that, as currently written, the 1994 Town Comprehensive Master Plan did not support such a rezoning and the MFR district itself was ambiguous regarding whether it would apply to the subject Hidden Meadow site.

As recommended in that memorandum and as discussed with the Planning Board at its meeting of March 25, 2014, the most direct way of clarifying the intent of both the Master Plan and the zoning, particularly in light of changes in the Route 6 Baldwin Place corridor over the last 20 years, was a modification of the Master Plan and an implementing text change to the zoning. To that end, I have drafted the attached proposed amendment to the 1994 Plan for "Section II. Residential Development C. Multi-Family Housing 2. New Recommendations", that appear in that plan starting on page 20 through page 22. This change will be carried over into the "in progress" update of the comprehensive plan being worked on in the Town. In addition, I have drafted amendments to Section 170-13. Multifamily Residence MFR District, relative to MFR-BP district.

5. **June 12**– Town Board holds and closes Joint Public Hearings. Holds comment period open for 10 days. Sets date for second required Comprehensive Plan public hearing prior to adoption.
6. **June** – Receipt of comments from County Planning Board and others. Revisions, if any, made and circulated.
7. **July 3** - Town Board holds second public hearing, closes hearing. Issues Negative Declaration. Adopts Plan and zoning text amendments.

Cc: Planning Board
Roland Baroni, Town Attorney
Joe Barbagallo, Town Consulting Engineer
Open Space Committee
Kathie Pacella, Town Clerk
Ken Kearney
Rich Williams

Z:\PE\Subdivision files\Hidden Meadow\Com.Plan-Zoning Revisions\MFR-BP Zoning-Master Plan Revisions.docx

ATTACHMENT A

PROPOSED REVISIONS TO 1994 TOWN OF SOMERS

COMPREHENSIVE MASTER PLAN (Draft 04/2/14)

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2. New recommendations. Though the results of the 1989 Master Plan Survey identified opposition to all housing other than conventional single-family lots, this Plan affirms the recommendations of the 1973 Plan that it is proper and reasonable for the Town of Somers to provide opportunities for the development of multi-family housing as well as other housing types. Based on changed circumstance and the revised recommendations in this (1994) Plan on other categories of land use, some revision of the 1973 recommendations is necessary. The new recommendations are summarized in Table 6.

Table 6

1973 PLAN – RECOMMENDED MULTI-FAMILY RESIDENTIAL DEVELOPMENT

<u>Site</u>	<u>Total Area</u>	<u>Net Area</u>	<u>Dwelling Units</u>
Baldwin Place			
Windsor Road/Rt.6	99	87	524
Baldwin Place/South	126	104	621
GB District	26	21	124
Hamlets			
Lincolndale	22	19	78
Somers	<u>23</u>	<u>21</u>	<u>85</u>
TOTAL	296	252	1,429

Table 6

1993 PLAN – RECOMMENDED MULTI-FAMILY RESIDENTIAL DEVELOPMENT

<u>Site</u>	<u>Total Area</u>	<u>Net Area</u>	<u>Dwelling Units</u>
Baldwin Place	26 TBD	24 TBD	125 TBD
Hamlets			
Lincolndale	35	29	120
Somers	23	21	85
Whitehall Corners	<u>30</u>	<u>25</u>	<u>100</u>
TOTAL	114	96	430
	88*	75*	310*

* See Baldwin Place narrative

LINCOLNDALE In December 1982, the Town Board acted to designate 34 acres in Lincolndale hamlet as the first MFR District so as to permit the construction of 120 multi-family units in a development known as "The Willows". The project was complete in 1987 and fulfills the Plan's recommendations for Lincolndale. There have not been any other requests for establishment of an MFR District.

Somers This Plan continues to support the construction of smaller, denser and lower cost housing in the Somers hamlet as a Town planning objective. This housing can be provided in several town house-type or garden apartment development.

The hamlet has a historic precedent for small housing. Adjacent to Bailey Park is a row of detached, two-story houses dating to the early 19th century. These structures suggest a type of denser and more affordable housing that could be developed on other sites around the hamlet. Given changing life styles, such housing might fit into the fabric of the hamlet more easily than traditional multi-family developments. There is also the possibility of integrating residential and commercial uses in individual buildings if limitations expressed by builders and imposed by building code requirements can be overcome. (See Chapter IV.)

The new Town Plan Map identifies land on the south and west edges of the Somers hamlet as potential multi-family housing sites. However, consistent with the above description, many be suitable and also meet the locational criteria as set forth in the Zoning Ordinance MFR provisions, which should continue to be applicable. The scale of a multi-family development should be considered in context of overall hamlet development.

BALDWIN PLACE A sizable portion of the multi-family units recommended for construction in the Baldwin Place area by the 1973 Plan were directly tied to that Plan's call for extensive office and industrial development on the south side of Route 6 west of the Muscoot River, adjacent to the Town of Yorktown border. The 1994 Plan stated, "The provision of such housing... is considered to be necessary and desirable because of the large number of jobs that will be available." It also stated, "The construction of multi-family housing in these areas should not occur independently of the planned office and industrial development ...it should be closely related to the actual establishment of such uses."

This 1994 Plan eliminated the recommendation for non-residential development west of the Muscoot River. [See Chapter III.] Therefore, the recommendation for multi-family development on the north side of Route 6 west of the Muscoot River, which was intended to balance the non-residential uses, is also eliminated, but maintained the recommendation for multi-family residential units in what was then the GB General Business zoned area. In the 20 years since adoption of that 1994 Plan, the GB district has been rezoned to the NS Neighborhood Shopping District which now permits multi-family housing over stores. There is no minimum parcel size in the NS district, so existing vacant or underutilized parcels could be subject to change and generate multifamily units. The number of units generated could vary depending on the percent of affordable housing provided over the 15% minimum required in the NS district. The old abandoned Baldwin Place Shopping Mall was replaced with the Somers Shopping Center on land rezoned to CS Community Shopping District. A 157 acre parcel running from Mahopac Avenue on the west to the Somers Shopping Center boundary on the east was rezoned to PH Planned Hamlet pursuant to development and adoption of a mixed use concept plan. That plan, which itself has been amended since its adoption, has been partially implemented through approval of two multi-family affordable senior developments – one completed with 72 units for persons 62 years of age and older and one under construction with 75 units for persons 55 years of age and older. The Planned Hamlet concept plan calls for construction of an additional 152 units of multi-family housing along with commercial and office uses.

Since the 1994 Plan identifies the Muscoot River as the dividing line for lands eligible for multi-family units along the Route 6 corridor, all lands east of the river, including residentially zoned parcels between the River and Mahopac Avenue that meet the criterion for designation of the

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MFR district, are eligible for some form of multifamily development. The fact that the zone changes that implemented recommendations of the 1994 plan were creation and mapping of the NS, CS, and PH districts, two of which permit specified types of multi-family housing, calls for a refinement and clarification of the MFR BP zoning text that limits application of the MFR-BP district only to residentially zoned eligible parcels in the Route 6 corridor. This plan revision, therefore, recommends that the MFR-BP district only be applied to parcels zoned R40 Residence District or R80 Residence District with frontage on Route 6, that meet all other criteria of the MFR-BP district.

The uses of land west of the Muscoot River, fronting on Route 6, have been further defined between 1994 and 2014 as a result of development of the Windsor Farm cluster development and the two large parcels secured as part of its approval as Town owned recreation/open space. A parcel of 36+ acres on the north side of Route 6 adjoins the Muscoot River. Since this parcel was approved with the stipulation that no lighting was to be utilized on it, the Town intends to maintain it as an open space parcel. To its west is the cluster Windsor Farms residential development, with other single family home uses along Route 6 and the Whispering Pines nursery parcel, zoned for R-80 residential development, to its west reaching to the Somers town border with Yorktown. On the south side of Route 6 are two large parcels. The first parcel west of and adjoining the Muscoot River, approximately 1,200 feet from the edge of the NS district and approximately 1,500 feet from Mahopac Avenue, is a vacant, 16.7 acre R-80 zoned vacant parcel. Adjacent and to the west of it, reaching the Town border with Yorktown is a 46.7 acre park/open space Town owned parcel, also acquired as part of the Windsor Farm development. It is the intent of the Town to utilize this parcel for active recreation/field space deemed as needed by prior studies.

Based on the above, the development pattern of established and projected land use west of the Muscoot River is characterized by a significant amount of secured park and open space land. The pattern on the north side of Route 6 west of the Muscoot River of open space, single family development and the only large parcel available for future redevelopment that is at a significant distance and separation from the Baldwin Place business area, suggest that this nursery land should continue the R80 single family development pattern established by Windsor Farms into the future. On the south side of Route 6 on the other hand, since the first parcel is in close proximity to the Baldwin Place business district, being approximately 1,500 feet from Mahopac Avenue and adjoining what was originally considered the boundary for application of the MFR-BP district, this undeveloped 16.7 acre parcel should be eligible for multifamily development and act as the boundary for such use prior to a long expanse of designated recreation/open space use to the Yorktown border.

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- (2) Underlying Zoning. In order to receive consideration for designation within the Multifamily Residence Baldwin Place MFR-BP District, a tract shall have an underlying zoning designation of R40 Residence District or R80 Residence District.
- (3) Adjacency to Baldwin Place Business Center Area. In order to receive consideration for designation of the Multifamily Residence Baldwin Place MFR-BP District floating zone, a tract shall have frontage on Route 6 and be located no further than 2,000 linear feet, measured along Route 6, from the centerline of the intersection of Route 6 and Mahopac Avenue as measured to its property line closest to that intersection.
- (4) Development density (Former No. 2)
- (5) Incentive density (Former No. 3)
- (6) Coverage (Former No. 4)
- (7) Maximum building height (Former No. 5)
- (8) Setbacks (Former No. 6)
- (9) Traffic access (Former No. 7)
- (10) Water and sewerage facilities (Former No. 8)
- (11) Drainage (Former No. 9)
- (12) Refuse collection (Former No. 10)
- (13) Underground utilities (Former No. 11)
- (14) Fire protection (Former No. 12)
- (15) Off-street parking (Former No. 13)
- (16) Recreation area and open space (Former No. 14)
- (17) Other requirements (Former No. 15)
- (18) Affordable dwelling units (Former No. 16)

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: April 3, 2014

RE: Project: Hidden Meadow -- Town Board Referral
Applicant: The Kearney Realty & Development Group
Location: 16 Route 6 (Section 15.07 Block 1 Lot 6)
Zoning: R80 Residence District
Actions: Request for Designation of the MF-BP Multifamily Residence Baldwin Place Floating Overlay Zone -- Preliminary Subdivision and Site Plan Approval Application

Application Request:

By original application dated September 27, 2013 and received by the Town Board on September 27, 2013 and by the Planning Board office on September 30, 2013, The Kearney Realty & Development Group seeks to develop a 16.7 acre parcel located on Route 6 that is currently zoned Residence District R-80 with 53 townhouse type dwelling units through application of the Multifamily Residence Baldwin Place MFR-BP Floating Overlay district (Section 170-13.A Town Code) that would permit development at the requested density and unit type. Specifically, there will be 45 townhouses on individual fee simple lots, of which 8 will be affordable. In each of those 8 affordable townhomes, there will be a first floor affordable one-bedroom rental unit to be rented out by the owner of the three-bedroom affordable townhouse building above, for an additional 8 affordable units, or total of 16 affordable housing units.

In furtherance of that original application, the Applicant submitted an application for preliminary subdivision approval and site plan approval with accompanying applications for environmental permits that include those for steep slopes, wetland and watercourse protection, and stormwater management and erosion and sediment control, all dated December 18, 2013. An Application for a tree removal permit with tree removal plan will follow after completion of a tree survey, currently being undertaken.

Background

Preliminary Application for MFR-BP Overlay District and Town Board Actions

At the Town Board meeting of October 10, 2013, the Town Board reviewed the Applicant's preliminary development concept plan and submission letter. After review and discussion regarding the proposal, the Town Board indicated its opinion that the MFR-BP Floating Zone could be applied to this site, but that this opinion was not binding and was subject to all future analyses and studies.

The Town Board decided that the Planning Board was best suited to carry out the SEQR environmental review process. Therefore, the Town Board referred the application to the Planning Board for its review under the procedures of Section 170-13C and, asked the Planning Board to act as lead agency as part of a coordinated review under SEQR (6 NYCRR Part 617).

The additional actions undertaken by the Town Board under Section 170-13C.(1)(a)[5][f] at its meeting of October 10, 2013 included the establishment of an application fee and escrow fee.

Preliminary Actions by Planning Board

Planning Board Meeting of November 13, 2013

- Planning Board declared its intent to establish itself as Lead Agency
- Planning Board determined the Proposed Action to be a Type I Action
- Notice of intent was sent to all involved agencies; responses required by December 19, 2013
- Planning Board in receipt of correspondence indicating no objection to Planning Board as lead agency from:
 - NYC DEP(12-18-13), NYS DEC Ret.3 Division of Environmental Permits (11-25-13),
 - NYS Affordable Housing Corporation (12-3-13),
 - NYS Office of Parks, Recreation & Historic Preservation (12-6-13;11-25-13)
 - Westchester County (11-25-13)

Planning Board Meeting of January 8, 2014

- Planning Board accepts lead agency status

- Receipt of correspondence from Open Space Committee dated November 27, 2013

Planning Board Meeting of February 12, 2014

- Continued Discussion regarding location of recreation space, stormwater and phosphorous issues, information needed by Board for SEQR determination of significance.

Planning Board Meeting of March 14, 2014

- Presentation of alternative locations of recreation area by applicant; determination by Planning Board that it be onsite and in rear of site away from Route 6
- Discuss issues in letters from Watershed Attorney General of February 25, 2014 and March 11, 2014
- Set extra meeting for discussion of EAF Parts 2 and 3
- Request determination by Director of Planning regarding eligibility of site for application of MFR-BP district

Planning Board Meeting of March 25, 2014

- Review of EAF Parts 2 and 3; identification of additional studies to be required or further input necessary to make such determination
- Discussion regarding approach, approved by Town Attorney; regarding steps necessary to consider site eligible for application of MFR-BP site; determination to continue with site and SEQRA review while that eligibility determination is ongoing by Town Board

Basis of Comments

Preliminary Subdivision, Site Plan and Environmental Permit Applications to Planning Board- Considered at Planning Board Meeting of April 9, 2014

- Cover Letter – March 26, 2014
- Tree Removal Permit Application – including check
- Site Plan Set (12 sheets), last revised March 26, 2014.
- Sight Line Profiles – 1 of 1 - March 26, 2014• Appendix A: Full Environmental Assessment Form – Part 1 Attachments.

Nineteen (19) hardcopies of the above referenced items are being delivered to the Town for distribution to the Planning Board (7 copies), Town Board (6 copies), Town Attorney (1 copy). Town Planner (2 copies) and Town Engineer (1 copy), the Army Corps of Engineers (1 copy) and the Westchester County Department of Planning (1 copy). In addition to the hardcopies, twenty-four (24) CD's, with a corresponding letter of transmittal, containing the above referenced items were also sent. The CD's are provided for distribution to the interested and involved agencies under SEQRA.

Plans

- Site Plan Set (12 sheets) **dated March 26, 2014 – Insite Engineering**
 - EX-1 - Existing Conditions Plan,

- SP-1 – Layout and Landscape Plan,
- SP-2 – Grading Plan
- SP-3 – Utilities Plan
- SP-4 – Erosion & Sediment Control Plan
- TR-1 – Tree Plan
- PR-1 – Road Profiles
- LP-1 - Lighting Plan
- D-1 – Details
- D-2 – Details
- D-3 – Details
- D-4 – Details
- SL-1 – Sight Line Profiles – dated March 24, 2014

Prior Submitted Plans

- Preliminary Subdivision Plat – 1-29-14 – Insite Engineering
- Typical Unit Plans – Sheet A1 - Drawing, dated January 16, 2014 – Coppola Associates

Other

- Watershed Inspector General Office Letter – March 11, 2014
- Open Space Committee Memorandum – March 21, 2014
- Westchester County Planning Board Letter – April 1, 2014

Main Issues for Planning Board Meeting of March 12, 2014

Tree Removal, Landscape Plan and Visual Impacts

The Tree Removal Permit Application identifies that 612 trees will be removed as a result of development of the site. The location and caliper of existing trees and those to be removed are identified on drawing TR-1, Tree Plan of March 26, 2014. Drawing SP-1, March 26, 2014, Layout & Landscape Plan, identifies the proposed on-site landscaping intended to provide screening and re-vegetation of the site. A Sight Line Profiles, drawing SL-1 of March 24, 2014 is a depiction of the viewshed impacts of tree removal and site development at two vantage points along Route 6. The MFR district in Section 170-13A.(6)(b) specifies a 30 foot landscape buffer along property lines that abut or are directly across a local street from any property in a residence district. This buffer shall remain in its natural state except as approved by the Planning Board and evergreen or other planting shall be provided except where existing topography and/or landscaping provides adequate screening. In this case, the Planning Board may modify the planting and/or buffer area requirements. Review of the three plans indicates that, with the exception of three evergreens proposed along the main entrance road at the entry curb cut, there is no evergreen vegetation proposed along Route 6 within the 30 foot buffer. A line of evergreens are proposed along the western property line within the 30 foot buffer adjacent to the Town owned park/open space parcel. No landscape buffer is proposed along the south, southeast, or northeast border of the parcel which abut Stonewall Farm, the Algonquin Gas Transmission line, and City of New York Bureau of

Water Supply lands, respectively. As seen on the Sight Line Profiles, the sightline View 1 for someone traveling along Route 6 heading west is of a developed site and interior roadways. At the point at which this view is taken, there are few opportunities for additional planting that would alter this view. However, as that sight line slides east or west along Route 6, there are opportunities for additional landscape or tree planting to fill in gaps in the natural occurring tree plantings. These opportunities exist between tree numbers 164, 165, 168, 169, 170 and 171. Views into the site from sight line View 2 present a more vegetated, less disturbed picture due to existing trees and lower profile of the rising land between existing trees 105, 106 and 107 and 101, 102, 103, within the 30 foot landscape buffer would act to soften views into the site from those traveling east along Route 6, since all existing interior site trees will be removed.

Although the parcel to the south of the site is farmland, the Planning Board should consider whether any additional buffer planting should be provided particularly in the vicinity of Townhouses 26 and 27 which encroach into the required 75 foot yard setback, leaving a 57 foot setback, and which will need approval from the Planning Board for such encroachment as per Section 170-13.A(6)(b). The tree survey shows significant existing tree cover in this rear area, some of which is to be removed in the vicinity of these units. Several trees, including tree No. 492 and 493, are very close to the clearing and grading limit line and may be vulnerable post construction.

The note on all drawings that tree clearing can only be performed between October 1st and March 31st will need to be verified as a result of completion of the SEQR process with regard to impact on sensitive species.

Adequacy of Recreation Areas and Facilities

Drawing SP-1 Layout & Landscape Plan identifies the revised locations for required on-site recreation space as discussed at the Planning Board meeting of March 25, 2014. The 1,400 sf. gazebo and playground area remains the same. A proposed 4,500 sf recreation area containing a 50' by 75' multipurpose recreation field and picnic/barbeque area is now located in the southeast corner of the site between units 27 and 28. The formerly proposed recreation area between units 21 and 22 has been relocated east of the driveway circling behind units 34, 35 and 36. Three thousand (3,000 sf) of a 30' by 50' multi-use sport court completes the required provision of 8,700 square feet of recreation space with a 8,900 sf of recreation space provided.

Introduction of this relocated multi-sport court in this area has required the introduction of two retaining walls of 4 feet and 5 feet in height at lengths of approximately 110 and 95 feet respectively due to topography in this area. The materials to be used for these retaining walls need to be described and depicted on the details plan.

Details of Residential Unit Retaining Walls

In addition, as previously requested, details of materials to be used for all retaining walls shown on the site plan at townhouse driveways also needs to be provided along with the range of heights.

Screening of Garbage Cans for Affordable Units

As indicated in the submission cover memorandum of March 26, 2014, the applicant still needs to submit details of the screening for garbage cans on the porches of the affordable units.

Extension of Timeframe for Determination of Significance Beyond May 2014

At its early meetings with the Planning Board, the applicant agreed to waive the requirement under SEQR that a determination of significance be made within 20 days of establishment of lead agency. The applicant agreed to extend this time period until May of 2014. Given the issues that have arisen, and the additional information that needs to be provided prior to a determination of significance by the Planning Board, the Applicant needs to agree to an extension of this time frame. The Planning Board should discuss such time period with the applicant, but a reasonable time period for such extension would be an additional 4-5 months given additional field work, studies, and Town Board actions that need to be taken.

Response to Westchester County Planning Board Letter – April 1, 2014

Comment 5 - Bee-Line bus – The applicant should provide information to the Planning Board regarding suggested outreach to the County Department of Public Works and Transportation and any outcome regarding ways to provide transit access to the proposed development.

Comment 8 - Internal sidewalk network. The County Planning Board, like the Somers Planning Board, has raised questions regarding the project's internal pedestrian circulation pattern and whether proposed sidewalks provide adequate and safe internal access. Although there has been some revision of sidewalks in the latest March 26, 2014 plan from those in plans reviewed by the County, there may still be a need for additional connectivity throughout the site.

The current March 26, 2014 plan shows sidewalks in three locations: (1) on the east side of Road A from Route 6 to the intersection of driveway C including a widened paved school bus waiting area; (2) on the west side of proposed Driveway C from unit 43A/43B to unit 35; and, (3) on the east side of driveway C from unit 30A/30B through unit 33 and continuing to the end of the visitor parking space across from unit 37A/37B. While these sidewalks provide individual access to and from the school bus pick-up and drop-off area, to the multiuse sport court that must now be accessed from stairs from Driveway C and a defined, hardscape front path to the eight affordable apartments from their on-street

parking spaces, none of these walks are connected to each other or anything else. At a minimum, there should be an extension of the sidewalk fronting the affordable apartments to the school bus access sidewalk at the point where street crossing pavement markings are shown. Also, throughout the project, there should be pavement markings at points where pedestrians are intended to access the other provided recreation facilities. The Board should again consider the County recommendation regarding provision of a sidewalk along proposed roadway B to provide future access to the adjacent Town owned lands for future town park development.

Proposed Amendments to 1994 Comprehensive Master Plan and MFR-BP Zoning District

The Town Attorney will be consulted to determine whether the Planning Board can officially consider the proposed changes to the 1994 Comprehensive Master Plan and amendment to the MFR-BP zoning district prior to its referral from the Town Board. If this issue can be discussed, comments can be considered for finalization at a net meeting for submission to the Town Board. If not, the Board can vote whether a special meeting can be held on the reserved date of Tuesday April 22, 2014.

Cc: Town Board
Town Clerk
Roland Baroni
Open Space Committee
Joe Barbagallo
Ken Kearney
Rich Williams

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MEMORANDUM



TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Robert Wasp, EIT, on behalf of Joseph C. Barbagallo, P.E., BCEE
DATE: April 4, 2014
RE: Hidden Meadow at Somers
Subdivision Plat Application, Site Plan Application
16 Route 6 (Birdsall Road)
TM: 15.07-1-6, R-80 District

GENERAL

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

DOCUMENTS RECEIVED

- Cover Letter, by Insite Engineering, Surveying & Landscape Architecture, P.C., dated March 26, 2014.
- Town of Somers Planning Board: Tree Removal Permit Application, dated March 26, 2014.
- "Sight Line Profiles", Drawing Sheet: "SL-1", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated March 24, 2014.
- "Hidden Meadow at Somers", Drawing Sheets: "1 – 12", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 10, 2013, last revised March 26, 2014; including:
 - "Tree Plan", Drawing Sheet "TR-1", dated March 26, 2014.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Town Board: Application of MFR-BP Zoning District
- Town of Somers Town Board: Water/Sewer District Extension.
- Town of Somers Planning Board: Subdivision Plat Approval



- Town of Somers Planning Board: Site Plan Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- Town of Somers Fire Department: Approval of Proposed Hydrant Locations
- NYC DEP: Approval of Stormwater Pollution Prevention Plan
- NYC DEP: Approval of Sanitary Sewer Connections
- NYSDEC: State Environmental Quality Review
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)
- NYSDOT: Highway Work Permit
- Westchester County Department of Health (WCDOH): Approval of Water and Sanitary Sewer Systems
- Westchester County Board of Legislators: Sewer District Expansion
- Westchester County Planning Board: Approval of Funding
- New York State Affordable Housing Corporation: Approval of Funding

DISCUSSION

The Applicant has provided a revised drawing set and an additional Sight Line Drawing in response to specific comments previously identified by the Town Planner. The project Tree Removal Plan and corresponding tree survey were also included with the revised drawing set. It is our understanding that the provided submittal is intended to address these specific comments and to illustrate the revised site layout containing all required recreational area(s) on-site within the Hidden Meadow property. Under the provided layout, a multi-use sport court is shown located to the west of the proposed sand filter and a proposed multi-purpose recreational field and picnic area have been added within the south-east portion of the development area. The Applicant wishes to obtain additional feedback from the Planning Board on these issues before further design details are advanced based upon the revised site layout.

It should be noted that a conference call between members of the Town of Somers Open Space Committee, the Town Planner, Woodard & Curran and the Applicant was held on the morning of April 1st, 2014. A summary of the call discussion and planned actions to be taken was forwarded separately by email to members of the Planning Board on April 3rd for review.



The majority of our outstanding review comments, as identified by our previous memorandum, dated March 7, 2014, remain unchanged due to the limited scope of the provided submittal. We look forward to the Applicant's presentation at the upcoming Planning Board meeting and will provide further technical review when more detailed design documents are submitted.

The status of all previously identified comments as well as new comments is shown in **Bold Type**. Further comments will be issued upon review of more detailed design submittals.

1. The NYC DEP has issued review comments for the project based upon preliminary project sketch plans that were provided to the DEP prior to receipt of the current Applicant submittal. NYC DEP comments shall be considered in coordination with engineering comments provided by this memorandum. **Partially Addressed, Additional NYC DEP comments have not yet been received in response to the Applicant's January comment response memorandum. Project review by the NYC DEP will continue as design development progresses with final NYC DEP satisfaction confirmed through approval of the project SWPPP.**
2. Our office has reviewed project review comments that have been offered by the office of the Watershed Inspector General, as referenced in their letter dated February 26, 2014. Several of these comments match the outstanding concerns already raised by our previous reviews of the draft Stormwater Pollution Prevention Plans and phosphorous loading calculations, as referenced within this memorandum. **Some of the identified WIG comments related to the project phosphorous loading calculations have already been addressed by the revised project submittal. Other outstanding issues, especially those related to erosion and sediment control and design details must be incorporated as the Applicant continues to develop their design following additional input of the Planning Board. The Applicant indicated at the March 6th meeting that it will be working directly with the WIG to resolve remaining issues. We will continue to assist the Planning Board and the office of the WIG to make sure that all applicable comments are addressed as project design development progresses.**
3. It has come to our attention through recent discussions with the New York State Office of the Attorney General, Watershed Inspector General, that in accordance with the Clean Water Act, additional requirements are applicable for projects located within the TMDL watershed of the Amawalk Reservoir. These requirements are in addition to those regulations already required by the NYSDEC SPDES program and the Enhanced Phosphorous requirements of the Stormwater Management Design Manual. The Applicant shall prepare a site specific phosphorous loading analysis that compares pre development to post development conditions. *Partially Addressed, It is our understanding that compliance under the NYSDEC TMDL program is obligated through the General SPDES Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP-0-10-002). In accordance with of Part IX (A)(5)(b) of the Permit, Somers Town Code requires that "post-construction stormwater management controls are designed in accordance with the most current version of the technical standards of the NYSDEC*



Stormwater Management Design Manual, including enhanced phosphorous removal standards” to address phosphorous loading concerns.

In response to the ongoing discussion about the applicability of Phosphorous Loading analysis to this project, the Applicant has provided a preliminary pre versus post construction phosphorous loading comparison for the project. We have reviewed the provided phosphorous loading calculations and offer the following comments for consideration at this time.

- a. *The Applicant should consider a weighted average of proposed ground surface conditions (impervious, developed open space) in calculation of post construction phosphorous loading. **Addressed.***
- b. *The Applicant has cited 70 percent phosphorous load reduction by the proposed stormwater treatment practices. The currently accepted phosphorous load reduction approach under the East of Hudson Watershed Stormwater Retrofits Program establishes phosphorous load reduction credits based values established in the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) manual, dated December 2009. In addition, it is stated that when two stormwater practices are utilized in series (treatment train approach), that 100% of available load removal credit for the first practice shall be applied, and only 50% load removal credit for the second. **Partially Addressed.** The Applicant has revised load reduction calculations to reflect the acceptable reduction credit for practices in series.*

*The Applicant has cited Chapter 10 of the NYSDEC Stormwater Management Design Manual for obtaining 70% phosphorous removal. This figure is calculated by averaging the removal efficiencies for particulate and soluble forms of phosphorous (80% and 60%, respectively) specified as treatment performance goals under Section 10.1.3 for design compliance with Chapter 10. While this may be acceptable given the heightened design requirements of Chapter 10, our office will need to confirm with the NYSDEC that 70 percent phosphorous removal is appropriate for consideration on this project and for this watershed. **Addressed.***

- c. *As of July 2012, the NYSDEC has updated surface effluent phosphorous concentrations to include a category for developed open space, (described as large residential lawns, parks, golf courses). The phosphorous load concentration for this surface type is specified as 0.59 mg/L. The Applicant should consider this surface type for load calculations corresponding to large areas of open lawn within the development. **Addressed, The Applicant has referenced appropriate effluent phosphorous concentration values as specified by the NYSDEC for use in the EOHWC stormwater retrofits program.***
- d. *The Applicant’s phosphorous loading analysis does not consider the same total development area for pre versus post development conditions. An additional 1.0 acre that is included under post-development appears to be associated with the drainage area of the eastern proposed pocket wetland area. The Applicant should consider this area for comparison of phosphorous loading under pre-development conditions. **Addressed.***



4. The Applicant has prepared a preliminary Stormwater Pollution Prevention Plan (SWPPP) and drawings to describe proposed project stormwater infrastructure. The following comments are related to our review of the proposed site stormwater plan and systems.
 - a. The Applicant has provided water quality volume calculations within the project SWPPP for the sizing of stormwater treatment infrastructure. Chapter 10 of the New York State Stormwater Management Design Manual requires that projects located within the NYC DEP East of Hudson watershed calculate water quality volumes considering the 1 year design storm rainfall based upon total watershed area following upon the SCS (Curve Number) methodology. The provided water quality volumes have been calculated considering the 1 year design storm through the Chapter 4 Water Quality Volume equation, which is not applicable based upon Chapter 10 of the Stormwater Manual. The Applicant shall calculate water quality volumes based upon the SCS method. **Addressed.**
 - b. The Applicant shall prepare hydraulic pipe design calculations for all proposed stormwater conveyance pipe. Hydraulic calculations shall demonstrate adequate capacity to convey runoff collected by the 100 year design rainfall without surcharging. **Not Addressed, To be provided with future submittals.**
 - c. The Applicant shall update the plans to indicate rim and invert elevations on all stormwater infrastructure. **Not Addressed, To be provided with future submittals.**
 - d. The Applicant shall provide a construction detail for the proposed underdrain located to the west of the Townhouses. **Addressed.**
 - e. The Application proposed to construction a Pocket Wetlands Area (NYSDEC Type W4). The following comments are based upon our initial review of the proposed wetlands design.
 - i. The Applicant shall prepare a Wetlands Planting Plan based upon Appendix H of the NYSDEC Stormwater Management Design manual. **Not Addressed, To be provided with future submittals.**
 - ii. The NYSDEC Stormwater Design Manual requires that pretreatment of stormwater flows is required prior to introduction to the stormwater wetland area. While it is noted that a portion of stormwater flows are routed to pretreatment prior to the proposed surface sand filter, stormwater flows are also allowed to flow directly to the wetland area from catch basin referred to as "6P" in the HydroCAD report. The Applicant shall show a pretreatment forebay or identify alternative pretreatment measures at the proposed discharge location into the wetland area. **Partially Addressed, Project drawings and additional details have been provided to demonstrate that an adequate forebay has been sized within proposed Pocket Wetland (1.2). The Applicant must however provide flow dissipation measures at inlet pipe discharge location to the forebay to attenuate the 100 year design flow.**



- iii. The Applicant shall prepare a profile construction detail for the proposed wetland area that shows all applicable invert elevations for the proposed wetland system. **Addressed, Acceptance of provided construction details will be confirmed through review of the final SWPPP.**
- f. The Applicant proposes to construct a surface sand filter as part of the proposed site stormwater infrastructure. The following comments are related to our review of the proposed surface sand filter design.
 - i. The Applicant shall provide site investigation data to demonstrate minimum 2 foot vertical separation between the invert of the proposed sand filter and groundwater/bedrock. **Partially Addressed, Provided preliminary field investigation data, as depicted on drawing sheet "ST-1" suggests adequate separation in the general vicinity of the proposed sand filter. Adequate vertical separation will be confirmed by future deep hole excavations to be conducted within the proposed sand filter practice.**
 - ii. The Applicant shall provide sizing design calculations for the proposed surface sand filter based upon the NYSDEC Stormwater Management Design Manual (SWMDM), latest edition. **Addressed.**
 - iii. The Applicant shall revise the surface sand filter design to include an underdrain as required by the SWMDM. The Applicant shall revise the provided HydroCAD analysis to remove stormwater infiltration from being considered at the proposed sand filter. Stormwater is intended to be collected by the system underdrain after flowing through the filter media and would be discharged to the stormwater wetland area. **Addressed.**
 - iv. The Applicant shall provide a construction detail and sizing calculations for the proposed hydrodynamic separator unit located prior to the surface sand filter. **Partially Addressed, The requested hydrodynamic separator construction detail shall be provided with future submittal.**
- g. The Applicant proposes to utilize porous pavement for a portion of the proposed unit driveways and also on the lower roadway within the development. Porous pavement systems must be designed in accordance with Chapter 5 of the NYSDEC SWMDM. The following comments are based upon our initial review of the proposed porous pavement areas.
 - i. The Applicant shall provide a construction detail for the typical porous pavement installation, including all cross section materials and depths. **Not Addressed, To be provided with future submittal.**
 - ii. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils. **Partially Addressed, Preliminary field investigation data has been provided at this time. The Applicant**



states that additional field investigations will be completed and utilized as the design basis for proposed porous pavement systems.

- iii. The Applicant shall provide sizing details for porous pavement areas. Consistent with the NYSDEC SWMDM, porous pavement system stone reservoirs must be designed to contain runoff volume from the 10 year design storm without flooding. **Not Addressed, To be provided with future submittal.**
 - h. The Applicant shall provide sizing calculations for all permanent stormwater swales based upon runoff generated by the 100 year design storm event. **Not Addressed, To be provided with future submittal.**
 - i. The Applicant shall provide design details for the proposed level spreader at the combined stormwater outfall adjacent to the site entrance. The Applicant shall consider spreading stormwater discharge over a wider level spreader trench adjacent to the existing wetlands or may wish consider a secondary stabilized discharge location adjacent to the proposed surface sand filter. Greater distribution of discharged stormwater flows will better replicate existing hydrologic conditions for the existing wetland areas. **Partially Addressed, The provided construction detail for typical Level Spreader does not depict required sizing dimensions. The Applicant shall revise the construction detail to reflect the requirements of the NYSDEC New York Standards and Specifications for Erosion and Sediment Control, latest edition, based upon the identified 100 year design flow peak discharge for each location. The Applicant shall consider other options for releasing water upgradient from the proposed Pocket Wetland area (1.2). The purpose being to replicate to the greatest extent practicable the existing wetland hydrology and to avoid concentration of flow that could increase erosion and impact receiving trout streams.**
 - j. The Applicant shall prepare a draft Stormwater Maintenance Agreement for review and acceptance by the Consulting Town Engineer and Town Attorney. **Partially Addressed, Draft easement review comments will be communicated directly to the Applicant's Engineer.**
 - k. **Improvements to the shoulder of US Route 6 are subject to the design standards, review and approval of the NYSDOT. The Applicant shall provide supporting design documents related to Route 6 improvements for review and record by the Consulting Town Engineer.**
5. The Applicant proposes to construct common access roadway to serve the Townhouse development and future access to the adjacent Town owned parcel. While it is unknown if a portion of the site roadway may be dedicated to the Town of Somers in the future, site roadway must be designed in accordance with the Somers "Town Road A" design standards. The following comments relate to our initial review of the proposed site roadway. It should be noted that the provided Traffic Analysis is not included within the review scope of our office. **It is our understanding that the Applicant does not wish to dedicate constructed roadways to the Town of Somers. Public access will instead**



be provided through an easement on the identified "Road A" and "Road B" from Route 6 to the adjacent Town owned parcel on the west side of the Hidden Meadow project. The Applicant shall prepare draft easement agreement documents for review by the Consulting Town Engineer and Town Attorney.

- a. The Applicant shall prepare a roadway profile for the site that identifies stations, grades and vertical curves throughout the roadway layout. **Addressed.**
 - b. In accordance with the Somers Town Code, the Applicant must show that proposed roadway slopes will not exceed 3% grade within 60 feet of all proposed intersections. **Partially Addressed, The provided roadway profile indicates that 5 percent grades will be provided within 60 feet of proposed roadway intersections. The Applicant requests this consideration citing that if 3 percent grades are incorporated, large amounts of additional cut will be required for site earthwork. From an engineering perspective, we conceptually feel comfortable that the Planning Board consider this request as similar intersection grades were permitted to be incorporated on proposed extension of Clayton Boulevard associated with the Somers Realty Phase II Subdivision project. However final determination should be made once the site plan is further developed.**
 - c. Site grading contains a steep elevation change of approximately 24 vertical feet between the proposed lower roadway and pocket wetland area. The Planning Board should consider if protective guardrail should be incorporated along the outer edge of roadway along this steep embankment. **Addressed.**
6. The Applicant shall update the site Erosion and Sediment Control Plan to depict all proposed temporary soil stockpile areas. **Partially Addressed, The project drawings have been updated to identify temporary soil stockpile areas. Final location and limits of all stockpile areas shall be coordinated with the Land Disturbance Phasing Plan and Site Earthwork Plan, to be included with future Applicant submittals.**
 7. The Applicant shall revise the provided construction detail for typical drainage catch basin to specify a Campbell Foundry Type 2541 frame and grade, and show top of frame set 1 inch below surrounding pavement, as specified by Town Code. **Addressed.**
 8. The Applicant shall revise the provided construction detail for typical drainage manhole to specify a Campbell Foundry Type 1203 Frame and Cover. Proposed covers shall read the word "DRAIN" as specified by Town Code. **Addressed.**
 9. The Applicant's SWPPP and Environmental Assessment acknowledge that a phased construction approach is necessary to ensure that no greater than 5 acres of land are disturbed at one time. The Applicant shall develop a land disturbance phasing plan that is coordinated to the proposed description of construction sequence and Erosion and Sediment Control Plan. **Not Addressed, To be provided with future submittal.**
 10. The Applicant has provided preliminary documents to describe the anticipated earthwork and grading for the proposed site development. The following comments are based upon our initial review of the preliminary earthwork documents that have been received.



- a. The provided Environmental Assessment Form (EAF) indicates that approximately 14,000 cubic yard of excess cut will be generated by the proposed site construction. The Applicant shall develop a proposed earthwork plan that will be coordinated with the land disturbance phasing plan. The earthwork plan shall include a proposed earthwork map that indicates the depth and volume of cut and fill placement throughout the entire proposed area of disturbance. The plan shall also describe the limits and approximate height of all temporary stockpile areas and should detail the intended schedule of truck loading and hauling operations. **Not Addressed, The Applicant states that the proposed earthwork plan will be developed and included with future Application submittal.**
 - b. Based upon the volume of earthwork that is proposed for the site, there is high potential for encountering bedrock and shallow groundwater. The Applicant shall conduct site investigations (soil borings and deep hole excavations) to explore the existing subsurface conditions within the area of development. The Applicant shall provide a profile view which depicts subsurface soil strata and depth to bedrock and groundwater based upon investigation findings. **Addressed, The Applicant indicates that preliminary field investigation has suggested that bedrock and groundwater will not be encountered during construction. Absence of shallow bedrock and groundwater will be confirmed during completion of additional field investigation activities.**
 - c. The provided EAF indicates that the maximum excavation depth will be approximately 15 feet below existing grade. The Applicant should note that description of temporary excavation bracing and dewatering operations must be included in the proposed earthwork plan. **Addressed.**
 - d. The Applicant shall prepare a rock removal plan to describe rock excavation activities during construction. The rock removal plan shall estimate rock removal quantities and shall describe the limits of and methodology intended to be used for rock excavation. **Addressed. The Applicant states that rock removal is not anticipated as necessary by the scope of proposed construction at this time.**
11. The provided EAF indicates that outdoor lighting will be constructed as part of the proposed development. The Applicant shall show all intended outdoor light fixtures on the proposed site plan. The Applicant shall prepare a site photometric plan to depict illumination levels based upon the layout and intensity of light fixtures. *Not Addressed, The site layout plan depicts conceptual lighting locations, but provides no details on lighting fixtures or proposed photometric levels. Further lighting design details shall be provided with future submittals.* **A preliminary photometric plan has been included with the current submittal. The plan identifies that there will be no additional illumination at or in the vicinity of the western, southern and eastern property lines. Average photometric levels along site roadways are generally depicted as less than 0.5 foot-candles. Based upon our review of the provided photometric plan, we feel comfortable that the depicted site illumination does not appear to be above what would be appropriate for such a development. We look forward to providing the Planning Board with further input on this issue as project review progresses.**



12. Review of NYS Environmental Resource Map data for project site indicates that no records of endangered or threatened animal species exist in the vicinity of the development. Federal Wildlife Service records, however indicate that the Northern Long Eared Bat, as recently registered on December 2, 2013 has been proposed for the Endangered Species List and may inhabit the project area. The Applicant shall contact the NYSDEC to confirm that Environmental Resource Map data is current and address whether the species is of concern within the project area. *Partially Addressed, Our office has reviewed the provided "Endangered Species Habitat Sustainability Assessment and Wetland Report", prepared by Ecological Associates, LLC, dated January 22, 2014 and offers the following comments related to endangered species habitat at this time: Our office is in receipt of the Town of Somers Open Space Committee (OSC) memorandum, dated February 26, 2014. While we note that the Applicant has completed acceptable ecological survey(s) of the existing site for presence of protected species and associated habitat area, based upon NYSDEC and United States Fish and Wildlife program requirements, the Westchester County Parks Department also maintains an Endangered Species List that was adopted in Somers by the Town Board at its August 11, 2011 meeting.*

While no clear regulatory framework exists for the evaluation or enforcement of this local Endangered Species List, such species are of special interest to the Town of Somers. We recommend that the Planning Board consider if additional study of the project site should be undertaken for the presence of locally protected species, not captured by State or Federal endangered species lists. Based upon such study findings, additional mitigation to address potential habitat concerns may be necessary. We look forward to working further with the OSC to ensure that all vegetative and wildlife species that are of special interest to the Town of Somers are adequately protected and that necessary mitigation can be provided.

13. Town of Somers regulated wetlands are located on the project site downgradient of the proposed area of disturbance. These wetland limits were delineated by the Applicant and confirmed by a Woodard & Curran Wetlands Scientist on August 21, 2013. The Applicant shall provide a Wetlands Impact Analysis prepared by a certified wetlands scientist to analyze any potential impacts to the existing wetlands based upon the proposed site hydrologic conditions. *Partially Addressed, Our office has reviewed the provided "Endangered Species Habitat Sustainability Assessment and Wetland Report", prepared by Ecological Associates, LLC, dated January 22, 2014 and offers the following comments related to wetlands impact and proposed mitigation at this time:*

- a. *Town of Somers regulated wetlands are located on the project site down gradient of the proposed area of disturbance and off site in the area of proposed road improvements. These wetland limits were delineated by the applicants consultant and confirmed by a Woodard & Curran Wetlands Scientist on August 21, 2013. The Applicant has provided a Wetlands Impact Analysis prepared by a qualified environmental professional.*

Based upon the concerns raised by the OSC memorandum, dated February 26, 2014, our office has suggested that the Planning Board consider if additional site evaluation is necessary to determine the presence of locally



protected species of vegetation and wildlife. Possible impacts to regulated wetland areas will be re-evaluated after additional information is provided related to species on the Westchester County Endangered Species List.

14. The Applicant has provided preliminary design calculations and details for the proposed water service and sanitary sewer connections to the proposed development. Our office has completed initial review of these design calculations and has issued comments as cited below. It should be noted that these comments reflect our review of the conceptual level of detail that has been provided and that additional comments will be issued upon future submittal of detailed design documents: **Woodard & Curran review comments related to the design of water supply and wastewater systems have been acknowledged by the Applicant and will be addressed by future Application submittals. Review of proposed site water and wastewater engineering will continue upon the receipt of additional design information.**

Wastewater Engineering Report

- a. Section 2 - The estimate of maximum day flows shall use the Westchester County Health Department guidelines for flows per bedroom. **Not Addressed.**
- b. Section 2 - The design of the sanitary sewer conveyance and pumping system shall be based around the peak hourly flow, not the maximum daily flow, with consideration for pump station fill time at more typical flows. **Addressed.**
- c. Section 4 - It is noted that design calculations for the pump station and force main discharge will be included in future submittals. **Partially Addressed. Preliminary calculations were provided and additional detail will be provided in future submittals, as noted.**
- d. Section 4 - Future discussion of pump station design should include system controls and emergency power. **Not Addressed.**

Water Engineering Report

- e. Section 2 - The estimate of maximum day flows shall use the Westchester County Health Department guidelines for flows per bedroom. **Not Addressed.**
- f. Section 2 - The design of the potable water distribution system shall be based around the greater of the peak hourly flow or fire flow demands, not the maximum daily flow. **Addressed.**
- g. Section 3 - Please provide additional information on water distribution system demands in the Windsor Farms district to justify the availability of adequate flow and pressure, as well as additional information on the fire flow test, including the location of the hydrant that was opened and the time of day of the test. We note that there was a significant drop in residual system pressure during the fire flow test, which was run at a relatively low flow for a 10-inch diameter pipe. Please comment on whether the observed residual pressure drop is due to friction losses in the pipe or if the meter pit is restricting the available flow. **Partially Addressed. A discussion of fire flow requirements and availability along with calculations was provided, and is noted to be expanded in future revisions**



of the report. The significant residual pressure drop was not discussed; The Applicant should evaluate whether the existing 6” meter is appropriately sized given the added demand.

- h. Section 3 - It is noted that additional review of flow availability will be required when the project's fire flow requirements are known. **Not Addressed.** It is noted in the report that more detail on fire demands will be provided in future revisions of the report.

Utility Plan and Details

- i. SP-3 - Some portions of the water and sewer main alignments do not appear to meet the required 10-foot horizontal separation. Please confirm that adequate separation exists in future submittals. **Addressed.**
 - j. SP-3 - While we note the preliminary nature of these plans, an initial review of the proposed pump station location does not show much space or provisions for access, controls, and emergency power. **Not Addressed.**
 - k. D-2 - We note that the details and notes are inconsistent with each other and with the Engineering reports with regards to water main material (i.e. PVC water main in detail on sheet D-2, class 54 ductile iron pipe in notes on sheet D-2, class 52 ductile iron pipe in Engineer's report). Please review and correct for subsequent submittals. **Partially Addressed. Notes on Sheet D-2 match the Engineer's report (both specify class 52 ductile iron), however the PVC detail remains.**
 - l. D-2 – Please provide clarification about the method of pipe restraint. There is a detail for thrust blocks on D-2, the notes specify Field Lok mechanical joints, and the Engineer's report calls for Mega-lug fittings for restrained joints. **Not Addressed.**
 - m. The Applicant shall prepare a utilities profile to illustrate all layout of sanitary sewer and water service infrastructure in profile view. **Not Addressed.**
15. The proposed site layout will create a steep slope embankment along the western property line adjacent to Town-owned parcel. The Planning Board may wish to consider if a temporary chain link fence should be incorporated in the plan along the top of embankment on the property line. **Comment satisfaction is subject to acceptance by the Planning Board**
16. The grading and utilities plan does not include proposed electrical service utilities for the development. Future plan submittals shall include the proposed layout of site electrical service and must include documentation that proposed electrical demand may be met by existing electrical infrastructure available on the Route 6 corridor. **Addressed.**
17. The proposed site layout includes construction of access roadway terminating at the eastern property boundary of the adjacent Town of Somers owned parcel (the Windsor Farms parcel). It is our understanding that the Town of Somers may wish to pursue development of a conceptual park layout for adjacent Town owned parcel so that it can be coordinated with the current applications. Coordination of conceptual plan development should be contemplated by the Planning Board during review of the subject application.



Comment progress to be further discussed at the upcoming meeting of the Planning Board.

18. The Applicant shall prepare a Tree Removal Plan that identifies all trees to be removed on the site. The Tree Removal Plan shall include a schedule that lists all trees to be removed by species and caliper and also shows all trees to be protected during construction. *Not Addressed, To be provided by future Application submittal. Addressed.*
19. The provided site layout depicts the conceptual location of recreational playground facilities within two areas the proposed development. At the February 6, 2014 meeting between Town officials and the Applicant, alternatives to this playground layout were discussed. Please refer to the Town Planner memorandum, dated February 7, 2014, for a summary of meeting discussion.

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

Sincerely,

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

Robert Wasp, EIT, CDT
Assistant Consulting Town Engineer

On behalf of,

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

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