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PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

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SOMERS, NY 10589

John Currie, Chairman
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Christopher Foley
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

SOMERS PLANNING BOARD
AGENDA
MAY 13, 2015
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for March 11, 2015 and March 25, 2015.

SEQRA

1. **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.
   Review of Negative Declaration.

INFORMAL APPEARANCE WITH SKETCH PLAN (CONTINUED)

2. **SOMERS CROSSING [TM: 17.15-1-15.1]**
   Application for an Informal Appearance with Sketch Plan associated with a proposed action for which the Town Board is Lead Agency under SEQRA that includes amendments to the Town of Somers Zoning Ordinance to create a new Multifamily Residence Downtown Hamlet (MFR-DH) Floating Zone District and the approval of the preliminary development concept plan including a grocery store and an 80 unit multifamily residential community.

PROJECT REVIEW

3. **NORTH COUNTY HOMES, WETLAND, STEEP SLOPES, TREE PRESERVATION AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 36.20-1-59]**
   Application of North County Homes (applicant) and Thomas Caracciolo (owner) for property located on the west side of Bedell Road for permits for the construction of a single family home, well and septic system.
   Consideration of a Resolution of Conditional Approval.

4. **GRANITE POINTE FINAL SUBDIVISION [TM: 27.05-3-2,5]**
   Application for Final Subdivision Approval, Wetland, Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits.
   Application for Final Subdivision Approval for property located on the east side of Route 118/202, adjacent to the Amawalk Reservoir and located in an R-40 Zoning District. Property is owned by Suelain Realty, LLC. for the development of 23 lots in a Cluster Subdivision.

5. **GREENBRIAR SOMERS CORP. [TM: 6.14-1-28, 29]**
   Application for Wetland, Steep Slopes, Tree Permit, and Stormwater Management and Erosion and Sediment Control Permits for property located on the north side of Greenbriar Drive for the construction of 2 residential townhouse units with connection to existing utility lines and roadway.

Next Planning Board Meeting is Wednesday June 10, 2015
Agenda information is also available at www.somersny.com

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MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: May 6, 2015
RE: Somers Realty Planned Hamlet – Phase III Subdivision
Subdivision Plat Application
Route 6 and Mahopac Avenue
TM: 4.20-1-13,14,15, PH

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 Application that has been submitted for the parcel located at 50 Route 6. This subdivision application has been filed and is being reviewed in conjunction with a site plan application by Avalon Bay Communities, Inc. for the construction of 152 housing units located on proposed subdivision parcel Lot 3A. The Application proposes to further subdivide the existing 59.0 acre Lot 3 to create five (5) new lots that include the Avalon Bay Communities parcel, Village Green, and lots for future commercial development and construction of the proposed firehouse. The SEQR process relative to the Master Plan subdivision was completed in February 2009 through Planning Board acceptance of the Final Environmental Impact Statement (EIS) and approval of the Planned Hamlet.

Land disturbance relative to this subdivision application is limited to the extension of Clayton Boulevard, construction of proposed Town Roads "B", "C", "D" & "E" and improvements to the U.S. Route 6 shoulder, construction of stormwater management practice areas as well as construction of utility infrastructure to serve the new development. The following documents were received during the current review period:

DOCUMENTS RECEIVED

- Cover Letter, by Insite Engineering, Surveying & Landscape Architecture, P.C., dated April 22, 2015.
- Memorandum, by Maser Consulting, P.A., dated April 15, 2015.
- Drawings: "Somers Realty / Phase III", Sheets: "MC-1" & "W-1", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated June 6, 2014, last revised April 22, 2015.
- Drawings: "Somers Realty / Phase II SWPPP Amendment", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated April 22, 2015.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Approval of Modifications to Master Plan**

- Town of Somers Planning Board: Subdivision Plat 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 Architectural Review Board Approval
- Town of Somers Open Space Committee Approval
- Town of Somers Fire Department: Approval of Proposed Hydrant Locations
- NYC DEP: Approval of Stormwater Pollution Prevention Plan
- NYC DEP: Approval of Variance for Construction of New Impervious Surfaces
- NYSDEC: State Environmental Quality Review**
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
- NYSDOT: Highway Work Permit
- Westchester County Department of Health (WCDOH): Approval of Water and Sanitary Sewer Systems
- Westchester County Department of Health (WCDOH): Realty Subdivision Approval
- United States Army Corp of Engineers: Wetlands Permit

**** - If proposed development activities are determined by the Planning Board to warrant modification of the previously approved Master Plan and/or require additional review under SEQR.**

DISCUSSION

The provided submittal focuses primarily on resolution of specific comments necessary for consideration of a Negative Declaration, including amendment of the Phase II subdivision SWPPP to provide adequate stormwater management and erosion and sediment controls for soil hauling activities associated with removal of the stockpile. The Applicant has prepared an updated stormwater management and erosion control plan and detail sheets to describe the proposed controls within the stockpile loading area and hauling route. In addition, the current submittal includes an updated Master Plan Conformance drawing sheet and Wetland Impact comparison drawing sheets.

Our office has completed review of the provided comments. Although some technical comments remain to be addressed, including the proposed stockpile hauling plan and wetlands mitigation, all substantial engineering issues necessary for consideration of a Negative Declaration by the Planning Board have been addressed.

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This submittal focuses on specific comments related to the stockpile hauling plan and assessment of wetlands disturbance. As a result, the comment status of the most previously identified comments remains unchanged from our previous memorandum. The status of all previously identified engineering comments as well as new comments is shown in **Bold Type.** It should be noted that additional comments may be added following the receipt of revised documents and design details.

1. The Applicant has provided a drawing sheet titled "Master Plan Conformance Drawing" that compares the new proposed layout of the phase III planned hamlet subdivision development to the Master Plan. Unlike the previous Lot 3 subdivision development, the currently proposed layout is concentrated within a development cluster at the center of Lot 3A, surrounding the Village Green area. The western portion of proposed Lot 3A is now identified as a future reserve parcel and proposed "Town Road D" has been shortened from the approved planned hamlet layout.

   Provided subdivision construction drawings "SP-3.1" – "SP-3.3" depict the proposed limits of project disturbance relative to anticipated site disturbance that was contemplated during Master Plan approval. In general, overall site disturbance has been reduced by the proposed development layout. The following is a summary of observed key modifications from the approved Planned Hamlet Layout

   - The plans identify the south-western portion of Lot 3A as a "reserve parcel" where development is no longer proposed by the planned residential development. **Comment No Longer Applicable. The proposed subdivision plat has been revised and now identifies the former Lot 3A as proposed Lot 6 (no longer a reserve parcel). The Applicant's provided comment response indicates that the Lot is currently being marketed towards nursing care facilities, consistent with discussion at the August 2014 meeting of the Planning Board.**
   - The limits of proposed disturbance have been expanded slightly in western portion of Lot 3A, adjacent to the proposed intersection of Clayton Boulevard and U.S. Route 6. This expanded disturbance is shown to allow for the construction of shoulder/turning lane improvements on U.S. 6 and for the construction stormwater management practices. A portion of this area is located within the limits of identified Town Wetland Area "A" and its associated wetland buffer as well as the buffer of the NYC DEP watercourse. **No further comment necessary.**
   - A balanced cut/fill is no longer proposed for the Subdivision development. Approximately 60,000 cubic yards of excess cut material is identified to be removed from the site by the provided project documents. **Addressed. The existing stockpile has been surveyed as approximately 70,000 cubic yards. The Applicant proposes to export approximately 45,000 cubic yards of excess soil volume as discussed in further detail below.**
   - The location / size of proposed stormwater management practices has been modified from the Approved Master Plan, based upon the revised development layout. **No further comment necessary.**

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The Planning Board should consider during the course of project review if these modifications warrant modification of the Master Plan approval or if new potential project impacts require additional review under SEQR.

2. The site development activities involve greater than 2 acres of site disturbance and require review and approval of the project SWPPP by the NYC DEP. In addition, project disturbance requires the approval of a variance from NYC DEP for the construction of new impervious surfaces within the limiting distance of identified watercourses and wetlands.

   Variance approval for this project is specifically related to the proposed extension of Clayton Boulevard to its intersection with U.S. Route 6 where crossing of identified "Town Wetland A" and a NYC DEP identified watercourse is required. In addition, the layout of "Town Road D" is shown to be constructed through a portion of identified "Town Wetland E". Satisfaction of NYC DEP requirements for issuance of a variance was identified on Planning Board Resolution No. 2013-01, under "On-going Conditions Required After Signing of Plat", Condition No. 2, to be completed prior to any further development on Subdivision Lot 3. The Applicant shall be required to review both of these crossings with the NYC DEP, obtain all required variances and address all NYC DEP requirements to achieve issuance of necessary permits and approvals. **Not Addressed. The Applicant indicates that application for variance is currently being prepared for submittal to NYC DEP.**

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 proposed Lot 3 subdivision development layout has been modified from what was contemplated at the time of Planned Hamlet approval and the conclusion of project SEQR review. Based upon this understanding, the Applicant shall prepare a site specific phosphorous loading analysis that compares the current proposed post development conditions to those post development conditions that were reviewed at the point of Master Plan approval. The Planning Board shall determine whether additional study is required as part of project review. **Addressed. The Applicant has provided a pollutant loading analysis for phosphorous with the current project submittal. It is noted that the provided analysis compares the proposed planned hamlet development, inclusive of the MEWS Phase I and Phase II lots, to the pre-development existing conditions. The analysis findings indicate that the proposed stormwater management practices yield a slight net reduction of annual phosphorous loading from the overall development.**

   Acceptance of pollutant loading analysis findings will be confirmed receipt of the final design SWPPP and construction drawings.

4. The Applicant has prepared a preliminary Stormwater Pollution Prevention Plan (SWPPP) and drawings to describe proposed project stormwater infrastructure. Our office has commenced review of the provided hydrologic and hydraulic design calculations and stormwater management practices and will continue our review as further more detailed

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design submittals are received. The following comments are related to our initial review of the proposed site stormwater plan and management practices.

a. The Applicant shall include additional required elements within future complete SWPPP submittal as specified by Somers Town Code Chapter 93 and the NYSDEC SPDES General Permit for Construction Activity (GP-0-15-001). Additional required elements include but are not limited to, stormwater practice maintenance and inspection worksheets to be used by the Qualified Inspector, and a Contractor Certification Statement. **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. *Partially Addressed. Review of the project SWPPP has commenced and preliminary comments are available at this time. It should be noted the latest 2015 edition of the NYSDEC Stormwater Management Design Manual provides a rainfall depth of 9.0" for the 100 year storm that should be utilized for hydrologic and hydraulic design assessments.* **Addressed.**

c. The Applicant shall update the plans to indicate rim and invert elevations on all stormwater infrastructure on subsequent more detailed submittals. **Addressed.**

d. The Applicant shall revise the SWPPP to include the Post Development HydroCAD Model Node Routing Diagram on a full size letter page. **Addressed.**

e. The provided Master Plan Conformance Drawing sheet identities that Stormwater Design Point 2 receives a watershed of 27.8 acres, while the provided HydroCAD report considers a drainage area of 33.17 acres. The Applicant shall revise the project documents to reflect the correct drainage area. **Comment No Longer Applicable.**

f. The Application proposed to utilize Surface Sand Filters (NYSDEC Type F-1) as a treatment practice for stormwater collected within identified subcatchments 2.1, 3.1 and 3.3 within the development. The following comments are applicable to our review of the preliminary sand filter sizing calculations and details that have been provided at this time:

    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. The Applicant has provided preliminary testing data with the current submittal. Further site investigation is being undertaken and data results will be included with future submittal.* **Addressed.**

    ii. The Applicant shall provide sizing calculations for sand filter pretreatment sediment forebays, based upon the formula specified by Section 6.4.3 of the NYSDEC Stormwater Management Design Manual, latest edition. **Addressed.**

iii. The Applicant shall provide a site specific construction detail for proposed surface sand filters, consistent with the NYSDEC Stormwater Management Design Manual, latest edition. The construction detail should include a summary table to identifies all applicable inverts for each sand filter practice. **Addressed.**

iv. The Applicant shall update the plans and detail to utilize 8" diameter perforated pipe as the filter underdrain. **Addressed.**

v. The provided HydroCAD hydrologic model data for proposed sand filters does not accurately represent practice stormwater volume storage for the design rainfall events. The Applicant shall revise the HydroCAD report to model sand filter exfiltration so that filter basin storage is accurately represented over required design storms. The Applicant may contact our office directly if further clarification is desired on this matter. **Addressed. The provided modeling data demonstrates adequate capacity within proposed sand filter practices.**

vi. **The Applicant models proposed sand filters 2.1P and 3.3P in HydroCAD considering that neither sand media or perforated underdrain pipe will function as the "controlling orifice" in the hydraulic model. The Applicant should contact our office directly to discuss this modeling approach.**

vii. **The Applicant proposes to utilize only a small portion of basin area within sand filter 3.3P for filtration of stormwater as required by NYSDEC filter sizing footprint. The Applicant shall address how sediment filter cross section materials will be constructed to provide filtration only through a portion of the filter basin area as shown.**

viii. **NYSDEC recommends that perforated pipe underdrains should be installed considering a 3' width of collection influence. The Applicant shall detail the enlarged sand filter design drawings to show underdrain placement and frequency.**

g. The Application proposes to construct Pocket Wetlands Area (NYSDEC Type W-4) as a treatment practice for stormwater collected within identified subcatchments 2.1S and 2.3S. The following comments are based upon our initial review of the proposed wetlands design calculations that have been provided at this time.

i. The Applicant shall prepare a Wetlands Landscaping Plan based upon Appendix H of the NYSDEC SWMDM. The Applicant shall consider the placement of chloride tolerant plant species in development of the Landscaping Plan. **Not Addressed. To be provided with future detailed SWPPP submittal.**

ii. The Applicant shall prepare a profile view construction detail for the proposed wetland area with a summary table that shows all applicable invert elevations for the each proposed pocket wetland system. **Addressed.**

iii. Provide wetland sizing calculations that show that a storage volume of at least 10% of the required water quality volume is provided within a micropool at the wetland outlet control structure. **Addressed.**

iv. Update the layout plan to demonstrate that required planting setbacks are provide between the maximum water surface elevation and adjacent structures. **Addressed.**

v. **The plans appear to note the basin invert of Pocket Wetland 2.3 as 530.5', while the HydroCAD model and cross section detail identify 528.0'. The Applicant shall confirm that the illustrated grading is correct as intended.**

h. The Applicant proposes to construct an Extended Detention Stormwater Pond (NYSDEC Type P-1) 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 identify the existing groundwater elevation at the proposed pond site relative to the proposed pond invert. *Partially Addressed. The Applicant has provided preliminary testing data with the current submittal. Further site investigation is being undertaken and data results will be included with future submittal.* **Addressed.**

ii. The Applicant shall prepare a profile view construction detail for the proposed Extended Detention Pond with a summary table that shows all applicable invert elevations of the proposed practice. **Addressed.**

iii. Provide sizing calculations that demonstrate a storage volume of at least 10 percent of the calculated water quality volume is provided within the pond inlet forebay. **Addressed.**

iv. Provide a calculation of pond surface area relative to drainage area, as defined by Section 6.1.4 of the NYSDEC SWMDM. **Addressed.**

v. Demonstrate that an aquatic bench (maximum ponding depth of 18 inches) is provided surrounding all deep water pools in excess of 4 feet depth. **Addressed. Pond grading to be confirmed upon receipt of the final design SWPPP and design drawings.**

vi. Update the layout plan to demonstrate that required planting setbacks are provide between the maximum water surface elevation and adjacent structures. **Addressed.**

vii. The Applicant shall prepare a Landscaping Plan for the stormwater pond and buffer consistent with the requirements of the NYSDEC SWMDM, latest edition. The Applicant shall consider the incorporation of chloride tolerant plantings for the Landscaping Plan. **Not Addressed. To be provided with future detailed SWPPP submittal.**

viii. **Update the HydroCAD model for Extended Detention Pond 3.2P to consider the proposed emergency overflow spillway as an additional outlet device.**

i. The Applicant proposes to utilize porous pavement for a portion of Proposed Town Road "D" within the eastern portion of the subdivision 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. **Addressed.**

   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. **The Applicant states that the proposed porous pavement installation will not be contemplated towards project stormwater management objectives and goals, and is proposed to conform with conditions of prior planned hamlet approval.**

   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. **Comment No Longer Applicable. Refer to Comment No. 4 (l)(iii), above.**

j. The Applicant shall provide sizing calculations for all proposed water quality swales/dry swales as referenced on the project drawings and SWPPP. The Dry Swale design must demonstrate compliance with Section 6.5 of the NYSDEC SWMDM. **Partially Addressed. Further design details for the proposed dry swale practices will be reviewed upon receipt of the final SWPPP and drawings. The following sub-comments related to the proposed dry swales shall also be considered:**

   i. **Minimum 2 foot separation to rock ledge and groundwater must be demonstrated for proposed Dry Swale 2.6P.**

   ii. **Provide a construction detail for proposed Dry Swales that illustrates design consistency with Chapter 6 of the NYSDEC SMDM.**

   iii. **Update design drawings to identify proposed underdrains as required for Dry Swale practices.**

k. The Applicant shall provide sizing calculations for proposed spillways and stabilized outlet protection practices based upon peak runoff flows resulting from the 100 year design storm. Sizing calculations and associated construction details

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shall demonstrate that stormwater flows are discharged in a manner that minimizes the potential for erosive impacts to downgradient land surfaces and receiving wetlands/watercourses. *Partially Addressed. Provided hydraulic analysis will be reviewed upon review of the final SWPPP. The Applicant should include a stabilized outlet protection design summary table to detail the stone size and dimensions for each outlet practice based upon the hydraulic peak flows discharged.* **Addressed.**

l. Provided drawing sheet "SP-2.3" depicts that bypassed stormwater from proposed Surface Sand Filter "3.3" will be routed through stormwater piping towards drainage design point 3. The project plans to not illustrate the termination and stabilized outlet control device of the identified stormwater pipe. The Applicant must update the plans to show the proposed pipe outlet and associated flow dissipation measures. **Addressed.**

m. The Applicant shall prepare a draft Stormwater Maintenance Agreement for review and acceptance by the Consulting Town Engineer and Town Attorney. **Partially Addressed. The Applicant has included a draft Stormwater Maintenance Agreement (SMA) with the current submittal. Our office has commenced review of the agreement and will provide our specific comments directly to the Applicant's Engineer.**

n. The SWPPP shall include sizing calculations and design details for the pipe culverts proposed below "Town Road D" **Not Addressed**

o. The SWPPP shall include sizing calculations and design details for the permanent stormwater swale proposed along the shoulder of U.S. Route 6 shown to discharge to the Water Quality Swale practice 2.4 P. **Partially Addressed. The SWPPP includes design calculations for the proposed swale in Appendix K. It is noted though that while design calculations consider a peak flow of 4.5 cfs, the provided HydroCAD report identifies a peak runoff rate of 6.8 cfs. The Applicant shall clarify the intended design flowrate. In addition, it is noted that the maximum slope of the proposed swale is evaluated at 10.0%. The Applicant must update the swale design to enhance stabilization (check dams, rip-rap, erosion control blanket) for all slope portions greater than 4.0%. It should be noted that NYSDOT acceptance may be necessary for all improvements along the shoulder of U.S. Route 6.**

p. The Applicant states that proposed Extended Detention Pond practice "3.2P" has been designed considering stormwater runoff for future development on Lot No. 6. Although detailed stormwater design analysis will be completed as part of site plan review for the Lot No. 6 parcel, the Applicant must provide supporting calculations to demonstrate excess capacity for future mitigation, necessary space and layout provisions are provided by proposed Pond 3.2P to allow for such future development. **Partially Addressed. The provided HydroCAD assessment considers runoff from adjoining areas including 1.4 acres of impervious surface contemplated from proposed Lot 6 and the firehouse parcel. Although detailed design will be developed as part of the future site plan**

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application for Lot 6 and the Firehouse Parcel, the Applicant must quantify allocations for new development based upon the available excess capacity in proposed receiving stormwater basin 3.2P. Allocations must be sufficient to demonstrate that the future contemplated development may be constructed while maintaining required attenuation of stormwater peak flows.

q. **The Applicant shall update the HydroCAD model to consider the flow splitters proposed for stormwater collected from Drainage Areas 3.1S and 2.1S.**

r. **The Applicant shall update the SWPPP to include a construction detail and design data for the proposed Hydrodynamic Separator structure. Manufacturer specific inspection and maintenance requirements must be detailed in the project SWPPP.**

s. **The Applicant shall update the SWPPP to include post-construction maintenance and inspection requirements for green infrastructure practices proposed on the Avalon Bay Communities site plan. Additional practices include rainwater cisterns, rain gardens, porous pavement and Bioretention filter areas.**

t. **Correct the reference on page 16 of the SWPPP to indicate that inspections will occur twice weekly by the Qualified Inspector, consistent with the updated NYSDEC SPDES General Permit.**

u. **The project proposes to discharge peak flows of 24.5 c.f.s and 87.8 c.f.s. for the 10 year and 100 year design storms, respectively, to the existing drainage culvert under U.S. Route 6 at Design Point No. 2. Although it is noted that the proposed flows are calculated to be less than pre-development conditions, the Applicant shall confirm that the existing culvert remains in an acceptable condition to be relied upon in long term, and whether improvements to the existing culvert will be required by NYSDOT as part of their approval process. The Applicant must also provide that appropriate legal instruments are in place for use and operation/maintenance of the culvert pipe (that extends through private property) to manage flows from the Somers Realty site.**

v. **The NYSDOT letter, dated February 26, 2014 indicates inadequate drainage facilities along U.S. Route 6 were only temporarily addressed. The letter also indicates that a permanent solution has not been resolved and that drainage impacts from the entire impact must be considered.**

The Applicant shall respond to the NYSDOT letter and will be required to address stormwater attenuation to the Department's satisfaction. Final details of the proposed stormwater measures must be incorporated into the development SWPPP and will be reviewed by the Consulting Town Engineer.

5. The Application proposes to construct new roadways intended for future dedication to the Town of Somers. These roadways are shown on the site drawings to include the

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extension of Clayton Boulevard (formally Town Road "A") as well as the construction of other roadway segments, Town Roads "B", "C", "D" & "E". The provided submittal includes proposed roadway profiles on drawing sheet "PR-1" as well as a construction detail based upon "Town Road A" code standards. Based upon our review of the provided information, the following Town Code requirements are not met by the proposed Roadway Design and are intended for consideration by the Planning Board:

a. Three (3) percent maximum grade within 60 feet of all Town Road intersections.

b. Minimum 100 foot length of tangent between reverse curves

c. Minimum K value of 35 for sag vertical curves

The following additional comments are applicable to our review of the roadway design documents:

a. The Applicant shall update the plan to identify approximate sight distance at all proposed road intersections of Clayton Boulevard, including the connection to U.S. Route 6. **Partially Addressed. Sight distance at the proposed intersection of Clayton Boulevard and U.S. Route 6 has been identified on the Highway Improvement Plans by Maser Consulting. The Applicant indicates that traffic study and analysis for other proposed intersections was previously completed during review of the Planned Hamlet. It is our recommendation that at a minimum, the Applicant should update the plan to reference sight distances determined by previous analysis at proposed intersections within the development. Identification of sight distance will allow for verification that the proposed site grading has not changed apparent line of sight of intersections in an unsafe manner that would warrant further analysis and design consideration**

b. Town Code §150-24(E) requires that sight easements be provided across all corners at intersections, outside the street right-of-way, to allow for maintenance of a clear line of sight for traffic at the intersection. The Applicant shall provide the necessary documents to comply with sight easement requirements of Town Code. **Partially Addressed. Easement agreement documents will be included with future submittal.**

d. 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. **Partially Addressed. The provided application submittal includes Preliminary Highway Improvement Plan drawings by Maser Consulting for U.S. Route 6. While it is noted that the provided drawings are preliminary in nature, we would like to offer the following comments for consideration at this time:**

    i. **The proposed layout of the curb island/median within Clayton Boulevard at the intersection with U.S. Route 6 must be coordinated with the project drawings by Insite.**

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ii. **Provide details for the proposed relocation of fire hydrants located on the shoulder of U.S. Route 6. The Applicant shall provide fire hydrant appurtenances that are satisfactory to the Town of Somers Fire Department, if new replacement fixtures are proposed.**

iii. **Proposed highway improvement work must be sufficiently described and detailed in the project construction sequence.**

iv. **Design of proposed drainage and utility infrastructure within the proposed area of the highway improvements must be coordinated with required burial depths as noted on the plans by Maser Consulting.**

6. The Applicant has included preliminary erosion and sediment control plan elements as contained on drawing sheets "SP-3.1" – "SP-3.3" and the project SWPPP. The following comments are based upon our review of the preliminary erosion and sediment control plan and should be incorporated in future more detailed plan submittals:

   a. The plans identify that Extended Detention Pond 3.2P and Pocket Wetland Area 2.2P will be utilized as temporary sediment traps during construction activities. The Applicant shall address the following comments relative to the proposed temporary sediment traps:

      i. Provide temporary grading and/or notes on the erosion and sediment control plan to demonstrate that the proposed invert of each sediment trap is a minimum of two feet higher than the proposed final inverts of the stormwater management practice. The Applicant shall include a note that all accumulated sediment must be removed from the temporary sediment traps prior to excavation of subgrade for the proposed stormwater management practices. **Not Addressed. To be provided with future application submittal.**

      ii. Provide sizing details for proposed sediment traps consistent with the requirements of the NYSDEC New York Standards & Specifications for Erosion & Sediment Control, latest edition. **Not Addressed. To be provided with future application submittal.**

      iii. Provide a construction detail for typical sediment trap consistent with the NYSDEC New York Standards & Specifications for Erosion & Sediment Control, latest edition. **Not Addressed. To be provided with future application submittal.**

   b. Update the plan to show an additional stabilized construction entrance at the end of the Clayton Boulevard Phase II hammerhead turn-around, for use by construction traffic upon completion of Phase II construction activities. **Addressed.**

   c. Revise the layout of silt fence as shown on sheet "SP-3.1" located adjacent to southwest corner of the proposed Extended Detention Pond to capture upgradient disturbance by the proposed elevation 536' contour. **Addressed.**

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d. The Applicant shall update the plan to show the location of proposed roadway monuments. The drawings shall include a construction detail for typical roadway monument consistent with Town Code requirements. **Addressed.**

e. The erosion and sediment control plan shall consider if additional measures are necessary to minimize temporary impacts from proposed construction activity to the nearby stormwater management practices and pump station part currently in construction as part of the Phase II planned hamlet development. **Not Addressed. Review of the erosion and sediment control devices and design of the proposed water quality swale to be constructed will be completed upon receipt of future detailed submittal.**

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 and show top of frame set 1 inch below surrounding pavement, as specified by Town Code.. Proposed covers shall read the word "DRAIN" as specified by Town Code. **Addressed.**

9. The Applicant shall revise the provided construction detail for proposed wood guardrails to address the following comments, as required by Town Code Section §A174-28:

   a. Revise the detail to utilize a support post equivalent or equal to a 12" diameter circular pressure treated timber post. **Comment No Longer Applicable. Proposed guardrail posts are noted be consistent with those installed as part of the Phase II Subdivision Development.**

   b. Revise the detail to specify the minimum embedment of the post footing as 3'-6" below ground surface and identify exposed post height as 2'-3.5" above ground surface. **Addressed.**

   c. Revise the detail to note that posts shall be spaced at four feet on-center. **Addressed. It should be noted that proposed guardrail post spacing should be kept consist with spacing provided by guardrails part of the Phase II subdivision development.**

10. The Applicant is required to satisfy Town of Somers Fire Department requirements for the construction of firefighting measures within the proposed subdivision development. The Applicant shall update the plan to identify the proposed locations of fire hydrants and truck pull-off locations, as determined by the Town of Somers Fire Department. **Partially Addressed. The Applicant indicates no comments were received following review of the plan by the Somers Fire Prevention Bureau. The Applicant shall provide documentation of no objection by the Somers Fire Prevention Bureau, prior to final approval of the proposed subdivision.**

11. The provided plans depict that street trees are proposed to be planted along the Clayton Boulevard extension, south-west of proposed Town Road B. The Applicant should note that specific requirements for street tree plantings are provided by Town Code §150-22

(D). The Applicant shall revise the construction detail intended for street tree plantings to reflect the required town code standards. **Addressed.**

12. The Applicant's SWPPP acknowledges 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, Erosion and Sediment Control Plan, and related comments provided under Comment No. 14, below. **Not Addressed. Project land disturbance phasing plan to be prepared with future application submittal.**

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

    a. The provided project documents indicate that as a result of the revised layout, a balanced cut fill is no longer feasible for the proposed development. As a result of these changes, a net export of approximately 60,000 cubic yards of material is anticipated to be transported off-site as a result of construction activities. An estimate of this earthwork and the associated truck traffic from export activities is included on the provided Short Environmental Assessment Form, that was prepared by the Applicant.

       A large portion of the material to be exported is identified to be taken from the soil stockpiles that were generated during Phase II of the Somers Realty Subdivision and MEWS Phase II projects. These projects are still in construction and must be coordinated with the development proposed by the Phase III subdivision construction. The following sub-comments summarize our concerns related to the proposed soil export activities:

       i. The Planning Board should consider whether the proposed net soil export for the site warrants additional review under SEQR. *Not Addressed. Detailed earthwork calculations have not been included at this time. The Planning Board should consider whether the Applicant's Comment response that peak traffic from off-site hauling of extra cut volume does not warrant additional review under SEQR.* **Addressed. Proposed net export has been calculated as 45,000 cubic yards of soil material. The Applicant has provided an analysis of truck trips that considers 6 cycles (12 truck trips) per hour.**

       ii. The Applicant shall develop a proposed final earthwork plan that is 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. To be prepared with future application submittal.**

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iii. The Applicant shall provide structural measures to minimize dust generation during fill export activities. These plan elements must be coordinated with the Land Disturbance Phasing Plan and project erosion and sediment control plan within the SWPPP. **Partially Addressed. To be confirmed upon receipt of the Land Disturbance Phasing Plan and final Erosion & Sediment Control Plan.**

iv. The Applicant shall characterize all soils planned for export to demonstrate compliance with NYSDEC DER-10 and CP-51 guidance document standards for exported fill material. **Not Addressed.**

b. The Applicant shall prepare a rock removal plan to describe rock excavation activities during construction. The rock removal plan shall estimate rock removal quantities based upon the revised development layout and shall describe the limits of and methodology intended to be used for rock excavation. **Not Addressed. To be prepared with future application submittal.**

14. The provided plans do not depict any street lighting to be constructed within the proposed Town Roads and associated development areas. While it is understood that this information may be included in a future more detailed design submittal, the Applicant should note that all proposed street lighting, if proposed, must be shown on a future plan submittal. A project photometric plan that depicts illumination levels based upon the layout and intensity of light fixtures must be also prepared for review if street lighting is proposed. **Addressed. The provided comment response indicates that all proposed street lighting is shown on the drawings prepared by Milone & MacBroom. No additional street lighting within the Somers Realty Subdivision is proposed.**

15. Town of Somers regulated wetlands are located on the project site within the vicinity of the proposed subdivision development. These wetland limits were previously delineated by the Applicant and were most recently confirmed by NYC DEP representatives on May 19, 2014. The Applicant shall provide a Wetlands Impact Analysis prepared by a certified wetlands scientist that analyzes any potential impacts to the identified wetlands based upon the proposed site development and hydrologic conditions. Part of such Wetlands Impact Analysis will require the preparation of a Wetlands Mitigation Plan that restores any ecological functions that may become disturbed/impaired as a result of the development activities. The Applicant shall prepare a Wetlands Mitigation Plan that includes a planting plan for proposed disturbance to all wetlands and regulated buffer areas. It should be noted the proposed wetland mitigation impact analysis and mitigation plan are also subject to the permit conditions and requirements of the NYC DEP and U.S. Army Corp of Engineers. *Partially Addressed. Assessment of existing wetland function and proposed impacts relative to those impacts contemplated under Master Plan approval was previously provided by the Applicant. Due to changes in the site layout necessitated by updated stormwater management design requirements, additional disturbance to regulated "Wetland A" beyond those contemplated at the time of SEQR review for the Planned Hamlet are proposed. Most specifically increased disturbance is created by construction of proposed Pocket Wetland 2.3P. and swales on the shoulder of U.S. Route 6.*

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Our office has commenced review of new wetland disturbance as illustrated on the current plans. The following preliminary sub-comments should be considered based upon the increased disturbance to "Wetland A":

a. *The Applicant must prepare a summary of wetland and wetland buffer disturbance proposed for Wetland A quantified in square feet. The disturbance summary should include comparison to those quantities contemplated during Master Plan review.* **Addressed. Provided drawing sheet "W-1" identifies increased wetland and wetland buffer disturbance as 0.10 and 0. 06 acres for "Wetland A", respectively. It is noted that overall wetland buffer disturbance has decreased by 0.28 acres within the Hamlet.**

b. *The Planning Board should also consider that increased wetland disturbance is a modification from Master Plan SEQR findings and may warrant additional assessment and mitigation as determined following receipt of future submittals.* **The proposed Wetland Mitigation Plan that was developed as part of Master Plan FEIS contemplated a mitigation area of 0.85 acres to be created. Considering current proposed wetland disturbance of 0.53 acres, the proposed mitigation area exceeds the 1.5:1 restoration ratio as required by Town Code. Final comment satisfaction is subject to determination of the Planning Board.**

c. *Documentation of Army Corp Wetland Permit issuance must be provided upon Applicant receipt.* **Not Addressed.**

d. **The Wetlands Mitigation Plan that was developed as part of the Master Plan FEIS proposed several measures intended to minimize impacts to and restore ecological functions of existing wetland and buffer areas to be disturbed. The Applicant shall update the drawings to illustrate proposed mitigation measures as discussed in the FEIS Wetlands Mitigation Plan. These features include but are not limited to:**

   i. **Identification of wetland buffer restoration plantings.**

   ii. **Construction of Cape Cod style curbing within portions of Town Road D and the proposed Lot 6 access driveway.**

   iii. **Construction of Porous Pavement within portions of Town Road D within 50' of Wetlands D and Wetland E**

   iv. **Dimensional details for proposed culvert crossings beneath Town Road D.**

   v. **Development of an updated Wetlands Construction Inspection and Monitoring Plan consistent with the FEIS required elements.**

16. The Applicant has provided preliminary design layout for the proposed water main extension within Clayton Boulevard. Further detailed design documents have not been submitted at this time but are expected with future application submittals. Our office has completed initial review of the provided information and has identified the following comments as cited below. It should be noted that these comments reflect our review of

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the conceptual level of detail that has been provided and that additional comments will be issued upon future submittal of detailed design documents:

Water Main Extension

a. The Applicant shall provide a profile view drawing of the proposed water main extension. The profile shall demonstrate that adequate vertical separation is provided at all proposed pipe crossings as shown on the project layout plan drawings. **Not Addressed. Applicant states that future submittal will include water main profile.**

b. Update the plans to identify size and material of the proposed water main extension and connections. **Addressed.**

c. Provide a construction detail for the proposed water main connection to the existing public supply main located within the U.S. Route 6 Right of Way. **Addressed.**

d. Provide an Engineering Report with supporting calculations for the proposed water main extension. **Not Addressed. Applicant states that future submittal will include an updated Engineer's Report, coordinated with AvalonBay and the Town.**

e. Thrust blocks or restrained joints shall be required at all bends and fittings, including caps and tees. Include thrust block or restrained joint table or detail. **Addressed.**

f. The Applicant shall update the plans to include conceptual design provisions for utilities to serve future development on the Lot No. 6 parcel. Design considerations for water service demand and sanitary sewer loading must be coordinated with designs currently being prepared by Avalon Bay Communities. **Addressed.**

g. Revise the plan to note where tapping sleeve and cap connection details are to be used (i.e., note at Route 6: Connect new 10" water main to existing 10" water main with tapping sleeve and valve, per detail [...]). **Addressed.**

h. The provided hydrant detail shall call out stainless steel tie rods instead of galvanized. **Addressed.**

i. Include construction details for proposed valve box I and utility/sanitary sewer crossing and separation. **Addressed.**

j. Update the plan to note pipe size for stub to Avalon Bay development. Avalon Bay plans call for 8" water main. **Not Addressed. The proposed water service connection to the Avalon Bay site is depicted inconsistently with the Avalon Bay site plan drawings.**

17. The grading and utilities plans do not include proposed electrical and gas service utilities for the development within the proposed Town Roads. Future detailed plan submittals shall include the proposed layout of site electrical service and gas service mains within the Phase III subdivision development. **Not Addressed. Utility information to be incorporated into future application submittals.**

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18. Provided drawing sheets "SP-1.1" – "SP-1.3" include a survey of existing site trees and identify all trees to be removed as a result of development activities. The Applicant shall clarify if any existing trees are proposed to remain following project completion and will require protection during construction activities. The Applicant shall update the layout plan to label all trees to be protected during construction and must include a construction detail for typical tree protection, if proposed. **Addressed.**

19. The provided project drawings show that the western portion of proposed Lot 3A, where development is no longer proposed by the residential site plan application at this time, is now identified as a "Reserve Parcel". The Applicant shall clarify if their intent is to develop the identified "Reserve Parcel" at a later time, and if future development is contemplated, describe how access to the parcel with be provided. It should be noted that separate access to this parcel from Mahopac Avenue was not considered under the previously completed Planned Hamlet SEQR process, if such an access route is proposed. *The provided cover letter indicates that the previously identified reserve parcel is now included in the current subdivision as Lot 6 and will be marketed towards a senior living facility. It should be noted that future SWPPP and stormwater design document submittals must consider development of Lot 6 as part of the post development site condition.* **Partially Addressed. Refer to Comment No. 5(p)**

20. The revised plans show the layout of Town Road B has been extended to the southern parcel property line as was considered at the time of Master Plan approval. The Applicant is responsible for contemplation of stormwater runoff flows from future roadway construction within the Town Road B right of way and must coordinate with Avalon Bay Communities for the creation of necessary easement area(s) for the location stormwater management practices if such practices are determined to be necessary. **Not Addressed.**

21. **The Applicant proposes to install additional stormwater management and erosion and sediment controls prior to initiation of soil hauling with the portion of the soil stockpile planned for export (45,000 cubic yards). The plan proposes the portion of the stockpile shown to remain (25,000 cubic yards) in a manner that minimizes the height of stockpile and contains the majority of potential runoff within a shallow depression at the center. The following sub-comments relate the proposed Subdivision Phase II SWPPP amendment and stockpile export hauling plan:**

    a. **A Surety must be posted for the portions of Clayton Boulevard planned to be traversed during stockpile hauling operations. The Applicant must prepare a cost estimate for determination of the surety amount based upon the cost for milling and repaving of the asphalt top course on Clayton Boulevard between the stockpile access driveway and the intersection of U.S. Route 6 and Clayton Boulevard. The Applicant will be responsible to document the existing condition of Clayton Boulevard and associated curbing and catch basins prior to start of soil hauling.**

    b. **The Applicant shall submit the report template intended to be used during weekly stockpile hauling reports prepared by the Qualified Inspector.**

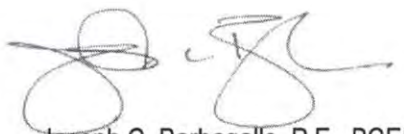
    c. **It should be noted that the proposed hauling plan considers use of 30 cubic yard hauling trailers as opposed to tri-axle style dump trucks. The Planning**

Board reserves the right to limit the use of hauling vessels to smaller tri-axle dump trucks if hauling conditions are deemed to compromise safety to traffic and pedestrians.

d. **The Applicant is responsible to complete characterization of export soils prior to start of hauling operations. Please refer to comment No. 13(a)(iv) above.**

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

Sincerely,



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

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: May 13, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

This Negative Declaration is a supplement to the full EIS process completed for the Somers Realty Planned Hamlet Master Plan and the Findings Statement adopted on February 10, 2009.

The Town of Somers Planning Board, continuing as Lead Agency has determined that the Proposed Action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Somers Realty Planned Hamlet Master Plan Phase 3 Subdivision and Master Plan Modification for Somers Realty Corp.,

SEQR Status: Type I

Conditioned Negative Declaration: _____ **Yes**

_____**X**_____**No**

Description of Action:

The current proposed action consists of the following components:

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 to the Master Plan and potential modifications of environmental impacts include the following items: (1) shortening of proposed Town Road B due to consolidation of Avalon development plan such that the extension from the end of the development will be provided as an unpaved/unimproved Town right-of-way rather than as a paved right-of-way with easements provided for future stormwater management; (2) consolidation of AvalonBay site plan resulting in excess material due to imbalance of cut and fill for the entire site and therefore the need for additional export from the site of stockpiled material from construction of Clayton Boulevard associated with the Mews 2; (3) additional area required for stormwater

management facilities due to compliance with January 2015 Revisions of NYS Stormwater Design Manal and NYC DEP 2010 Watershed Rules and Regulations; (4) Minor disturbance outside of the designated Clearing and Grading Limit Line in area adjacent to Clayton Boulevard near the Route 6 entrance; (5) Potential permanent loss of some portion of prior envisioned 30,000 square feet of mixed professional office/retail/restaurant use from the north side of Clayton Boulevard; considered for construction on the south side of Clayton Boulevard as a result of the Phase 2 approval process. Future replacement of assisted living facility on Lot 6 to be accessed by extension of entry boulevard to Avalon at Somers project; (6) Provision of a looped water supply system along Route 6 connecting to that system to be provided by yet to be approved Hidden Meadow development; (7) Net decrease in size of northern drainage area and associated decrease in impervious surface and net increase in acreage of southern drainage area and associated increase of impervious surface with related change in stormwater runoff peak flows at the four drainage design points of the Master Plan; (8) change in calculated phosphorous effluent load and resulting reduction due to modified calculation methodology following the latest recommendations of the NYS Office of the Attorney General Watershed Inspector General (a net reduction in phosphorus is still maintained for the project), new phosphorous concentrations by NYSDEC and revised site and stormwater management practices layout; (9) Reduced demand flowrates (utilizing latest NYSDEC published flow rates) for water and wastewater systems for residential development;(10) Change in the quantity of wetland disturbance resulting from increased disturbance to regulated wetland A due to stormwater management practices ; (11) Change in fiscal impacts and school children generation due to change from owner occupied residential development to a renter occupied residential development; (12) Change in design guideline setbacks from paved road surfaces; (13) Change in Village Green Design to incorporate active playscape and picnic area; (14) Change in provision of completed Road D leading to adjacent land locked parcel; (15) Sidewalks to be provided outside boundaries of parcels to be subdivided and owned by Avalon; (16) Change in provision and location of required residential parking spaces.

These are modifications from the Somers Realty Planned Hamlet Master Plan and the potential environmental impacts studied in the EIS that was the subject of the SEQRA Findings Statement of February 10, 2009. While many are identified in the short form EAF provided, some required further analysis which is set forth herein to determine that they are not significant changes to the approved Master Plan and that their resulting potential environmental 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) 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 (7.1 acres) is the parcel to be accessed via a shared entry boulevard also serving the Avalon development for a proposed relocated assisted living facility (7.1 acres).

3. *Steep Slopes Permit*
4. *Wetland and Watercourse Protection Permit*
5. *Stormwater Management and Erosion and Sediment Control Permit*

Location: Clayton Boulevard and Route 6, Somers, Westchester County NY – Further subdivide prior created Lot 3 of Tax Map Sheet 4.20, Bl.1 lot 15 to 7.7 acre lot; Tax Map Sheet 4.20, Block 1. Lot 18

Reasons Supporting This Determination:

This determination of significance is based upon the Somers Realty Planned Hamlet Master Plan DEIS of July 2007, the Somers Realty Planned Hamlet Master Plan FEIS of December 2008, the Somers Realty Planned Hamlet Master Plan Development Lead Agency' SEQRA Findings Statement of February 10, 2009, the Short Environmental Assessment from Part 1 dated June 9, 2014, and all subsequent correspondence and reports submitted in support of the proposed Somers Realty #3 Subdivision Application including Preliminary Stormwater Pollution Prevention Plan dated June 6, 2014 and updated September 17, 2014 and February 18, 2015, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C..

The Planning Board has conducted its own independent review and analysis of the information provided and the potential environmental effects from the proposed project. It has reviewed Part 1 of the Short Environmental Assessment Form (EAF), the Subdivision Application form, Steep Slopes Permit, Wetland and Watercourse Protection Permit and Stormwater Management and Erosion and Sediment Control Permit forms and preliminary subdivision plat prepared by the applicant and its consultants.

Comments on the preliminary subdivision plat have been submitted by the Town Director of Planning and the Town Consulting Engineer and these comments have been reviewed and discussed at the Planning Board meetings of July 9, August 13, October 8, November 12, December 10, 2014 and January 28, March 11, April 8 and May 13, of 2015.
Based upon all of the information generated for the proposed project and its own careful and through independent review and public discussion of the potential environmental effects, including those taken at the public hearing opened on November 12, 2014, continued on December 10, 2014 and January 28, 2015 and closed on March 11, 2015, the Planning Board completed a Part 2 of the Short Form EAF and identified a number of moderate to large potential impacts with regard to those previously identified in the Findings Statement of February 10, 2009 with respect to use or intensity of use of land, an adverse change in the existing level of traffic, impact to public/private water supplies, and adverse change to natural resources.

In addition, due to modifications in the adopted conceptual Planned Hamlet Master Plan as part of the determination of significance of impacts compared with those identified in the original DEIS and FEIS or in the Findings of February 10, 2009, the Part 3 EAF gives the option of preparing a Part 3 EAF "if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact".

Part 2 – Impact Assessment.

See Attached

Part 3 - Determination of Significance

2. Will the proposed action result in a change in the use or intensity of use of land?

The proposed action will result in a change in intensity of use of the land that is different when compared with that proposed in the conceptual Master Plan, resulting in some development outside the prior established Clearing and Grading Limit Line (CGLL). This is due to increased regulatory requirements related to implementation of stormwater treatment practices and adjusted layout of the proposed roadway systems. The increase in disturbed area around Route 6 is approximately 1.8 acres. Of that, approximately 50 per cent was previously disturbed during NYSDOT required shoulder and stormewater conveyance improvements in 2009, and the remaining 0.9 acres is being disturbed to provide additional stormwater management practices. Although this portion of the disturbance is greater than what was proposed during review of the Master Plan, there is a decrease in overall site disturbance from 51.2 acres to 50.5 acres by the current proposed CGLL. In addition, the proposed disturbance to land and existing geologic surface features is the same as were contemplated during review of the conceptual Master Plan. As such, the area of increased disturbance surrounding Route 6 has been deemed insignificant. Accordingly, it is the determination of the Planning Board that there is no significant additional impact beyond that previously discussed and mitigated.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Additional traffic to be generated will be from construction traffic related to the imbalance of cut and fill due to consolidation of the AvalonBay site plan resulting in excess material and the need for additional export from the site of stockpiled material from construction of Clayton Boulevard associated with the Mews I and 2. Whereas the original plan resulted in a balanced site, there is now an excess of 70,000 cubic yards of soil stockpile of which 25,000 cubic yards will be used on site, leaving 45,000 cubic yards of soil to be exported from the site. It is now planned that soil export will begin prior to project construction to decrease impacts of construction related traffic on the surrounding roads. It is noted that the soil stockpile shall be stabilized prior to its removal from the site. The maximum number of truck trips anticipated are 12 truck trips per hour

(6 in and 6 out) for approximately one and a half (1.5) to two (2) months prior to the construction phase of the project based on information provided by the applicant in a memorandum dated April 15, 2015. These are anticipated to take place over a period of six to eight weeks, based on an eight (8) hour workday beginning at 8AM and ending at 4PM, Monday to Friday only. It is anticipated that the existing Clayton Boulevard entrance adjacent to the Somers Commons Shopping Center will be used. Considering a worst case scenario, the left turn movement out of Clayton Boulevard will experience an increase of 1.3 seconds in delay time over existing conditions in the AM Peak Hour and an increase in delay time of 8.3 seconds in the PM Peak Hour, even though it is anticipated that operations will end prior to the adjacent roadway peak hour f 4:15 to 5:15 PM. These increases in delay time, should they occur, are not considered to be significant. Due to implementation of the soil erosion and sediment control measures on site, the temporary nature of the soil removal period impacts, and installation of truck wheel washes and/or other appropriate anti-tracking measures as part of the soil erosion and sediment control plan, and with the provision of a maintenance and protection of traffic plan provided by the applicant, it is the determination of the Planning Board that no significant additional impacts beyond those previously discussed and mitigated will result. Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact beyond that previously discussed and mitigated.

7. Will the proposed action impact existing public/private water supplies?

As part of the Water District expansion it was determined that a hydropneumatic system was to be provided to allow the Somers Realty Planned Hamlet to continue to receive water during periods of maintenance on or blockage of the existing 16-inch water transmission line rather than closing the Water District main loop by installing a 10-inch water main between Windsor Farm and Mahopac Avenue. Since that time, extension of a portion of that line may be accomplished by the yet to be approved Hidden Meadow development. In the absence of such approval, the Town has determined that it will extend the line, at its own cost and expense, to the point that would have been reached by the Hidden Meadow development to achieve a looped water system. Somers Realty has agreed to install itself or provide the funds to the Town for the Town to undertake the connection from the Somers Realty property to the point at which the water main is extended by either Hidden Meadow, or the Town, if such is the case. In the event Somers Realty elects not to undertake the water main installation between Mahopac Avenue and Hidden Meadow itself, then such funds provided by Somers Realty will be sufficient to design, permit and construct the portion of the water main from Mahopac Avenue to the proposed Hidden Meadow Development. This connection will provide a looped water supply system along Route 6, rather than the formerly required on-site hydropneumatic system for emergency water supply. This will benefit the entire water district rather than just the Somers Realty Planned Hamlet. As a result, there would be a significant positive impact on the Town's public water supply system, and the Town would achieve its goal of a looped water system along the Route 6 corridor.

8. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?

The change in the CGLL around Route 6 also results in an increase in disturbance to Wetland A from 0.09 acres to 0.19 acres. Disturbance to the wetland buffer of Wetland A is also proposed to increase to 1.92 acres from 1.86 acres at the time of Master Plan review. This increase in disturbance is associated with the proposed shoulder improvements to Route 6 and construction of proposed Pocket Wetland Area "2.3P" and Dry Swale "2.4P". As a result of the increased disturbance to Wetland A, total wetland disturbance within the development has been calculated to increase from 0.43 to 0.53 acres based upon comparison of the Master Plan CGLL to the CGLL of the current proposed development plan.

The Wetlands Mitigation Plan that was prepared as part of the Master Plan Final Environmental Impact Statement, proposed the construction of a Wetlands Mitigation Area adjacent to proposed "Town Road D" to restore and replace disturbed wetland areas at greater than the minimum ratio of 1.5 (restored wetland) to 1.0 (impacted wetland), as required by §167-9(B)(5)(b)(1) of the Town Code. Additional disturbance to Wetland A is offset by the proposed Wetlands Mitigation Area as contemplated during review of the Master Planned Hamlet. The proposed Wetland Mitigation Area is proposed to be constructed as 0.85 acres, for the current proposed overall wetland disturbance of 0.53 acres, such mitigation also being greater than the 0.80 acres of restored wetland that would be required based on this disturbance and the required restoration ratio. The Wetland Mitigation Plan requires that construction of the wetland mitigation area will be monitored by a qualified individual with experience in Wetland Construction. Wetland buffer areas disturbed during construction activities will be required to be restored in order to recreate ecological benefits provided by existing buffer areas as specified in the Wetlands Mitigation Plan. Maintenance of the Wetlands Mitigation Area will be required to be completed by the Property Owner through a legally binding agreement to be filed in the Office of the County Clerk. To ensure proper maintenance is completed, the proposed mitigation area will also be inspected regularly during the first planting season and Annual Reports will be required to be provided to the Town of Somers and Army Corps of Engineers in accordance with the approved Wetlands Mitigation Plan. All proposed Wetlands Mitigation remains subject to the terms and conditions necessary for approval of a Wetlands Permit by the Army Corps of Engineer, which is required to be obtained prior to the start of disturbance activities. Additionally, Cape Cod curbing will be considered for inclusion on the roadway leading to Lot 6 in the area where it crosses the wetland. Based upon all of the foregoing, the Planning Board has determined that the proposed Mitigation Plan is adequate to offset the additional disturbance to Wetland A and that there is no significant additional impact beyond that previously discussed and mitigated.

Due to changes in the phosphorous loading calculation methodology prescribed by NYSDEC, the development phosphorous loading analysis and results are different from what was considered during approval of the Master Planned Hamlet. While both the Master Plan and current proposed development rely on "The Simple Method" equation,

published effluent mean concentrations (EMC) values for phosphorus loading have been updated by NYSDEC since the time of the Master Plan. In addition, loading reduction credits for proposed stormwater management practices also differ from those previously calculated during the time of Master Plan review.

The proposed site layout has been modified to accommodate the location of additional stormwater management practice areas that differ in practice type and sizing than those considered during Master Plan review. As a result, pre-development (prior to any development of the Planned Hamlet) and proposed post-development phosphorous loading has been recalculated to consider the current NYSDEC published EMC values and phosphorous reduction practice credits. The revised Phosphorous Loading Analysis, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 17, 2014, last revised January 5, 2015 has been reviewed and found to be completed in accordance with the updated Simple Method analysis parameters. Phosphorous loading has been calculated to have a post-development reduction of 0.46 lb./year (2.3%) compared to pre-development conditions. It will be required that if further updates to the final project SWPPP are undertaken, that post-development phosphorous loading calculations must also be updated. In any case, the developer will be required to maintain a reduction in post-development phosphorous loading when compared to pre-development conditions. It is the determination of the Planning Board that the change in calculated phosphorous effluent load based upon the revised project layout and revised stormwater management practices will result in no significant additional impacts on natural resources beyond those previously discussed and mitigated.

Due to changes in design of proposed residential parcels and reduced overall site disturbance, proposed grading has been modified from what was considered at the time of Master Plan review. The updated development plans and revised grading have resulted in small changes to the proposed drainage areas to previously analyzed stormwater design points. These design points, numbered 1 through 4, were previously determined and analyzed as the point of comparison of pre-development and post-development stormwater peak flows during the Master Plan and are maintained in the current analysis that has been completed for the proposed development.

Based upon the revised development program and proposed grading, site drainage areas to respective design points have been adjusted. The current development proposes a net decrease in the size of the northern drainage area (Design Points No. 1 & 2) by **1.2**± acres and the associated decrease of **4.7**± acres in impervious surfaces and net increase by **3.4**± acres in the southern drainage area (Design Points No. 3&4) and associated increase of 0.2±acres of impervious surface. Analysis of stormwater peak flows to these design points has also been modified from the time of Master Plan review. The January 2015 update to the NYSDEC Stormwater Management Design Manual has required updated rainfall data to be used for analysis of the 100 year design storm. In addition, other required changes to address NYSDEC Water Quality Volume (WQv) and Runoff Reduction Volume (RRv) treatment objectives as well as supplementary criteria from the NYC DEP "Watershed Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources" have

warranted changes to the practice types, frequency and sizing of proposed Stormwater Management Practices. The Applicant has prepared an updated Hydrologic and Hydraulic analysis of stormwater flows that reflects the current development stormwater design and updated NYSDEC rainfall data. Based on the provided analysis as summarized in the current project SWPPP, stormwater peak flows reaching all four drainage design points have maintained a reduction in post development conditions from those of pre-development. It is required that if further updates to the final project SWPPP or stormwater practice designs are undertaken, that post-development stormwater analysis calculations must also be updated. In any case, the developer will be required to maintain a reduction in post-development stormwater peak flows when compared to pre-development conditions.

It is the determination of the Planning Board that the change in total impervious cover, drainage area and proposed stormwater management practices to each identified design point have maintained **decreased** peak flows similar to those previously calculated and result in a positive impact on natural resources...

Part 3 - Other Elements of the Proposed Action that may or will not result in a significant adverse Environmental Impact.

(1) Shortening of proposed Town Road B due to consolidation of Avalon development plan such that the extension from the end of the development will be provided as an unpaved Town right-of-way rather than as a paved right-of-way with easements provided for future stormwater management;

Shortening of Road B results from consolidation of the Avalon project and increased need for stormwater practice area. The ability of the adjacent lot to connect to the Planned Hamlet has been provided through provision of the unpaved right-of way with additional stormwater management easements. Due to the ability of this roadway connection to be built in the future the Planning Board determines that the proposed subdivision will not result in significant additional impacts beyond those previously discussed and mitigated.

(5)Potential permanent loss of some portion of prior envisioned 30,000 square feet of mixed professional office/retail/restaurant use from the north side of Clayton Boulevard; considered for construction on the south side of Clayton Boulevard as a result of the Phase 2 approval process. Future replacement of assisted living facility on Lot 6;

The 30,000 square feet of mixed use space and assisted living facility relocated as part of the Phase 2 development from the north of Clayton Boulevard to potential location south of the Boulevard will be accomplished with only an as yet to be determined partial loss of mixed use space because the non-residential space on Lot 4 can have added space due to topographical site features. Therefore, from a land use point of view, not all 30,000 square feet would be lost. From a fiscal point of view, as addressed in the negative declaration issued December 19, 2012

for Somers Realty 2, the Planning Board determined that even though the magnitude of the future loss of square footage was not known, as it still is not, that as then stated "even if the magnitude and size of these and other uses change, they are likely to significantly outstrip costs to the Town" A location for a future assisted living facility has been identified on Lot 6. Based on that prior finding, the Planning Board determines that the proposed action will not result in significant additional impacts beyond those previously discussed and mitigated.

(9) Reduced demand flowrates (utilizing latest NYSDEC published flowrates) for water and wastewater systems for residential development;

As identified on submitted Insite Engineering, Surveying & Landscape Architecture, P.C., Master Plan Conformance Drawing MC-1 dated April 22, 2015, daily water demand and sanitary sewer flow even with additional development from Lot 4 and that from Lot 6, assumed to be an assisted living facility, would be within the total approved flows of the master plan. The stated water demand and sanitary sewer flows referenced on the afore mentioned drawings were updated to reflect the latest NYSDEC manual, New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, dated March 5, 2014.

The Planning Board determines that the reduction in demand for water and wastewater systems is a positive impact compared with the flow rates previously discussed and mitigated.

(11) Change in fiscal impacts and school children generation due to change from owner occupied residential development to a renter occupied residential development;

The fiscal impacts of the Phase 3 development arise from the rental status of the proposed Avalon project compared with the fee simple townhouse project that was the basis of analysis in the Planned Hamlet Concept Plan DEIS. The DEIS anticipated annual revenues of $1,320,603 in annual revenues for 152 fee simple units and $514,834 in costs that included Town and school costs. Net benefit was $805,769. A DEIS estimate of revenue if the project was a condominium, using the income approach which is the same as that utilized for projecting rental revenue, was estimated at approximately $650,000, at approximately half of fee simple revenue. So there would still be a small benefit over projected costs in the DEIS. However, due to reduction in unit sizes and anticipated reduction in persons generated, even costs are likely to be slightly less since they were projected on a per capita basis.

Utilizing school children generation rate data projected from other Avalon projects, the number of school children anticipated to be generated range from the same number projected in the DEIS at 22 children to less at 16 children. Therefore, although estimated revenue would be approximately half of that

projected in the DEIS, expenses to the Town and school district would be the same or slightly reduced. Since the project will still result in a net economic benefit the Planning Board determines that the proposed subdivision will not result in significant additional impacts beyond those previously discussed and mitigated and will have a somewhat positive fiscal impact.

(12) Change in design guideline setbacks from paved road surfaces;

Although the Avalon buildings located on the village green exceed the setback guidelines specified in the conceptual plan, the linear relationship of buildings along the village green is maintained and the overall concept of a building street line is maintained. Based on the proposed design, the Planning Board determines that the proposed action will not result in significant additional impacts beyond those previously discussed and mitigated.

(13) Change in Village Green Design;

The modification of design from a passive village green shown in the conceptual Planned Hamlet Master Plan to a design that combines a passive green with an active play area for children and a picnic area is a design that will serve all users of the Planned Hamlet including those who reside in the Mews, Avalon and future office workers in the planned commercial space. The Planning Board selected this design alternative over that proposed in the concept plan and the Planning Board determines that the proposed modification will not result in significant additional impacts beyond those previously discussed and mitigated and determines there would even be potential positive impacts.

(14) Change in Provision of Completed Town Road D

Town Road D was approved as part of the Planned Hamlet Concept Plan to provide future access to adjacent land locked parcels including a Town of Somers land locked parcel previously created by Somers Realty Corp. for the Town to use to construct a water tank if determined to be necessary. Given that there is no pending development of those site(s), the Planning Board determines that the road should only be built to the subbase (i.e. Item 4) level given that the Planned Hamlet Master Plan required portions of this road traversing a wetland to be pervious. The road will be mapped as a Town Road but not accepted by the Town for dedication until such time as the adjacent parcel is to be developed and the road is completed. Until such time as this road is dedicated as a public road, it shall be gated and maintained by the applicant. In addition, the final subdivision plat shall include an easement between Road D and the water tank parcel to provide access to it by the Town.

(15) Modification in Location of Sidewalks

The Planned Hamlet was intended to create a pedestrian friendly environment. Although sidewalks have been provided along public roadways with the exception of Road D, site plan design indicated that these would fall outside rather than inside the subdivided parcels and, as such, fall under Town responsibility for maintenance and repair. While such sidewalks along Clayton Boulevard and around the village green fall into this category, AvalonBay Communities, Inc. has agreed to maintain and repair these sidewalks. Based on this proposed agreement, the Planning Board determines that the proposed action will not result in significant additional impacts beyond those previously discussed and mitigated.

*(16) C*hange in *Provision and Location of Required Residential Parking Spaces*

Landbanked spaces are now shown within the parcels to be owned by Avalon that will meet a portion of the residential parking requirement whereas all residential parking was to be provided on individual fee simple lots envisioned on the planned hamlet concept plan. Should these landbanked parking spaces be required to meet residential parking demand in the future, they will be constructed by Avalon... Based on this proposed design, the Planning Board determines that the proposed action will not result in significant additional impacts beyond those previously discussed and mitigated.

Conclusion

The Somers Planning Board has conducted an independent review and an analysis of the entire record and the potential environmental effects of the proposed project. It reviewed a DEIS and FEIS and issued Findings of February 10, 2009. It has reviewed those Findings as the basis of this Negative Declaration as well as the Short Environmental Assessment Form submitted by the Applicant.

The Planning Board has completed a careful and thorough review of the identified areas of the Short Form EAF, the Findings Statement and the list of items found in the proposed action found by the Planning Board to vary from the approved conceptual Planned Hamlet Master Plan. Based upon all of the information generated for the proposed project and its own careful and thorough independent review and public input regarding the potential environmental effects, the Planning Board has determined that the potential small and larger impacts identified in Part 2 of the EAF, as well as other particular elements of the proposed action that may or will not result in significant adverse environmental impacts, either individually or cumulatively, although they are determined to be modified from the approved Master Plan Concept Plan and that the Planning Board determines there is no significant additional impact beyond that previously discussed and mitigated.

As a result of its review of the proposed project, the Planning Board has determined that a negative declaration be issued on the potential impacts for the proposed action outlined

in Part 2 of the EAF and on the additional particular elements identified as modifications to the Planned Hamlet Master Plan which will not have a significant additional impact beyond that previously discussed and mitigated.

Lead Agency: Somers Planning Board
Town of Somers
335 Route 202
Somers, NY 10589

For Further Information:

Contact Person: Syrette Dym, AICP
Director of Planning
Address: Town of Somers, 335 Route 202, Somers, NY 10589

Telephone Number: (914) 277-5366

For Unlisted Actions, a copy of this notice has been filed with involved and interested agencies and parties on the attached distribution list.

DRAFT

John Currie, *Chairman*
Fedora DeLucia
Christopher Foley
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

PLANNING BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
TEL (914) 277-5366
FAX (914) 277-4093
EMAIL:
PLANNINGBOARD@SOMERSNY.COM

Meeting Date: May 13, 2015

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

******THIS IS NOT A PERMIT******
Resolution #2015-1
Granting Conditional Approval
for Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits to
NORTH COUNTY HOMES AND THOMAS CARACCIOLO
TM: 36.20-1-59

WHEREAS, an application for a wetland permit was submitted under the provisions of Chapter 167 "Wetlands and Watercourse Protection Ordinance" by Thomas Caracciolo (owner) and North County Homes (applicant) on April 25, 2014 with the required fee paid on April 25, 2014; and

WHEREAS, an application for a steep slope alteration permit was submitted under the provision of Chapter 148 "Steep Slopes Protection Ordinance" by Thomas Caracciolo (owner) and North County Homes (applicant) on April 25, 2014 with the required fee paid on April 25, 2014; and

Whereas, the application for a tree preservation alteration permit was submitted under the provisions of Section 156 "Tree Preservation" by Thomas Caracciolo (owner) an d North County Homes (applicant) on April 25, 2014 with the required fee paid on April 25, 2014; and

WHEREAS, upon review of said application the Engineering Department determined that action to fall within Chapter 93-5. B. and Section 156 of the Tree Preservation Law; and

WHEREAS, an application for a "Stormwater Management and Erosion and Sediment Control Permit" was submitted under the provisions of Chapter 93 "Stormwater Management and Erosion and Sediment Control" and was made by North County Homes (applicant) and Thomas Caracciolo (owner) on April 25, 2014 with the required fee paid on April 25, 2014; and

WHEREAS, upon review of said application the Engineering Department determined that action to fall within Article 93-5.C because the area of disturbance exceeds the 5,000 SF acre requirement and/or that more than 50 c. y. of material will be involved in the construction of the house, septic system and well; and

WHEREAS, the site is located on the West side of Bedell Road and is identified on the Town Tax Maps as Sheet 36.20, Block 1, Lot 59 and is located within the R-80 Zoning District, as defined by the Town of Somers "Zoning Ordinance"; and

WHEREAS, the activity for which a wetland permit is requested consists of the construction of a single family house, well and septic system within the wetland buffer; and

WHEREAS, the activity for which a steep slopes permit is requested is to construct a single family house, well and septic system in the 15-25% steep slope area; and

WHEREAS, the applicant submitted a plan entitled "Comprehensive On-Site Wastewater Development Plan", prepared by John Karell, P.E., dated April 11, 2014, last revised February 24, 2015, "Survey of Property" prepared for North County Homes, Inc. dated April 10, 2014, last revised February 17, 2015 and a short form EAF, dated April 10, 2014; and

WHEREAS, the Planning Board and the Consulting Town Engineer conducted a site walk of the property on May 23, 2014; and

WHEREAS, the Planning Board at their meeting of December 10, 2014 agreed that the 14% driveway slope was acceptable; and

WHEREAS, the application was referred to the Town Board, Open Space Committee and Planning Board on October 20, 2014; and

WHEREAS, the Open Space Committee issued a memorandum on February 26, 2015 with no recommendations and the Town Board issued a memorandum on May 12, 2014 with no comment; and

WHEREAS, the Planning Board has reviewed the application and the material submitted by the applicant and the memorandum of the Town Board, Open Space Committee and Consultant Town Engineer; and

WHEREAS, a Public Hearing was conducted on February 11, 2015 and continued at the March 11, 2015 Planning Board meeting; and

WHEREAS, the Planning Board discussed the application at the December 10, 2014 and March 11, 2015 meetings and reviewed the application at their May 13, 2015 meeting and all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Public Hearing was closed on March 11, 2015; and

WHEREAS, On May 13, 2015, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (SEQR) of the Environmental Conservation Law and Chapter 92 of the Town of Somers Code, the Planning Board determined that the a proposed activity is a Type II Action, in accordance with 617.5(9) & §92-6(6)(19) and therefore, no further environmental review in accordance with SEQRA was necessary; and

WHEREAS, the Consulting Town Engineer indicated in their most recent memorandum, dated May 7, 2015, that all outstanding engineering review comments could be addressed as conditions of a Planning Board resolution of approval for environmental permits, providing that all conditions are addressed prior to issuance of a Building Permit; and

WHEREAS, in accordance with Chapter 167, the Planning Board hereby finds that the protection of the wetlands has been adequately addressed; and

WHEREAS, in accordance with Chapter 148 the Planning Board finds that the protection of steep slopes has been adequately addressed.

NOW, THEREFORE BE IT FURTHER RESOLVED, that in accordance with Somers Town Code. the application of Thomas Caracciolo (owner) and North County Homes (applicant) is hereby conditionally approved for the activity proposed and described above, and a Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permit will be issued; and

BE IT FURTHER RESOLVED, that the Planning Board conditionally approve the issuance of the Wetland, Steep Slopes Tree Preservation and Stormwater Management and Erosion and Sediment Control Permit to Thomas Caracciolo (owner) and North County Homes (applicant)for the construction of the single family residence, septic system, well and driveway within the wetland buffer and steep slopes area, as depicted on a plan entitled, "Comprehensive On-Site Wastewater Development Plan", prepared by John Karell, P.E., dated April11, 2014, last revised April 15, 2015 and a Survey of Property prepared for North County Homes, Inc. dated April 10, 2014, last revised February 17, 2015 after demonstration of compliance with the following conditions:

1. An erosion control bond in the amount of $500.00 be posted by separate check and made payable to the Town of Somers.

2. An engineering inspection fee in the amount of $500.00 be paid by separate check payable to the Town of Somers.

3. Provide a Wetland Mitigation Bond in the amount of $1,000 be posted by separate check and made payable to the Town of Somers.

4. That a low berm be installed adjacent to the property line along Bedell Road.

This conditional authorization for issuance of a Stormwater Management and Erosion and Sediment Control, Wetlands Activity, Steep Slopes Protection and Tree Preservation Permits shall expire if compliance with the conditions of the permit noted below is not demonstrated prior to May 13, 2016 unless an extension of such time period is requested of and granted by the Principal Engineering Technician. .

BE IT FURTHER RESOLVED, that upon compliance with the above, the Environmental Permits shall be issued with the following conditions:

1. 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).

2. The Applicant shall address all outstanding engineering concerns, as enumerated in Consulting Town Engineer letter, dated May 7, 2015 prior to issuance of a Building Permit, including the following:
   a. Address all technical engineering and plan revisions identified as conditions as enumerated on Consulting Town Engineer review memorandum, dated May 7, 2015.
   b. Furnish documentation that the final easement agreement for maintenance of the diversion pipe outlet adjoining the neighboring lot at 36 Bedell Road was filed at the Office of the County Clerk. The filed agreement must be determined acceptable by the Town Attorney in consultation with Consulting Town Engineer and Principal Engineering Technician

c. Submit documentation that the final approved stormwater maintenance agreement was filed with the Westchester County Clerks Office.

d. Obtain a Highway Permit from the Town of Somers Highway Superintendent for the proposed driveway curb-cut.

e. Submit documentation of WCDOH Construction Approvals for the proposed groundwater well and septic field area.

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

4. Work shall be undertaken consistent with Town of Somers regulations to the satisfaction of the Consultant Town Engineer or the Department Engineering Technician.

5. That all work be installed in accordance with the approved plans and the SWPPP.

6. 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 Consultant Town Engineer prior to implementation. Significant field changes or those that deviate from the interest of the design as approved by the Planning Board must be approved by the Planning Board.

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. 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.

This resolution shall have an effective date of May 13, 2015.

_____ Dated:_____

John Currie
Planning Board Chairman

Thomas Caracciolo and North County Homes
Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permit
TM: 36.20-1-59

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RECEIVED
MAY 8 2015
PLANNING ENGINEERING
TOWN OF SOMERS

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: May 7, 2015
RE: North County Homes
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes Protection Permit, Wetland Activity Permit and Tree Removal Permit.
38 Bedell Road
TM: 36.20-1-59, 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 applications for environmental permits for the existing parcel located at 38 Bedell Road. The Applications are for the construction of a new 5 bedroom single-family residence, driveway and other improvements on the currently undeveloped lot. The Application also includes the construction of a new groundwater supply well, septic sewer disposal system and stormwater infrastructure. The following documents were received during the current review period:

DOCUMENTS RECEIVED

- Cover Letter, by John Karell, Jr., PE, dated April 10, 2015.
- Drawings: "Caracciolo (North County Homes)", Sheets: "HD-1" - "HD-4", prepared by John Karrell Jr., P.E., dated April 11, 2014, last revised April 15, 2015.
- Site Survey, "North County Homes, Inc.", Prepared by Donnelly Land Surveying, P.C., dated April 10, 2014, last revised February 17, 2015.

PERMITS AND APPROVALS REQUIRED

- 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
- NYSDEC: State Environmental Quality Review
- NYC DEP: Individual Residential Stormwater Permit **
- WCDOH: Approval of Groundwater Well and Septic System

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DISCUSSION

The Applicant has submitted an updated site drawings and stormwater design information in response to previously identified engineering comments. While the plans represent good progress at addressing outstanding comments, some additional revisions are required to address significant design questions remaining on the proposed site stormwater management.

From an engineering perspective, our office is comfortable should the Planning Board choose proceed with resolution of approval for the application, providing that all outstanding comments are addressed as conditions of such approval.

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.

COMMENTS FROM MARCH 10, 2015 MEETING WITH TOWN PRINCIPAL ENGINEERING TECHNICAN

1. The provided plans show grading disturbance directly abutting the southern property line with the neighboring Lot at 40 Bedell Road. The Applicant shall revise the proposed site grading to maintain a minimum of 5 undisturbed buffer area to the neighboring lot. **Addressed.**

2. The Applicant's approach to create a pipe diversion for site run-on from the neighboring lot at 36 Bedell Road should be reconsidered. The plan shows that the proposed Manhole structure at the base of driveway is located within the Bedell Road right-of-way (R.O.W.). The effluent pipe leaving the Manhole is then illustrated to leave the R.O.W. before discharging on the neighboring Lot at 40 Bedell Road.

   Diversion pipe infrastructure must be located either entirely on the subject parcel or must remain in the R.O.W. for its full length. In addition easements with the neighboring property owner at 40 Bedell Road would be required for construction of an outlet structure and pipe placement on their property.

   It is recommended that in lieu of the proposed diversion pipe along Bedell Road, that the Applicant consider discharging stormwater to the south of the proposed driveway to on-site wetland area. Stormwater could be allowed to flow as it currently does through the wetland area before reaching the existing culvert crossing under Bedell Road on the neighboring property. Cleanout of accumulated debris and stabilization at the existing culvert inlet may be required to allow for utilization of anticipated drainage flows from this site. The Applicant may contact our office directly for further description of this desired alternative. **Partially Addressed. The Applicant has replaced the proposed diversion pipe along Bedell with a rip rap outlet.**

CONDITION: The Applicant shall update the drawings and SWPPP with stone size for the proposed outlet to the satisfaction of the Consulting Town Engineer and Principal Engineering Technician prior to issuance of a Building Permit.

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3. Depicted grading along the south face of the proposed dwelling is shown as 2:1 (50% grade) slopes. The Applicant shall revise the proposed grading to flatten slopes to a minimum of 3:1. **Not Addressed.**

CONDITION: Revise plans to flatten slopes to a minimum of 3:1 with associated erosion control to the satisfaction of the Consulting Town Engineer and Principal Engineering Technician prior to issuance of a Building Permit.

4. The Applicant shall identify where the proposed underdrain, as shown as detail No. 12 on sheet HD-3 is represented on the plans. **Addressed.**
5. The illustrated parcel boundaries as shown on sheet HD-1 and HD-4 do not appear consistent with the lot boundaries depicted on the existing parcel survey. **Addressed.**
6. The Applicant must update their construction sequence to indicate that construction work associated with the septic field installation must be completed with final stabilization established prior to commencement of construction of the house and associated additional disturbance area. **Addressed.**

GENERAL REVIEW COMMENTS

1. The provided drawings identify that approximately 48,300 square feet of land disturbance is anticipated by the proposed construction activities. The Applicant shall revise the drawings the illustrate a limit of disturbance line that corresponds to the proposed construction limits. *Not Addressed. The Applicant must update the limits of disturbance to consider the additional area for wetland improvements. Partially Addressed. The Applicant has clarified that work within the regulated wetlands area will consist of hand trimming of existing vegetation and installation of new plantings. The identified limits of disturbance however do not include area for installation of the proposed diversion pipe culvert in the front yard and must be updated.* **Addressed. Applicant states approximately 40,545 square feet of land disturbance is anticipated.**
2. Based upon the identified quantity of site disturbance, that Applicant is required to prepare a Stormwater Pollution Prevention Plan (SWPPP) with Post-Construction Stormwater Controls, in accordance with the requirements of Town Code §93-6. In addition, the project is located within the NYC DEP East of Hudson Watershed and is also subject to obtain coverage and conduct weekly site inspections under the NYSDEC SPDES General Permit (GP-0-15-002). The following is a partial list of components that shall be included in an acceptable project SWPPP.
    a. The SWPPP shall include all items specified by Town Code §93-6, including but not limited to a construction sequence, descriptions of temporary and permanent inspection and maintenance requirements for construction site housekeeping, pollution control, and stormwater and erosion control and practices, and a Contractor Certification Statement. *Partially Addressed. Include a description of maintenance and storage procedures for fuels, oils, fluids and other possible contaminants that will be used on site in construction, and update construction*

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sequence to be site specific. The Applicant shall update the construction sequence to indicate that temporary erosion and sediment control devices shall be maintained and removed after establishment of final site stabilization and Town signature of the project Notice of Termination (N.O.T.) **Addressed.**

b. The SWPPP shall include hydrologic assessment of pre versus post development site runoff for all applicable design storms as defined by the NYSDEC Stormwater Management Design Manual. *Not Addressed. The NYSDEC Stormwater Management Design Manual recognizes Rational and SCS type drainage methods as acceptable for 1, 10 and 100 year storm peak runoff flow calculations. Partially Addressed. The Applicant has provided stormwater design calculations, however the project must be updated to consider the 100 year rainfall depth specified by the 2015 NYSDEC Stormwater Management Design Manual.* **Addressed.**

c. The SWPPP shall include design of site stormwater management practices to address NYSDEC water quality attenuation requirements. It should be noted that all stormwater quality practices must be sized considering watershed runoff from the 1 year design storm as defined by Chapter 10 of the Stormwater Management Design manual. **Partially Addressed. Please refer to detailed practice comments No. 3(a)-(j).**

d. The SWPPP shall include inspection forms to be used by a Qualified Inspector during weekly construction site inspections, in accordance with SPDES General Permit requirements. *Not Addressed. The SWPPP shall include a template weekly inspection worksheet. Standard forms can be found in the NY Standards and Specifications For Erosion and Sediment Control, latest edition. Partially Addressed. Template forms have been included, however the SWPPP must be updated to identify that weekly inspections shall be performed by a "Qualified Inspector" as required by the SPDES General Permit.* **Addressed.**

e. The Applicant shall prepare a Stormwater Maintenance Agreement, in accordance with the provisions of Town Code for review by the Consulting Town Engineer & Town Attorney. Upon acceptance, the Stormwater Maintenance Agreement shall be filed with the Westchester County Clerk's Office. **Not Addressed. Applicant will provide upon completion of SWPPP.**

CONDITION: The Applicant shall prepare an acceptable Stormwater Maintenance Agreement for review and acceptance by the Consulting Town Engineer and Town Attorney. The final accepted Stormwater Maintenance Agreement shall be recorded in the office of the County Clerk, prior to issuance of a Building Permit.

f. The Applicant shall provide sizing calculations for the proposed shoulder swale located along the western edge of the site driveway. The swale must be sized to provide adequate conveyance capacity for stormwater flows anticipated for the 25 year design rainfall event with an additional 0.5 feet of freeboard. An acceptable construction detail shall be provided for the proposed stormwater swale. **Comment No Longer Applicable.**

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g. The plans appear to show a proposed pipe between the driveway catch basin and 4' diameter Manhole located in Bedell Road. The Applicant shall clarify whether this pipe connection is proposed and must update the plan to identify proposed connection invert elevations accordingly. **Addressed. Comment No Longer Applicable with April 15, 2015 plan revisions.**

h. Provided detail sheet "HD-3" contains a construction detail for "Spring Inlet Drywell Structure". The Applicant shall clarify where this device is proposed on the site layout and must update the site plan accordingly. **Comment No Longer Applicable. Detail has been removed from the drawing set.**

i. Update the calculation of Proposed Impervious Area as noted on the sheet titled "Drainage Infiltration Study" to sum total impervious area correctly as 5,962 square feet. **Not Addressed.**

j. Update the SWPPP to include a description of proposed soil restoration procedures including de-compaction, placement of final topsoil and seeding. **Partially Addressed. The Applicant has updated the plans with soil restoration notes.**

CONDITION: The Applicant shall revise the notes to mirror soil restoration requirements in Chapter 5 of the Stormwater Management Design Manual, and update the SWPPP accordingly to the satisfaction of the Consulting Town Engineer and Principal Engineering Technician prior to issuance of a Building Permit.

3. The provided drawings illustrate an area noted as "storm water area" within the south-eastern portion of the property. The Applicant must design site stormwater infrastructure to address NYSDEC water quality and water quantity requirements, as referenced under Comment No. 2, above. The following comments are intended to guide the Applicant on the design of the proposed stormwater infiltration practice:

   a. The Applicant must evaluate stormwater practice feasibility through field investigations. Field investigations may include, but are not limited to deep hole test pit excavations and percolation tests, as defined the by Chapter 6 requirements of the NYSDEC Stormwater Management Design Manual. *Not Addressed. Update drawings to show location of described deep hole test pits in stormwater treatment area and SWPPP to differentiate percolation test data from septic field area vs. stormwater treatment area. Additionally, 100 foot separation between proposed well and infiltration practices are required as per the NYSDEC Stormwater Management Design Manual.* **Partially Addressed.** *The Applicant has shifted the location of proposed well and infiltration system to provide required 100 foot separation. Site investigation results have been provided, however groundwater was reported in test pit "DA" at approximate elevation 446'. The provided HydroCAD report indicates that the infiltrators are to be installed at elevation 446'. Minimum of 3' vertical separation must be provided.* **Field investigation data must still be provided for the uphill Infiltration System. The proposed invert of the downhill system (446.91') must still be**

adjusted to provide 3 feet of vertical separation to groundwater observed at approximate elevation 445'.

CONDITION: Final design acceptance will be determined upon receipt of the revised site drawings and details prior to issuance of a Building Permit.

b. Stormwater management practices must be sized based upon the Chapter 6 and Chapter 10 Enhanced Phosphorous Removal Standards of the NYSDEC Stormwater Management Design Manual, latest edition. Detailed sizing calculations must be provided for review. *Not Addressed. Applicant states calculations are being developed. We remind the applicant that demonstrating Water Quality Volume (WQV) with calculations shall be provided, as well as adequate dry storage capacity within the proposed infiltration system. The SWPPP should be updated to include a comparison of provided system storage to the calculated water quality volume (WQv). It should be noted that the required water quality volume must be accommodated in the proposed stormwater management practice (chamber storage and stone voids) not considering addition volume from infiltration.* **Addressed. Overall site water quality volume sizing requirements are met by the proposed systems.**

c. Stormwater conveyance pipe and structures must be sized at a minimum to convey runoff collected by the 25 year design storm. *Not Addressed. Applicant states calculations are being developed. Partially Addressed. Hydraulic sizing calculations have been provided, however the identified slope of pipe between drainage structures E.S. #1 and "4' MH" is modeled as 15.81%. Pipe slopes generally greater than 10% pose the risk of supercritical stormwater flow and should not be utilized in design. The Applicant should consider use of a drop structure to reduce overall pipe slope.* **Addressed.**

d. All proposed stormwater discharges shall be routed to a stabilized discharge practice sized to dissipate and prevent soil erosion from peak flows generated by the 100 year design storm. *Partially Addressed. Both discharge points must be adequately sized and updated on drawings, and include supporting calculations demonstrating as such. The provided sizing table for structure E.S #2 does not match the proposed outlet sizing contained in the project SWPPP. In addition, rip rap sizing must be provided for the proposed inlet to structure E.S.#1, as noted on the plan.* **Addressed. The proposed E.S. #2 has been removed, and rip rap size of 6" stone for E.S. #1 is described on drawing.**

CONDITION: The Applicant shall update rip-rap stone to consist of a minimum d50 of 8 inches prior to issuance of a Building Permit.

e. The Applicant shall identify how pretreatment of stormwater is proposed to be provided for the infiltration practice, as required by the NYSDEC Stormwater Management Design Manual, latest edition. **Addressed. The Applicant should note that alternate means of pretreatment are available for acceptable use.**

f. Update the plan to identify the invert elevations of the proposed infiltration system chambers and all connecting inlet/outlet pipes. **Addressed.**

CONDITION: The piping associated with stormwater management shall be revised to the satisfaction of the Consulting Town Engineer prior to issuance of a Building Permit.

g. The provided HydroCAD report models a 6" vertical overflow orifice for the proposed infiltration system at elevation 448'. The Applicant shall clarify if the intended outlet is intended to represent a pipe outlet day-lighted to the surface, or a "pop-up" style drainage emitter. The system construction detail shall be updated to represent the intended outlet. **Partially Addressed.** *The plans suggest that overflow pipes will be connected to proposed Catch Basin "CB" as noted on the plans. Connection inverts have not been noted on the plan.* **Partially Addressed. Connection inverts have been added to the plan. Applicant shall update plan to clarify all proposed piping downstream of Catch Basin "CB".**

CONDITION: Outlet piping subject shall be detailed on the revised plan prior to issuance of a Building Permit.

h. The Applicant shall update the SWPPP to include manufacturer recommended inspection and maintenance procedures for the proprietary infiltration chamber system. **Not Addressed. Specific guidelines defined by the manufacturer operation and maintenance manual should be included as part of the project SWPPP.**

CONDITION: The Applicant shall update the SWPPP to include manufacturer specific Inspection and maintenance guidelines for the proposed infiltration system prior to issuance of a Building Permit.

i. The Applicant shall update the SWPPP to indicate that the proposed infiltration system will be constructed in with the Appendix C Construction Specifications of the NYSDEC Stormwater Management Design Manual, latest edition. **Addressed.**

j. Update the drawings to indicate that the proposed infiltration system will contain a minimum of 1 observation port per row of chambers. **Addressed.**

k. It appears that the proposed downhill infiltration system "Pond I2" is located within slope areas greater than 15%. Installation of an infiltration practice on slopes greater than 15% is prohibited in accordance with Chapter 6 of the NYSDEC Stormwater Management Design Manual. It is recommended that the Applicant consider increasing the size of Infiltration System I1 to receive additional stormwater from driveway area. Water quality treatment requirements for the lower driveway may be better suited with a smaller system footprint outside of regulated steep slope area. **Comment No Longer Applicable.**

l. The Applicant shall update sheet HD-4 to show construction fence surrounding the footprint of infiltration system I1 during construction. **Not Addressed.**

CONDITION: The plan shall be updated to show appropriate protection surrounding the infiltration system area during construction prior to issuance of a Building Permit.

4. The Applicant proposes to collect stormwater run-on from the adjacent property at 36 Bedell Road through a proposed 18" diversion pipe parallel to the northern property line. The diversion pipe is shown to connect at a Manhole structure within the public right-of-way adjacent to the site driveway at Bedell Road. An additional length of pipe is shown to carry the proposed flow south parallel to Bedell Road before discharging prior to the existing culvert crossing under Bedell. The following comments are applicable for this proposed diversion pipe.:

    a. Hydraulic pipe sizing calculations must be provided for all pipe segments based upon peak flows calculated from the 25 year design storm. *Partially Addressed. Please refer to Comment No. 3(c). The identified pipe inverts as shown on Sheet "HD-1" do not suggest adequate cover for the proposed 18" pipe.* **Comment No Longer Applicable. Applicant shall remove note about 200 l.f. of 18" HDPE pipe.**

    b. As discussed in the field, the Applicant shall route stormwater collected from stormwater diversion pipe through a constructed wetland area in the vicinity of the existing wetland area adjacent to Bedell Road. This system shall be coordinated with the recommendations for wetland mitigation outlined in the assessment report prepared by Mr. Kozlowski. Both the mitigation of the wetted area and stormwater treatment area shall be shown on the project drawings. *Partially Addressed. Based upon the provided plans and SWPPP, it is unclear how stormwater flows will be routed through the improved wetland area. Please refer to Comment No. 2(g).* **Comment No Longer Applicable.**

    c. Work within the public right of way will require a Construction Performance Bond to be posted by the Applicant. The Applicant shall prepare a bond estimate based upon the construction cost of work to be completed within the right-of-way of Bedell Road. *Not Addressed. Comment Status to be confirmed following receipt of revised plan and review with Town Principal Engineering Technician.* **Comment No Longer Applicable.**

    d. The Applicant shall furnish an easement agreement with the neighboring homeowner at 36 Bedell Road for access and maintenance of the existing diversion pipe outlet located to the north of the proposed house and driveway area. The easement agreement is subject to review and approval by the Consulting Town Engineer and the Town Attorney. **Acceptance of proposed easement agreement will be completed following receipt of input from Town Attorney and Principal Engineering Technician.**

CONDITION: The Applicant shall furnish an acceptable easement agreement for maintenance of the diversion pipe outlet on the 38 Bedell Road parcel subject to the satisfaction of the Consulting Town Engineer, Principal Engineering Technician and Town Attorney prior to issuance of a Building Permit.

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5. The project site is located within the watershed of the Muscoot Reservoir which is identified as a TMDL Phosphorous restricted basin by the NYSDEC "Phase II Phosphorous Total Maximum Daily Loads for Reservoirs in the New York City Water Supply Watershed", dated June 2000. Projects located within the TMDL watershed are prohibited from creating any increase in phosphorous load to the subject waterbody. This requirement is enacted in accordance with other regulations for phosphorous reduction already required by the NYSDEC SPDES General Permit and the Enhanced Phosphorous Removal 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. **Comment No Longer Applicable.**

6. The project is required to obtain a NYC DEP Individual Residential Stormwater Permit for the construction of the new residence and driveway within the 100 foot buffer of a stream or freshwater wetland area. The Applicant must address all NYC DEP requirements for permit issuance. Documentation of NYC DEP permit satisfaction and issuance must be provided upon receipt. *Not Addressed. Applicant is awaiting a determination of the need for this and/or other permits after consulting the NYCDEP.* **Comment Satisfaction pending final determination by NYC DEP.**

CONDITION: The Applicant shall address all requirements necessary for issuance of permits by NYC DEP or furnish documentation that no permits are required, prior to issuance of a Building Permit.

7. The Applicant shall revise the plans to indicate an area for temporary soil stockpiles during construction. The plans shall include an acceptable detail for Temporary Soil Stockpile Area, consistent with the NYSDEC New York Standards & Specifications for Erosion and Sediment Control, latest edition. **Addressed.**

8. The proposed site development includes the construction of a new groundwater supply well will be located downgradient of the proposed dwelling to the south of the driveway. The following comments are based upon our review of the proposed groundwater well and details:

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

    b. Revise the plan to depict a minimum of 25 feet separation between the proposed groundwater well and nearby wetland area and intermittent watercourse. **Addressed.**

    c. The Applicant shall provide documentation of final design approval by the Westchester County Department of Health (WCDOH). *Not Addressed.* Applicant states prior approval has expired and is being renewed. Applicant shall provide documentation of renewed approval. The WCDOH approval must reflect the final site plan including proposed stormwater improvements. *Partially Addressed. The Applicant shall resubmit documentation of renewed permit approval for record by the Consulting Town Engineer.* **Addressed.**

WOODARD &CURRAN

9. The provided plans depict that site subsurface sewage treatment area (Septic Fields) will be located upgradient from the proposed house on the western portion of the site. Wastewater will be conveyed to the upgradient septic absorption trenches through a pump chamber and force main system. The following comments are based upon our review of the proposed site septic system design and details:

   a. The provided plans illustrate that the proposed sewer force main is located within 50 feet of a groundwater well located on southern neighboring property. WCDOH prohibits construction of sewer effluent pipe within 50 feet of a groundwater well. The Applicant shall revise the layout of the proposed sewer force main to preserve all required setbacks. **Addressed.**

   b. WCDOH requires a that a minimum of 100 feet separation must be maintained between septic absorption fields and nearby wetland area and watercourses The proposed septic field is shown outside the 100 foot buffer of the identified site wetland area, but appears less than 100 feet from the existing intermittent watercourse shown on the neighboring property. The Applicant must address whether the identified watercourse is considered a regulated watercourse by the WCDOH. If 100 foot separation is not deemed to be required, the Applicant must provide documentation to demonstrate WCDOH approval of the system layout. **Addressed.**

   c. Protective markers should be installed surrounding 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. Markers or construction fence could not be found on site plans. If applicant so chooses, they may update the plan to note that no construction traffic shall enter septic field area.* **Addressed.**

   d. Provide documentation of final WCDOH design approval for the proposed site septic system. *Partially Addressed. The Applicant shall resubmit documentation of renewed permit approval for record by the Consulting Town Engineer.* **Addressed.**

   e. Protective markers should be installed surrounding the proposed septic absorption field areas 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 field area limits. **Addressed.**

10. The provided drawings do not identify existing trees located on the parcel. The Applicant must obtain a Tree Removal Permit in accordance with Town Code Chapter §156. The Applicant shall prepare a Tree Removal Plan that identifies all existing regulated trees on the property. Each tree proposed for removal shall be identified on the plan and summarized on a Tree Removal Schedule by species and caliper. Appropriate measures shall be implemented during construction to protect the Critical Root Zone of existing trees shown to remain. *Not Addressed. Applicant states tree plan is to be discussed with Mr. Coleman. Partially Addressed. Provide sheet "HD-1" has been updated to show existing regulated trees, but does not indicate which trees are proposed to be removed or protected during construction, and does not identify species and caliper for each tree.* **Addressed.**

WOODARD &CURRAN

11. Delineation of the site wetland area was completed by Tim Miller Associates, Inc. on March 29, 2014. Based upon the provided plans, construction of the site driveway, groundwater well and general land grading are located within the 100 foot buffer of the identified wetland area. The Applicant must prepare a Wetland Buffer Mitigation Plan in accordance with the requirements of Town Code Chapter §167. The Buffer Mitigation Plan must evaluate the ecologic functions provided by the existing buffer area and shall demonstrate that any proposed plantings/mitigation areas are functionally equivalent to existing conditions. **Partially Addressed.** *Please refer to response to Comment No. 4(b) above. The Applicant shall prepare a suitable wetlands landscaping plan based upon the Wetland Mitigation Plan report recommendations.* **It is our recommendation that the provided landscaping plan remains poorly represented and must be accompanied by a planting legend and general planting notes and specifications. Acceptance of the provided Wetland Landscaping Plan may be considered at the discretion of the Board.**

CONDITION: The final landscaping plan will be reviewed by the Consulting Town Engineer prior to issuance of a Building Permit.

12. The Applicant proposes to construct a 10' wide driveway and new curb-cut to Bedell Road parallel to the northern property line. The following comments are based upon our review of the provided driveway design and layout.

    a. The provided driveway is shown to be constructed with at maximum longitudinal slope of 14% grade. Town Code §170-36 specifies that residential driveways shall have a maximum grade of 12%. Driveway grades may be permitted to a be allowed at a maximum grade of 14% if proven to be necessary based upon site constraints to the satisfaction of the Planning Board. The Planning Board should consider if the provided level of detail is adequate to allow driveway grades to be constructed at the maximum grade of 14%. *Not Addressed. Applicant states a 12% grade will create additional disturbance but no further information to support such claim has been provided for review. The Planning Board shall consider if the provided level of information is satisfactory to allow driveway slopes at 14%* **Addressed. Comment satisfaction is subject to final determination by the Planning Board.**

    b. The Applicant shall revise the proposed driveway cross section to include a minimum of 1 inch asphalt top course, 1 ½ inch asphalt binder course and 6 inches stone base (NYSDOT Item 304.05). *Not Addressed. Applicant states driveway cross section has been revised but no revised drawings depicting this have been received.* **Addressed.**

    c. The Applicant shall update the drawings to identify approximate site distance in both directions at the site entrance on Bedell Road. **Addressed.**

    d. The Applicant shall prepare a profile view drawing that represents the proposed driveway layout consistent with §144-7(D)(2). **Addressed.**

13. The Applicant shall clarify if any exterior site lighting is proposed by site development activities. If exterior lighting is proposed, sufficient detail must be provided to detail the type and illumination of all fixtures to ensure that lighting does not impact neighboring properties. **Addressed. Applicant states no exterior site lighting is proposed.**

14. The Applicant shall provide an estimate of proposed site earthwork quantiles as cut/fill volume. It shall be noted that all imported fill soil (if proposed) must demonstrate compliance with unrestricted use NYSDEC DER-10 and CP-51 guidance document standards. **Addressed.**

15. The Applicant shall prepare a rock removal plan to describe rock excavation activities during construction. If rock removal is proposed, the plan shall estimate rock removal quantities and shall describe the limits of and methodology intended to be used for rock excavation. **Not Addressed.**

CONDITION: The Applicant shall identify if rock removal is expected as part of site development activities. If rock removal is anticipated, the Applicant shall submit a rock removal plan that identifies the estimated quantity of rock removal and duration of proposed hammering and removal activities. The Rock removal plan will be subject to the satisfaction of the Consulting Town Engineer and Principal Engineering Technician prior to issuance of a Building Permit.

16. The proposed sediment trap as shown on sheet "HD-4" does not appear to sized and illustrated consistently with the practice sizing requirements as specified by the NYSDEC New York Standards & Specifications for Erosion and Sediment Control. The sediment trap must be illustrated to show its full footprint and a sizing calculation must be provided for its storage volume. **Not Addressed.**

CONDITION: Sediment trap detail subject to the satisfaction of the Consulting Town Engineer and Principal Engineering Technician prior to issuance of a Building Permit.

COMMENTS FROM FIELD OBSERVATIONS MEMORANDUM, DATED JUNE 17, 2014.

17. Investigate Site Run-on from Southwest Watershed – During the site walk it was noted that a significant amount of site stormwater may be originating from upgradient drainage areas located to the south-west. The Applicant needs to investigate upgradient sources of stormwater from this area and shall include their evaluation findings in future hydrologic calculations to be included as part of the site Stormwater Pollution Prevention Plan (SWPPP). *Partially Addressed. The provided Wetland Mitigation Plan references the subject upgrade area with respect to wetlands hydrology, but no discussion on this area's impact to drainage peak flow analysis is provided. The intent of this comment was to account for this upgrade drainage area in peak flow analysis downgrade receiving design point for stormwater runoff from the site.* **Addressed.**

18. Evaluate Existing On-site Subsurface Water Source – It is apparent that a significant amount of site stormwater originates from an existing subsurface site feature located along the northern property line. This water source is noted as a "spring" on the previously reviewed drawing set that was provided to the Planning Board. The Applicant must

WOODARD &CURRAN

evaluate this existing source of stormwater through excavation to determine whether the "spring" is fed by buried drainage pipe or it actually functions in an artesian condition. **Addressed. Applicant has identified that water is sourced from a drainage pipe discharge from the adjacent property to the north, and proposes to collect and pipe this drainage to the Town's storm drainage system in Bedell Road on the southeast corner of the property.**

19. Install Piezometers On-site – The Applicant shall install four piezometers on-site within the eastern portion of the site surrounding the identified wetland to provide measurements of the water table. *Partially Addressed. The Applicant shall update the drawing with piezometer locations keyed to a summary table of recorded measurements.* **Addressed.**

20. Evaluate Downgrade Drainage Path / Off-Site Improvement Potential – The Applicant shall evaluate the receiving drainage course and stormwater infrastructure located in proximity to Bedell Road and Elizabeth Court. Based upon the evaluation findings, the Applicant shall consider the possibility for construction of off-site stormwater improvements, in the event that stormwater mitigation criteria are unable to be met within the site due to constraints. *Partially Addressed. The Applicant is awaiting NYC DEP recommendations based upon their assessment of downgradient stormwater infrastructure.* **Addressed, pending no further objection by NYC DEP.**

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

Sincerely,

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

7/02

SOMERS PLANNING BOARD
APPLICATION FOR FINAL APPROVAL OF SUBDIVISION

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

I. IDENTIFICATION OF APPLICANT:

A. OWNER: SULLIN REALTY SUBDIVIDER: SAME
ADDRESS: PO Box 807 ADDRESS: KATONAH, NY 10536
TELE #: 232-5121 TELE #:

B. SURVEYOR: DON COLENDA, L.S. TELE #: 962-2215
ENGINEER: TIMOTHY ALLEN, P.E TELE #: 277-5805

II. IDENTIFICATION OF PROPERTY:
A. Subdivision identifying Title: CARRIAGE POINTE SUBD.
B. Street abutting property: TOWNLINE ST.
C. Tax Map Designation: Sheet: 27.05 Block: 3 lots 2+5
D. Zoning District: R-40 RESIDENTIAL
E. Total area of property in acres: 28.86 AC.

III. APPLICATION FEES PAID: By certified check payable to Town of Somers Fee: $150 for each lot shown on the final subdivision plat, minimum application fee is $600. Fee: _____ Paid: _____ } ON FILE

14 copies of all correspondence/plans must be submitted to the Planning Board during review.

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

*- ON FILE W/ PLANNING BOARD

IV. LIST OF ADJOINING PROPERTY OWNERS OF RECORD:

NAME	ADDRESS	BLOCK	LOTS

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

WAIVERS: As part of this application, I request the Planning Board to authorize certain exceptions that lie within its discretion to the regulation, codes, ordinances and/or specification governing subdivisions and I attach hereto a list of such exceptions with the reason for each exception as set forth.

The undersigned applicant requests the Planning Board to approve his plat.

Applicant's Signature _____ Date: _____

Owner's Signature _____ Date: 4-10-15

SULLIN REALTY, INC.

RECEIVED
APR 21 2005
PLANNING-ENGINEERING
TOWN OF SOMERS

$2800.00

11/08

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

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

APPLICATION FEE: $100 for disturbances of five thousand (5,000) square feet and/or for the placement or removal of 50 cubic yards of soil, plus $500 for each additional acre of disturbance.

OWNER: SUNLIN REALTY, LLC **Tel.#:** 232-5121
Mailing Address: PO BOX 807, KATONAH, NY 10533
APPLICANT: SAME AS ABOVE **Tel. #:**
Mailing Address:
State authority: If other than owner, authorization must be submitted in writing

PREMISES: Sheet: 27.05 **Block:** 27.05 **Lot:** 3 2+5

DESCRIPTION OF WORK AND PURPOSE: CONSTRUCTION OF ROADS + STORMWATER DRAINAGE

SIZE OF ACTIVITY AREA: ~~feet by~~ ~~feet~~ 4.6 ACRES (PHASE I)
(include all construction activity area)

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

IN CONJUNCTION WITH:
Wetland Permit: **Steep Slopes Permit:** **Tree Preservation Permit:**
Site Plan: **Subdivision:** X

PROPOSED STARTING DATE: 8-15 **PROPOSED COMPLETION DATE:** 12-15
PLANS PREPARED BY: **DATED:**

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

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:
TOWN SUBDIVISION, WCDEP, NYSDOT & COUNTY HEALTH

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

NAME	ADDRESS	BLOCK/LOT

X **APPLICANT'S SIGNATURE:** ~~DATE:~~ 4.10.15
OWNER'S SIGNATURE: **DATE:**

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

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

Administrative Permit:

Planning Board Permit:

RECEIVED
APR 21 2015
PLANNING-ENGINEERING
TOWN OF SOMERS

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

DAVID H. STOLMAN
AICP, PP
PRESIDENT

MICHAEL A. GALANTE
EXECUTIVE
VICE PRESIDENT

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914 967-6540
FAX: 914 967-6615

CONNECTICUT
203 255-3100

HUDSON VALLEY
845 297-6056

LONG ISLAND
516 364-4544

www.fpclark.com

email@fpclark.com

MEMORANDUM

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

Date: May 4, 2015

Subject: **Granite Pointe - Final Subdivision Plat Approval**

As requested, we have reviewed the following plans in association with the Granite Pointe Subdivision:

1. Plan entitled, "Subdivision of Property to be known as 'Granite Pointe,'" prepared by Donald J. Donnelly, Land Surveyor, dated January 22, 1999, last revised May 8, 2003;

2. Plan labeled EX, entitled, "Existing Conditions," prepared by Bibbo Associates, LLP, dated April 10, 2015;

3. Plan labeled IPP, entitled, "Construction Plan & Integrated Plot Plan," prepared by Bibbo Associates, LLP, dated April 10, 2015;

4. Plan labeled RP-1, entitled, "Road Profile and Details," prepared by Bibbo Associates, LLP, dated April 10, 2015;

5. Plan labeled D-1, entitled, "Details," prepared by Bibbo Associates, LLP, dated April 10, 2015;

6. Plan labeled EC-1, entitled, "Erosion Control Plan," prepared by Bibbo Associates, LLP, dated April 10, 2015;

7. Plan labeled EC-2, entitled, "Erosion Control Details," prepared by Bibbo Associates, LLP, dated April 10, 2015;

8. Plan labeled SW-1, entitled, "Stormwater Basins," prepared by Bibbo Associates, LLP, dated April 10, 2015;

9. Plan labeled SW-2, entitled, "Stormwater Treatment Details," prepared by Bibbo Associates, LLP, dated April 10, 2015;

10. Plan labeled WL-1, entitled, "Water Line Profile & Details," prepared by Bibbo Associates, LLP, dated April 10, 2015;

11. Plan labeled PH-1, entitled, "Phasing Plan," prepared by Bibbo Associates, LLP, dated April 10, 2015.

Project History

As the Planning Board may recall, preliminary and final subdivision plat approvals were previously granted for the development of 23 single-family residential lots on the subject property in April 1998 and July 2002, respectively. Subsequently, the Applicant sought Planning Board approval of extensions to the final subdivision plat approval. The most recent of those requests was submitted in July 2003. At about the same time, it was further discovered that specific areas of the property were impacted with deposited lead from an old shooting range. The presence of lead was confirmed in a report prepared by the project sponsor's consultant, Groundwater and Environmental Services, Inc. dated March 3, 2004.

As a result of that new information, the Planning Board did not approve the Applicant's requested extension and instead determined to require the preparation of a Supplemental Environmental Impact Statement. In order to allow the Applicant sufficient time to prepare a Supplemental Environmental Impact Statement (SEIS) within the allowable time constraints, action was taken by the Planning Board on May 26, 2004 to rescind the final subdivision plat approval and the status of the application review reverted to the preliminary subdivision plat approval stage. The SEIS was prepared and fully review by the Planning Board. On September 24, 2013, the Planning Board completed the SEQRA process. The Applicant has now submitted an application for final subdivision plat approval.

Comments

With regard to the current application for final subdivision plat approval, we offer the following comments for the Planning Board's consideration:

1. The Planning Board will need to determine if a public hearing should be held on the Final Subdivision application. The criteria for determining whether a public hearing is required is set forth §150-13.F of the Somers Town Code, "In the event that an application for final subdivision plat approval is submitted more than six months after the date of approval of the application for preliminary subdivision plat, the Planning Board may, in its discretion, conduct a public hearing on the application for final subdivision plat approval, notwithstanding that the final

subdivision plat is in substantial agreement with the approval preliminary subdivision plat, to assist the Planning Board in identifying pertinent new information or changes of circumstances."

2. A Town of Somers Tree Removal permit will be required for the removal of Town regulated trees. Replanting to prevent erosion, provide screening, preserve ecological systems or remediate effects on neighboring properties will be required as part of the permit. A planting plan should be provided to show the locations of tree removal, location of proposed plantings, and the size and species of proposed plantings. The Application will also require a Wetlands Permit and Steep Slopes Permit.

3. As confirmed by the Town's Planning Department, the Applicant has paid the recreation fees for all 23 lots.

4. As noted on the plat, the Applicant is to submit the proposed wording and design of the three cast metal commemorative plaques for the historic roadbed for approval by the Planning Board and Town Historian.

5. Lot 24 and Lot 25 have the same tax lot number on the plat. Based on our conversation with the Applicant's Engineer, it is our understanding that the tax lot numbers are currently being revised to assign separate numbers to the lots.

6. The preliminary plat approval required a landscaping plan for the common driveway on Lots 28 and 29. The landscaping plan should be provided.

7. All easements should be submitted to the Planning Board Attorney for review and approval.

We look forward to discussing our memorandum with you.

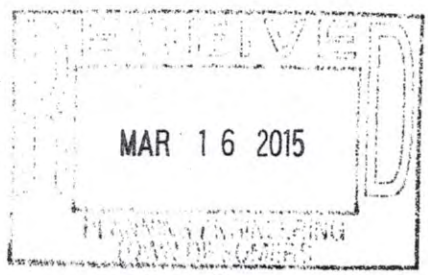
Sarah L. Brown
Senior Associate/Planning

cc: Joseph Barbagallo, P.E., Consulting Town Engineer
Roland Baroni, Esq.
Marilyn Murphy, Planning Board Secretary
Tim Allen, P.E.

BIBBO ASSOCIATES, L.L.P.
Consulting Engineers

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

March 16, 2015



Westchester County Dept. of Health
BEQ-Land Development
25 Moore Ave - 1st Floor
Mt. Kisco, NY 10549

Attn: Mr. Anthony J. Kunny, Assistant Engineer

801

Re: Granite Pointe Subdivision
Somers (T)

Dear Mr. Kunny:

In follow-up to our meeting on March 4th, please find enclosed copies of the following:

- Remediation Program Phasing Plan
- Construction and Integrated Plot Plan

As discussed, we are seeking your initial review and acknowledgment of removal and replacement of soil on Lots 11, 12 and 13 on the enclosed plans. As discussed the removal of soil is a requirement of the NYSDEC Brownsfield and the replacement of clean run-of-bank a precursor to our forthcoming updated final subdivision approval.

Please do not hesitate to call me with any questions or comments.

Very truly yours,

Timothy S. Allen, P.E.

TSA/mme
Enclosures

cc: J. Harkins
Somers Planning Board
File

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MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: May 6, 2015
RE: Granite Point Subdivision
Final Subdivision Plat Application, Stormwater Management & Erosion Control Permit, Steep Slopes Protection Permit & Tree Removal Permit
Tomahawk Street
TM: 27.05-3-2&5, R-40

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our initial review comments and recommendations related to the Granite Pointe Final Subdivision Plat Application. The Application proposes the subdivision and construction of 23 new residential lots located on the East side of Tomahawk Street across from Granite Springs Road. The project had previously been granted Final Subdivision Plat approval in 2002, but such approval was rescinded following the discovery of lead contamination on the property. The Planning Board required that a Supplemental Environmental Impaction Statement (SEIS) be prepared to previously uncontemplated impacts related to the lead contamination. The Final Supplemental Environmental Impact Statement (FSEIS) was accepted as complete in September 2013 and Findings were subsequently adopted by the Board at its October 8, 2014 meeting.

The application proposes that the new 23 single family lots will be accessed by a new Town Road "Munson Frost Drive" with two new intersections proposed to Tomahawk Street. The development will be served by a new water main shown to connect to the existing water main termination on Old Tomahawk Street. Individual lot subsurface sewage treatment areas and community stormwater infrastructure are also proposed to be constructed as part of this application. The following documents were considered during this review period.

DOCUMENTS RECIEVED

- Cover Letter, by Bibbo Associates, LLP, dated April 11, 2015.
- Town of Somers Planning Board: "Application for Final Approval of Subdivision", by Suelain Realty, Inc., dated April 10, 2015.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 93 "Stormwater Management and Erosion and Sediment Control", by Suelain Realty, Inc., dated April 10, 2015.
- "Stormwater Pollution Prevention Plan for Granite Pointe Subdivision", prepard by Bibbo Associates, LLC, dated April 10, 2015.
- Drawings: "Granite Pointe", Sheets: 1-10, prepared by Bibbo Associates, LLC, dated April 10, 2015.

- Survey Plat: "Subdivision of Property to be known as Grainte Pointe", prepared by Donnelly Land Surveying, P.C., dated January 29, 1999, last revised May 8, 2003..

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Final Subdivision Plat Approval
- New York State Department of Environmental Conservation General Permit No. GP-0-15-002.
- New York City Department of Environmental Protection: Approval of Subdivision Stormwater Pollution Prevention Plan (SWPPP).
- New York City Department of Environmental Protection: Crossing Piping and Diversion Permit **
- New York State Department of Transportation: Highway Work Permit
- Westchester County Department of Health (WCDOH): Realty Subdivision Approval
- Westchester County Department of Health (WCDOH): Construction Approvals for Individual Septic Systems
- Westchester County Department of Health (WCDOH): Approval of Water Main
- Town of Somers Planning Board: Stormwater Management and Erosion & Sediment Control Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Permit

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

DISCUSSION

The Applicant has provided updated design documents intended to re-apply for Final Subdivision Plat Approval. The provided submittal includes an updated Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the January 2015 update to the NYSDEC Stormwater Management Design Manual and a project Pollutant Loading Analysis, as were agreed upon during Planning Board acceptance of Findings for the Granite Pointe Final Supplemental Environmental Impact Statement (FSEIS). Remedial site work related to removal of lead contaminated soils on the Granite Pointe property has not yet been commenced. Our office is still awaiting receipt of an updated Remedial Work SWPPP that addresses outstanding conditions as identified in our more recent memorandum, dated August 29, 2014. Removal of lead contaminated soils and environmental cleanup project closeout must be completed prior to any further development activities associated with the residential subdivision application; which will be a condition of approval.

The following is a summary of our comments at this time. The status of all previously identified engineering comments as well as new comments is shown in **Bold Type**. It should still be noted however that the provided submittal reflects the current progress of design development for the

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project and that not all detailed design components have been included at this time. Further comments will be issued upon review of more detailed design submittals..

1. The subdivision development proposes to disturb 24.10 acres of site area to construct the 23 residential lot subdivision. The Applicant has prepared a Land Disturbance Phasing Plan that specifies that no greater than 5 acres of area will be disturbed at any given time during construction. Further comments on the Land Disturbance Phasing plan are included below under general Erosion and Sediment Control Comment 18. Final acceptance of the Land Disturbance Phasing Plan will be determined upon receipt of the final revised development SWPPP.
2. The proposed development requires the preparation of a full Stormwater Pollution Prevention Plan (SWPPP) inclusive of post-construction stormwater controls with all required contents and design elements provided as specified by the NYSDEC SPDES General Permit (GP-0-15-002) and Chapter §93 of Town Code. The following general comments relate to the SWPPP narrative and enclosed HydroCAD reports
    a. The SWPPP narrative shall be revised to specify that site inspections will be conducted at a minimum of twice weekly by the Qualified Inspector.
    b. Revise the SWPPP to include manufacturer generated inspection and maintenance documents for proposed proprietary stormwater infrastructure (Cultec Chambers and Vortex Pre-Treatment)
    c. Amend the SWPPP to include a description of general site housekeeping, rubbish disposal, temporary construction fuel and chemical storage and spill prevention procedures.
    d. The Applicant shall prepare draft Stormwater Maintenance Agreements for ALL proposed stormwater infrastructure to be maintained by homeowners/HOA, for review and acceptance by the Consulting Town Engineer and Town Attorney. It should be noted that the Town of Somers will not assume dedication of any proposed stormwater management practices. Maintenance responsibilities must remain the obligation of the Owner/HOA.
    e. The following technical comments related to the project HydroCAD report must be addressed:
        (1) Provided plan drawing "SW-1" shows the construction of five infiltration chambers on Lot No. 19 and No. 27, while the HydroCAD model considers seven.
        (2) Verify that a minimum of 0.5 feet of freeboard is provided for the 100 year design storm in all proposed stormwater basins. Specifically basins SWQB-E and SWQB-F appear to have insufficient freeboard.
3. The SWPPP contains a summary of project Water Quality Volume (WQv) and Runoff Reduction Volume (RRv) calculations within Appendix C. Preliminary review of the provided calculations has been completed at this time and our comments are summarized as follows. It should be noted that final acceptance of WQv/RRv calculations will be confirmed upon receipt of the final revised SWPPP.

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a. The Applicant shall prepare design summary worksheet that demonstrates design compliance with required elements as defined by Chapter 5 of the NYSDEC SMDM. (max peak flow, velocity, flow depth, slopes, freeboard, detention time),

b. Update the Water Quality Volume Calculation Worksheets in Appendix C to better identify how "Remaining WQv for Standard Treatment" is determined from "Original WQv". It appears that a summary line for "WQv Provided by Practices with RRv Credit" is missing from the sheet.

4. The proposed stormwater management plan includes construction of several Bioretention Filters to address water quality requirements on Lots No. 27, 28 and 29. All of these systems are shown to function as filtration practices and incorporate the use of underdrains. The following technical comments are applicable based upon our review of the proposed Bioretention Filter areas.

   a. The Applicant shall complete field investigation (deep hole test pit excavation) to confirm minimum of 2 feet vertical separation between the bottom of each practice and groundwater/bedrock.

   b. The Applicant shall revise the sizing of proposed Bioretention filters to consider maximum ponding depth as 0.5 feet as required by Chapter 6 of the Stormwater Management Design Manual. Available storage within the practice must be shown to provide storage for a minimum of 75% WQv prior to the filtration media.

   c. Pretreatment measures for proposed Bioretention Filter areas must be implemented into the project design in accordance with Chapter 6 of the SMDM.

   d. The Applicant should consider revising the HydroCAD model to consider stormwater percolation through Bioretention Soil Media. The Applicant's Engineer may contact our office directly to discuss this modeling provision if further clarification is desired.

   e. Add a note to the construction detail to indicate that Bioretention Soil media must conform with the Appendix H. specifications of the NYSDEC SMDM.

   f. Add a note to the construction detail to indicate Bioretention Filter practices will be constructed in accordance with Appendix C specifications of the NYSDEC SMDM, latest edition.

   g. Update the construction detail to show cleanouts at the terminal end of all underdrain spurs.

   h. The Applicant shall update the plans and detail to utilize 8" diameter perforated pipe as the filter underdrain

5. The proposed stormwater management plan includes the construction of several infiltration practices throughout the Granite Pointe Subdivision development. The following sub-comments are based upon our review of the proposed infiltration basins.

   a. The Applicant shall complete field investigations (deep hole test pit excavation and percolation testing) to evaluate subsurface soil feasibility at each practice location.

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b. The Applicant shall confirm that all proposed infiltration practices are located in native soils and avoid construction in fill as specified by the NYSDEC Stormwater Management Design Manual.

c. Show minimum horizontal separation between proposed infiltration basins and adjacent structures as 25 feet. The Applicant shall update the plan to show minimum separation between subsurface infiltration chambers and adjoining structures as 10 feet.

d. NYC DEP specifies that proposed infiltration practices shall be located at a minimum of 100 feet away from site septic fields. The Applicant shall update the plan to demonstrate that minimum horizontal separation is provided, specifically on Lot numbers 19, 27 and 29.

e. Pretreatment measures must be identified for subsurface infiltration practices proposed on Lot number 19, 27 and 29.

f. The Applicant shall revise the construction detail for typical cultec infiltration chambers to specify minimum cover as 12 inches in non-traffic applications. At a minimum, 6 inches of such cover shall be provided as clean washed stone.

g. The Applicant shall update the plan to show construction fence installed surrounding the footprint of proposed infiltration practices during construction to minimize equipment tracking and soil compaction.

h. The Applicant shall add a note to the plan to indicate all stormwater infiltration practices must be inspected by the Consulting Town Engineer or Principal Engineering Technician prior to backfill.

6. The Applicant proposes to construct a Micropool Extended Detention Stormwater Pond (NYSDEC Type P-1) to accept drainage runoff from basin B. The following comments are related to our review of the proposed pond design.

   a. The Applicant shall provide site investigation data to identify the existing groundwater elevation at the proposed pond site relative to the proposed pond invert.

   b. The Applicant shall prepare a profile view construction detail for the proposed Extended Detention Pond with a summary table that shows all applicable invert elevations of the proposed practice.

   c. Provide sizing calculations that demonstrate a storage volume of at least 10 percent of the calculated water quality volume is provided within the pond inlet forebay.

   d. Provide a calculation of pond surface area relative to drainage area, as defined by Section 6.1.4 of the NYSDEC SWMDM.

   e. Demonstrate that an aquatic bench (maximum ponding depth of 18 inches) is provided surrounding all deep water pools in excess of 4 feet depth.

   f. Update the layout plan to demonstrate that required planting setbacks are provide between the maximum water surface elevation and adjacent structures.

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g. The Applicant shall prepare a Landscaping Plan for the stormwater pond and buffer consistent with the requirements of the NYSDEC SWMDM, latest edition. The Applicant shall consider the incorporation of chloride tolerant plantings for the Landscaping Plan.

7. The Applicant shall prepare a profile view drawing that illustrates all proposed drainage pipe segments within the right-of-way of Munson Frost Drive.

8. Subdivision stormwater runoff collected in Drainage Basin C proposes to discharge to an existing drainage culvert under Tomahawk Street. The existing 12" CMP culvert is shown to be replaced with a 24" HDPE pipe as part of construction activities. The following sub-comments are related to the proposed pipe replacement:

   a. The Applicant shall provide hydraulic sizing calculations for the proposed replacement pipe culvert that compares peak flows from the 10, 25 and 100 year design events to maximum pipe capacity.

   b. The Applicant shall prepare a detailed work plan that includes traffic protection measures for Tomahawk Street during replacement of the Culvert pipe

   c. The Applicant shall address NYSDOT criteria necessary for issuance of a Highway Work Permit.

9. Proposed development activities involve greater than 2 acres of site disturbance and require review and approval of the project SWPPP by the NYC DEP. In addition, project disturbance may require the approval for a Crossing, Piping & Diversion Permit (CPDP) for the proposed culvert crossing under Munson Frost Drive at station STA 11+00. The Applicant shall furnish documentation of NYC DEP permit approvals prior to issuance of Final Subdivision Plat approval by the Planning Board.

10. The project proposes to construct a new Town Road that will provide individual driveway access to proposed Lots #7 to #27. The proposed Road, named "Munson Frost Drive" is shown to create two new intersections with Tomahawk Street. The Application indicates that the proposed Road is planned for dedication to the Town of Somers. The following sub-comments relate to the proposed Town roadway:

    a. The Applicant shall update the plan to show sight distance in both directions at proposed intersections between Munson Frost Drive and Tomahawk Street.

    b. The Applicant shall prepare structural design details to describe the proposed Town Road crossing of the drainage easement at station STA 11+00.

    c. The plan shall be revised to show sight easements at the northern intersection between Munson Frost Drive and Tomahawk Street.

    d. A performance bond will be required to be posted for the proposed roadway construction. The Bond shall remain in place until Town acceptance of roadway dedication. The Applicant shall prepare a construction cost estimate for the proposed roadway and common improvements that shall serve as the basis for the Bond amount.

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e. The Applicant shall provide a construction detail for proposed roadway monuments in accordance with Town Code §174-28.

f. The Plan shall be updated to show proposed stop signs at the intersections of Tomahawk Street and Munson Frost Drive. A construction detail for typical signage shall be included with the plan details.

g. The Applicant shall revise the construction detail for asphalt curb to match NYSDOT specifications as required by §A174-24(A) and incorporate a reveal of 6 inches.

h. The Applicant shall furnish documentation of having received NYSDOT approvals for proposed roadway curb cut and Highway Work Permit prior to signing of the Final Subdivision Plat.

11. The Applicant shall revise the provided construction detail for typical drainage catch basin to specify a Campbell Foundry Type 2541 frame and grade, reference material specifications of Town Code §A174-11 and show top of frame set 1.5 inch below surrounding pavement,

12. The Applicant shall revise the provided construction detail for typical drainage manhole to reference material specifications of Town Code §A174-11 and show top of frame set 1.5 inch below surrounding pavement.

13. The Applicant proposes to construct a common driveway to provide access to Lot No 28 and 29 connecting to Tomahawk Street. The following comments related to the proposed common driveway must be addressed:

    a. Revise the construction detail for common driveway to show minimum width as 14 feet with 4 feet additional as pervious. Please contact our office to discuss the approach to meeting this code requirement.

    b. Update the plan to show approximate sight distance at the driveway intersection with Tomahawk Street.

14. The Applicant has prepared a Pollutant Loading Analysis that analyzes and compares pre-development and post-development pollutant loading of Nitrogen, Phosphorus, TSS, Lead, Zinc and Copper. This analysis is identified to be prepared following the Pollutant Loading Coefficient Method. The Amawalk Reservoir is a regulated TMDL watershed where Total Phosphorous is the identified Pollutant of Concern. The Applicant shall prepare a revised Pollutant Loading Analysis that considers only Phosphorous Loading. The revised analysis must be prepared following the Simple Method calculation methodology and use published Effluent Mean Concentrations (EMC) and Load Reduction credits as recognized by NYSDEC.

15. The project proposes to construct several retaining walls within the subdivision development. The provided construction detail for typical retaining wall identifies that walls are planned to be constructed as dry rubble gravity wall systems. The Applicant shall update the plan to identify proposed top of wall and bottom of wall elevations for all retaining wall segments. It should be noted that signed and sealed structural engineering calculations must be provided for all walls greater than 4 feet in retained soil height.

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16. The following comments are based on a preliminary review of the proposed water distribution system. Water distribution system will ultimately require review and approval by both Town of Somers Water and Sewer Department and Westchester County Department of Health.
    a. Proposed service connections for existing residences are shown in plan and profile. Show proposed services for proposed residences as well.
    b. Plans show proposed service connections as 3/4" while detail sheets refer to 1" services. Confirm proposed size.
    c. Water piping includes two automatic air release valves installed at relative high points. The Recommended Standards for Water Works, 2012 Edition (10 State Standards) recommends use of manual air relief valves wherever possible. Applicant should consider use of hydrants as blowoffs in lieu of air release valve or blowoff located in a below-grade pit. Blowoffs shall meet the requirements of Town of Somers Code § A173-17 and approval by the Water and Sewer Department.
    d. Typical Water Main Trench detail shows pipe installed directly on native soil. Pipes shall be bed in crushed stone or gravel from six inches below the bottom outside of the pipe to 12 inches above the top of the pipe per Town of Somers Code § A173-21A.
    e. Typical Water Main Trench detail notes that detectable tape shall be installed if non-ferrous pipe is installed. Detectable tape shall be installed for any water piping, including ferrous or non-ferrous mains and service connections, in accordance with Town of Somers Code § A173-21D.
17. Residential wastewater is proposed to be disposed at individual septic fields to be constructed on each proposed lots. The following sub-comments relate to the proposed on-site septic field treatment areas.
    a. The Applicant shall update the plan to show proposed house sewer effluent pipe and septic tank locations.
    b. The Applicant shall furnish WCDOH construction approvals for individual lot septic systems prior to issuance of future Building Permits.
18. The Applicant has provided a preliminary erosion and sediment control plan and Land Disturbance Phasing plan. Our office will continue review of the project erosion and sediment control program as more detailed information is received. The following sub-comments are related to project erosion and sediment controls and the Land Disturbance Phasing Plan:
    a. The Applicant shall develop a site earthwork plan that is coordinated with the land disturbance phasing plan. The earthwork plan shall summarize approximate cut-fill volumes during each phase of development. The Land Disturbance Phasing Plan must be updated to consider the limits and approximate height of all temporary stockpile areas. If excess soil material is proposed to be exported off-site, then a description of approximate truck trips and duration of hauling operations must be provided.

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b. The Applicant shall provide structural measures to minimize dust generation during fill export activities. These plan elements must be coordinated with the Land Disturbance Phasing Plan and project erosion and sediment control plan within the SWPPP. Partially Addressed. To be confirmed upon receipt of the Land Disturbance Phasing Plan and final Erosion & Sediment Control Plan.

c. The Applicant shall add a note to the plan that indicates all imported soil material must meet constituent standards for "Unrestricted Use" in accordance with NYSDEC Part 375 and DER-10 Technical Documents.

d. The Applicant shall identify if rock removal is anticipated during construction of the proposed subdivision development. If rock removal is proposed, the l plan shall estimate rock removal quantities based upon proposed grading and shall describe the limits of and methodology intended to be used for rock excavation.

e. A note shall be added to the Erosion and Sediment Control drawing sheet to indicate that Permanent site stabilization will be performed in accordance with Chapter 5 Soil Restoration Standards of the NYSDEC SMDM.

f. The Applicant shall revise the provided construction details for Rip Rap Swale and Emergency Spillway to utilize stone with a minimum d50 of 9 inches.

19. The provided existing conditions map identifies that existing regulated steep slopes are located within the project limits of the disturbance. The Applicant shall prepare a Steep Slopes Constraints Plan that identifies proposed disturbance to regulated steep slopes in square feet by the following categories: (15-25%, 25-35% & >35%).

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

Sincerely,

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

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MEMORANDUM

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TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: May 7, 2015
RE: Green Briar Somers Corporation – Section 7, Lots 1 & 2
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes Protection Permit, Wetland Activity Permit and Tree Removal Permit.
Green Briar Drive
TM: 6.14-1-28,29, R-40 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 applications for environmental permits for the parcels located on Green Briar Drive. The Applications are for construction of two townhouse units that were previously granted approval under Resolution No. 2006-26 for the re-subdivision of Lots 1-4 in Green Briar Section 7. The following documents were received during the current review period.

DOCUMENTS RECEIVED

- Cover Letter, by Bibbo Associates, LLP, dated April 21, 2015.
- Stormwater Pollution Prevention Plan, prepared by Joseph J. Buschynski, PE, dated November 14, 2013, last revised April 9, 2015.
- "Site Plan", Drawing Sheets: "SP-1", "CM-1", "LP-1","EC-1", "AD-1", "TP" & "WB" prepared by Bibbo Associates, LLP, dated November 4, 2013, last revised April 9, 2015.

PERMITS AND APPROVALS REQUIRED

- 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
- NYSDEC: State Environmental Quality Review
- NYSDEC: Freshwater Wetlands Permit
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)

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DISCUSSION

The Applicant has prepared a revised Stormwater Pollution Prevention Plan (SWPPP) and site drawings in response to our previously identified engineering comments. Following the Applicant's appearance at the September 10, 2014 Planning Board meeting, a site walk was completed by the Consulting Town Engineer and representative of the Planning Board. It was observed during the walk that existing conditions at the drainage pipe outfall located to the west of the Applicant site have experienced significant sediment deposit that will require cleanout.

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 the review of new or revised project documents.

COMMENTS FROM FEBRUARY 4, 2014 ACTION MEMORANDUM

Pursuant to Tree Removal Permit

1. Consistent with the requirements of Town Code §156-5, the Applicant shall provide the following information as required to be included with an application for Tree Removal Permit.
    a. Color photographs showing the areas and environment where trees are to be removed, with sufficient detail to identify the remaining trees in the area after work is completed. **Addressed.**
    b. Survey or sketch of the area to be disturbed, showing the number, location, common name, and tree caliper of all trees proposed to be removed. **Addressed.**
2. Replacement plantings shall be coordinated with the wetland buffer Mitigation Plan to preserve the existing ecological functions of the wetland area. **Comment satisfaction subject to determination by Planning Board related to Comment No. 3, below.**

Pursuant to Wetlands Activity Permit

1. The Applicant shall provide an updated survey of wetlands boundaries, as delineated by a qualified individual no earlier than 12 months prior to the date of application filing. The date of delineation and qualified individual shall be identified on the updated survey. **Addressed.**
2. The Applicant shall provide the following information as required to be included with an Application for Wetlands Activity Permit: The provided comments below are referenced directly from application requirements listed under §167-6.
    a. Statement of the proposed work and explanation why the proposed activity cannot be located at another site or outside regulated wetland buffer areas. **Addressed.**
    b. Description of vegetative cover within the existing regulated buffer area, including dominant species. **Addressed.**
    c. Description of all functions currently provided by the wetland area under review. **Addressed.**

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d. Provide a construction detail for the proposed footing drain discharge location, as shown within the regulated wetland buffer area. **Addressed.**

3. The Applicant shall develop a Mitigation Plan for disturbances to regulated buffer areas in accordance with the requirements of Town Code §167-9. The Mitigation Plan must consider required baseline data for "small projects" identified under §167-9(B) and shall be developed to follow criteria for disturbance to the wetland buffer as defined by §167-9(B)(5). The Mitigation Plan shall be comprised of all required plan elements indicated by §167-9(C). **The provided Applicant comment response requests that requirement of a mitigation plan be reconsidered as all utility connection work is located outside of the 100 foot regulated buffer of the recently updated wetland boundary. Based upon our understanding of the project scope, it is our recommendation to the Planning Board that this request is acceptable, as the only work proposed to occur within the wetland buffer is limited stabilization of the deteriorated steep slope areas.**
4. The Applicant shall revise the Planting Plan to indicate a minimum two year guarantee on all planting and seeding, starting from the date of final acceptance. **Addressed.**

Pursuant to Steep Slopes Protection Permit

1. The Applicant shall update the plan to indicate that no disturbance of steep slope area shall occur greater than 15 days prior to the start of grading within such area. **Addressed.**
2. The provided Constraints Map drawing shows that disturbance of regulated very steep slope areas (greater than 25% gradient) is proposed as a result of construction activities. In accordance with Town Code Chapter 148, the Planning Board is the permit issuance authority where disturbance of regulated Very Steep Slopes and Extremely Steep Slopes areas are proposed. The Applicant shall revise the SWPPP to identify that Town Steep Slopes Disturbance and Stormwater Management & Erosion Control Permits environmental permits are not administrative, as the Planning Board is the issuing authority. **Addressed.**
3. The Applicant should describe how grading and stabilization of steep slopes within the regulated wetland buffer will be completed. If additional disturbance and associated construction access is needed for the use of mechanical excavation equipment, then the SWPPP must be amended to consider the additional disturbed area and stabilization following construction. **Addressed.**

COMMENTS FROM JANUARY 3, 2013 REVIEW MEMORANDUM

1. The Applicant shall revise the plan to include a limit of disturbance line and shall identify total land disturbance in square feet. **Addressed.**
2. The Applicant has provided a Stormwater Pollution Prevention Plan (SWPPP) for the development on Lots 1 & 2. Consistent with the requirements of Chapter 93 of Somers Town Code, the project accounts for less than 1 acre of land disturbance but must still prepare a SWPPP with Erosion and Sediment Controls. In addition, the Applicant is required to obtain coverage under the NYSDEC General SPDES Permit for Stormwater

Discharges from Construction Activity (GP-0-10-001). The following comments are based upon our review of the provided SWPPP.

a. The SWPPP shall be revised to include a description of litter control measures and storage of construction chemicals. **Addressed.**

b. The Applicant shall revise the SWPPP to include an acceptable Erosion and Sediment Control Inspection Form to be used during weekly inspections in accordance with the SPDES General Permit. **Addressed.**

c. The Applicant shall provide a summary of earthwork for the project site, including totals of net cut and fill. **Partially Addressed. The Applicant states that approximately 25 cubic feet of fill will be imported on to site. The Applicant shall update the plan with a note describing that all imported fill soil must demonstrate compliance with unrestricted use as specified by NYSDEC DER-10 and CP-51 guidance document standards.**

CONDITION: The Applicant shall add a note to the plan to indicate that all imported fill soil must meet criteria defined for "Unrestricted Use" as specified by NYSDEC DER-10 and CP-51 guidance standards.

d. The Applicant shall revise the Construction Sequence to include the proposed slope stabilization work on existing deteriorated steep slopes areas. **Addressed.**

e. Revise the construction detail for silt fence to consist of wire-reinforced non-woven geotextile, consistent with the NYSDEC New York Standards & Specifications for Erosion & Sediment Control. **Not Addressed. The Applicant's suggested alternative is not listed in the Standards & Specifications Manual.**

CONDITION: Provide silt fence detail to the satisfaction of the Consulting Town Engineer.

f. The Applicant shall update the SWPPP and erosion and sediment control drawing notes to identify that weekly site inspections shall be completed by the Qualified Inspector, in accordance with the NYSDEC SPDES General Permit (GP-0-10-001). **Addressed.**

g. Revise the SWPPP and erosion and sediment control drawing notes to reference the Chapter 5 Soil Restoration Requirements of the NYSDEC Stormwater Management Design Manual, latest edition. **Partially Addressed. The drawing notes properly reference the listed requirements. Applicant shall update the matching SWPPP section to reflect the same requirements.**

CONDITION: Update SWPPP to include soil restoration requirements listed on drawings.

3. The proposed site work includes site disturbance within the 100 foot buffer of NYSDEC regulated wetlands, as shown on the provided plans. Through discussions with the Town Principal Engineering Technician, the Applicant has requested to waive requirement for an updated delineation of the wetland limits. Based upon the minimal level of disturbance and the observed site conditions, we feel comfortable to recommend that the Planning Board consider waiving such requirement for an updated delineation.

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4. The Applicant shall provide a description of seeding and vegetative restoration proposed within the NYSDEC Wetland buffer. *Partially Addressed. The Applicant shall add a note to the plan which indicates that wetland buffer areas shall be maintained as a "No Mow" area.* **Addressed.**
5. The Applicant shall revise the Erosion and Sediment Control drawing sheet to include a row of silt fence along the southern project limits to Green Briar Drive. **Addressed.**
6. Existing slopes on northwest property line of lots 1 & 2 along the edge of the sewer easement have become eroded. The Applicant shall revise the erosion and sediment control plan to include slope stabilization measures for the deteriorated steep slope surfaces along the edge of sewer easement and where sanitary sewer connections are proposed. *Partially Addressed. The provided detail sheet includes a construction detail that describes seed and mulch placement on the steep slopes to be stabilized. The Applicant shall revise the detail to note the rate and patterns staples/pins intended to be placed within the slope stabilization blanket.* **Addressed.**
7. NYSDEC State Environmental Quality Review Forms have been updated, as effective on October 7, 2013. The provided Short Environmental Assessment Form was not completed on the currently accepted form template. The Applicant shall revise the project Environmental Assessment Form to use the current issued template. **Addressed.**
8. The Applicant shall prepare a Tree Removal Plan that identifies all trees to be removed by species and caliper. **Comment Superseded. Refer to Action Memorandum Comment No. 1(a), above.**
9. The Applicant shall add a note to the plans at the proposed crossings of water service and roof drain pipes to indicate that a minimum of 18" inches vertical separation must be provided, in accordance with WCDOH standards. **Addressed.**
10. **The Applicant shall re-route the proposed roof leader drain pipe from Unit "B" to discharged to Catch Basin "CB-1" before conveyed to the proposed Infiltration practice.**

CONDITION: The Applicant shall reroute the roof drain leader on the "B" Unit to first drain into the catch basin labeled CB#1 that lies immediately west of Infiltration Pit #1.

COMMENTS FROM SEPTEMBER 10, 2014 PLANNING BOARD MEETING

1. The Applicant was requested to clarify whether or not the property lies within a groundwater protected overlay district. **Addressed. The revised drawing set has included a map overlay of the Groundwater Protection Overlay District that illustrates the site is not located within.**
2. **The Planning Board requested that the Consulting Town Engineer inspect the outfall of the pipe to which the Applicant is connecting to determine whether or not additional improvements are required to protect the Wetland Area. Based on this inspection that was completed following the September meeting, the Applicant shall:**

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a. **Remove all accumulated sediment from the existing forebay and downstream wetland area.**

b. **Redesign and reconstruct the forebay in according with NYS Sediment and Erosion Control Design Manual.**

These requests shall be conditions to be addressed prior to issuance of a Certificate of Occupancy for the proposed buildings.

CONDITION: The Applicant shall address comments 2(a) & (b) pertaining to the existing pipe discharge forebay prior to issuance of a Certificate of Occupancy for the proposed buildings.

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

Sincerely,

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