Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD
AGENDA
MAY 14, 2014
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for March 12, 2014 and March 25, 2014

TIME-EXTENSION

1. **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. FINAL CONSERVATION SUBDIVISION APPROVAL [TM: 16.12-1-41 & 42]**
   Application of Susan Haft and Ridgeview Designer Builders, Inc. for Final Conservation Subdivision Approval, Stormwater Management and Erosion and Sediment Control, Steep Slopes and a Tree Removal Permit. Request for a 90-day time-extension of Final Approval from May 19, 2014 to and including August 17, 2014 in accordance with §150-13.M. of the Code of the Town of Somers. This is the fourteenth request for an extension of Final Subdivision Approval.

REFERRAL

2. **19 LOCUST DRIVE [TM 5.15-2-31]**
   Referral from Town Board regarding request by owner of 21 Locust Drive to purchase Town property at 19 Locust Drive for review and comment

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 Home 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.

Next Planning Board Meeting, June 11, 2014
Agenda information is also available at www.somersny.com

C/ PB TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

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

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN

NOELLE CRISALLI WOLFSON

TEL: (914) 421-1800
FAX: (914) 421-1856
WEB: WWW.HTWLEGAL.COM

HENRY M. HOCHERMAN
RETIRED

April 16, 2014

RECEIVED
APR 16 2014
PLANNING ENGINEERING
TOWN OF SOMERS

653

Via Electronic Mail

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

Re: Final Subdivision Plat Approval Issued to
Susan F. Haft and Ridgeview Designer Builders, Inc.
Lovell Street, Town of Somers
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42
Fourteenth Request for Extension of Time to August 17, 2014

Dear Chairman Currie and Members of the Planning Board:

At its meeting on February 12, 2014, the Planning Board granted its thirteenth extension of Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to and including May 19, 2014. We are writing to request an additional 90-day extension of Final Approval to and including August 17, 2014. This is our fourteenth request for an extension of Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Since the last extension, our clients have been coordinating the next stage of the infrastructure work which involves installing the Belgium Block curb and the pervious and impervious blacktop where required. Not much progress was able to be made during the winter months and the balance of the infrastructure work will not be completed prior to the May 19, 2014 expiration date. Therefore, our clients seek a further extension of Final Approval to and including August 17, 2014.

We understand from Mr. Eric Moss that the site is clean and stable with no erosion or runoff and that the ponds, which are on-line, continue to function properly. We further understand that Mr. Steve Woelfle has continued to make periodic inspections and is aware of the status of the site work.

Kindly schedule this request for consideration and action at the Board's May 14, 2014 meeting and let us know if an appearance is required.

Thank you for your courtesy in this matter.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella /cv
Geraldine N. Tortorella

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

S:\# MATTERS\Moss 0056\Somers Subdiv 001\Letters\Currie 4-16-14 Fourteenth Extension Request.docx

TEL:914-277-3323
FAX:914-277-3960

TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589

KATHLEEN R. PACELLA
TOWN CLERK

RESOLUTION

RESOLVED, that the Town Board does hereby refer a request to purchase Town Property at 19 Locust Drive, 5.15-2-31 to Engineering, Highway Superintendent, Parks and Recreation Board Planning Board and the Open Space Committee for review and comment.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town board of the Town of Somers at a Regular Meeting held on April 10, 2014.

Dated: April 11, 2014

Kathleen R. Pacella
Town Clerk

Cc: Supervisor
Director of Finance
Principal Engineering Technician
Highway Superintendent
Parks & Recreation Board
Planning Board
Open Space Committee

c-3

April Agenda
EC-TBTC TA
3/25/14
kjs

Pamela Beadle
Anthony V. Beadle
21 Locust Drive
Mahopac, New York 10541-5353
Telephone (914) 248-8996

RECEIVED
MAR 24 2014

RECEIVED
MAR 25 2014
TOWN CLERK'S OFFICE
SOMERS, NEW YORK

The Hon. Rick Morrissey, Town Supervisor
Town of Somers
335 Route 202
Somers, New York 10589

March 24, 2014

RE: Petition to Purchase Town Property at 19 Locust Drive, Section 5.15, Block 2, Lot 31

Dear Supervisor Morrissey:

My wife and I would like to purchase the above-captioned property owned by the Town of Somers that lies to the southwest of and adjoins our residential property. We wish to use the land to replace our 84-year-old septic system when it is no longer serviceable, but otherwise we intend to keep the land much as it is. Our home is located in the very southwest corner of our property, so we have nowhere else to locate a replacement septic system. We have been told that we would need substantially all of Lot 31 to do this.

We also have been told that such use would require a modification to the restrictive covenant to the land deed that is normally applicable. We therefore petition for such modification as may allow our intended use.

Thank you for your consideration.

Very truly yours,

AV Beadle

Anthony V. Beadle

Phone
914-277-3525

TOWN CLERK'S OFFICE

TOWN HOUSE
P.O. BOX 254
SOMERS, N.Y. 10589-0254

Town of Somers

WESTCHESTER COUNTY, N. Y.

MARGARET M. QUARTIRONI
Town Clerk

RECEIVED
MAR 31 2014
TOWN CLERK'S OFFICE
SOMERS, NEW YORK

RESOLUTION:

RESOLVED, that the Town Board of the Town of Somers does hereby approve the following Deed Restriction for Town Owned Property:

The parties of the second part, their heirs, successors and assigns, shall not erect any dwelling, building, structure or other improvement on the above property, and the above property:

(a) Shall remain unimproved land, subject to general grading and landscaping for passive recreation; and

(b) Shall be merged into the adjoining lot owned by the parties of the second part; and

(c) Shall not be included in whole or in part in any application for subdivision approval, or considered in determining compliance with zoning, environmental or health regulations in connection with any other application to the Town, except that the above property may be considered in determining compliance with setbacks for improvements to an existing principal use to be wholly located on the adjoining property; and

(d) Shall not be used for any activity requiring a steep slope or wetlands disturbance permit.

This covenant shall run with the land and shall be binding on the heirs, successors and assigns of the parties of the second part.

SUBJECT to and state of facts that an accurate survey may show; a personal inspection of the premises may show; zoning and other laws or ordinances of the Town of Somers and amendments thereto; restrictive covenants, conditions, agreements and easements, if any; rights of lessees, persons or tenants in possession.

SUBJECT to any reserving the right to the Town of Somers to drain or channel surface waters and/or utilities from a public highway, through, over or across said property.

No title is conveyed to land lying in the bed of any street or highway.

Supervisor Harding - NAY

I hereby certify that the foregoing copy of resolution was adopted by the Town Board of the Town of Somers at a Regular Monthly Meeting of the Town Board held on October 14, 1993.

Dated: Oct. 20, 1993

Margaret M Guertin
Town Clerk

cc: Supervisor
Town Planner
Building Inspector

TEL:914-277-3323
FAX:914-277-3960

TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589

KATHLEEN R. PACELLA
TOWN CLERK

RESOLUTION

RESOLVED, that the Town Board does hereby authorize modification for restrictive covenant (deed restriction) for Town owned property known as 5.15-2-31, 19 Locust Drive.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town board of the Town of Somers at a Regular Meeting held on April 10, 2014.

Dated: April 11, 2014

Kathleen R. Pacella
Town Clerk

Cc: Supervisor
Director of Finance
Town Attorney

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4093

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: May 7, 2014

RE:

Project:	Request to Purchase Town Property
Applicant:	Anthony and Pamela Beadle
Location:	19 Locust Drive (Section 15.15 Block 2 Lot 31)
Zoning:	R10 Residence District
Actions:	Petition to Purchase Town Property – Referral from Town Board

The applicant is the owner of 21 Locust Drive (15.15-2-32) which is listed as 74'X75'. The Beadle's are also listed as the owners of adjacent Lot 32.1 (94'X75') and Lot 33 (89'X80') which are adjacent to their current house lot. The lot in question, Lot 31, is south of these lots. All lots are zoned R10 Residence District.

The applicant is requesting purchase of the parcel with the intent of having an option for replacing his septic system in the future with the need for the additional square footage represented by that lot..

The parcel in question, Lot 31 (37'X93') has a restrictive covenant based on a resolution passed by the Town dated October 20, 1993. The restrictive covenant needs to be amended for the above interested party to purchase the property for his stated purpose because the covenant states that the property was not to be utilized for inclusion in whole or in part in any application for consideration in determining compliance with "environmental or health regulations in connection with any other application to the Town".

To permit the potential purchase of this Town owned parcel by the interested party, the Town Board passed a resolution dated April 11, 2014 authorizing modification of the restrictive covenant.

I went in the field to look at the parcel on Tuesday, May 7, 2014 with Steve Woelfle. It is a small parcel adjacent to the parcel on which the existing house is currently under renovation. Except for possibly informing the adjacent parcel owner to the south of availability of the parcel, there would be no particular reason for the Town to retain this parcel in Town ownership and keep it off the tax rolls.

Cc: Town Board
Town Clerk
Roland Baroni
Open Space Committee
Joe Barbagallo

Z:\PE\miscellaneous\Town Property Sales\19 Locust Drive\Planner's Comments 5-7-14.doc

C/ PB TP

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

Telephone
(914) 277-3637
Fax
(914) 276-0082

MICHAEL BARNHART
CHAIRMAN

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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APR 22 2014
PLANNING ENGINEERING
TOWN OF SOMERS

657

MEMO TO: Town Board

FROM: Open Space Committee

RE: 19 Locust Drive

DATE: April 21, 2014

The Committee reviewed the forwarded request to purchase 19 Locust Drive. The stated purpose behind this request somewhat puzzles us. The adjoining property owner indicates a desire to fix his "84-year-old" septic system, but it is unclear whether the system is failing and why he would need the subject property to repair it.

This Committee has always opposed the sale of Town-owned open space unless there is clear and pressing need and the environmental effects are negligible. We cannot make that determination with the information provided in the current case.

cc: Supervisor Rick Morrissey
Somers Town Board
Somers Highway Superintendent
Somers Principal Engineering Technician
Somers Planning Board
Somers Parks and Recreation Board

7/02

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

APPLICATION FEE:
Alteration of Wetlands: $200 minimum fee plus $100 per 5,000 S.F. of regulated area or proposed portions thereof to be disturbed.
Annual Maintenance Permit Renewal Fee: Administrative Permit: $25.00, Planning Board Permit: $75.00

OWNER: Tom Carraciola **Tel.#:** 914-760-1484
Mailing Address: 8 Roundtop Dr. Yonkers NY.
North County Homes *APPLICANT: Joe Festa **Tel. #:** 914-248-5346
Mailing Address:
State authority: _____ **If other than owner, authorization must be submitted in writing.**

PREMISES: Sheet: 36.20 **Block:** 1 **Lot:** 59
Situated on the WEST **side of** BEDELL ROAD **(Street),** AT ~~feet~~ **from the intersection of** ELIZABETH COURT **(Street)**

DESCRIPTION OF WORK AND PURPOSE: CONSTRUCTION OF A SINGLE FAMILY HOUSE, WELL AND SEPIC SYSTEM

SIZE OF ACTIVITY AREA: _____
Is work proposed in Wetland: NO **or Wetland Control Area:** YES
Is there an existing house located on the site: NO
Is pond, lake or detention basin proposed to be cleaned: NO
Functions provided by Wetland: WILDLIFE HABITAT
Wetland Expert delineating Wetland: TIM MILLER ASSOCIATES
ESTIMATED QUANTITY OF EXCAVATION: ____ **C.Y.** ____ **CUT** ____ **FILL**
ESTIMATED TOTAL VALUE OF WORK: _____
PROPOSED STARTING DATE: 8/1/14 **PROPOSED COMPLETION DATE:** 6/30/15
PLANS PREPARED BY: KARGLL **DATED:** _____
*****Plans must be submitted with application.*****
LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:
STATE - STORMWATER
COUNTY - SEPTIC SYSTEM

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

NAME	ADDRESS	BLOCK	LOTS
NONE			

APPLICANT'S SIGNATURE: Joseph Festa **DATE:** 4-12-14
OWNER'S SIGNATURE: _____ **DATE:** _____

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

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

Administrative Permit: _____

Planning Board Permit: _____

RECEIVED
APR 25 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

C:\My Documents\SOMERSWebsite\SomersNY.com Files\Somers_P&E_Wetlands_2002-07.DOCC:\My Documents\SOMERSWebsite\SomersNY.com Files\Somers_P&E_Wetlands_2002-07.DOC

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Bedell Road House

Project Location (describe, and attach a location map):
38 Bedell Road

Brief Description of Proposed Action:
Construction of a single

Name of Applicant or Sponsor:	Telephone: 914-248-5346
North County Homes	E-Mail: fescon@optonline.net

Address:
156 Tomahawk Street

City/PO:	State:	Zip Code:
Yorktown Heights	NY	10598

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? 1.8 acres
b. Total acreage to be physically disturbed? 1.1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.8 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	✓	☐
b. Consistent with the adopted comprehensive plan?	☐	✓	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	✓	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	✓	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	✓	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	✓	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	☐	✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: drilled well	✓	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: septic system	✓	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	✓	☐
b. Is the proposed action located in an archeological sensitive area?	✓	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	✓
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: The proposed action will pipe a drainage ditch that is directing water onto this property thereby causing the wetland. The piping of the drainage ditch will serve to eliminate the wetland which did not exist before the drainage ditch was constructed.	☐	✓

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☑ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	✓	☐
16. Is the project site located in the 100 year flood plain?	✓	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☐	☐
a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? ☐ NO ☑ YES If Yes, briefly describe:		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Joseph Festa Date: April 10, 2014

Signature: Joseph Festa

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
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?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or 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, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

	April 10, 2014
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
CHAPTER 67 "APPLICATION PROCESSING RESTRICTIVE LAW"

CERTIFICATION

I hereby certify that to the best of my knowledge no outstanding fees are due and owing to the Town of Somers for the following property:

Section 36.20 Block 1 Lot 59

Property Address 38 Bedell Rd

Permit Applying For Wetland, Steep Slope, SMESC, Tree

Furthermore, I hereby certify that to the best of my knowledge no outstanding violation (as that term is defined for the purposes of the Application Processing Restrictive Law, Paragraph 4D) of local laws or ordinances of the Town of Somers exist with respect to the above cited property or any structure or use existing thereon.

Signed See form
(Owner of Record)

(Print Name)

Date

Signed Joseph Festo
(Applicant for Permit)

Joseph Festo
(Print Name)

Date 4-24-14

CONFIRMATIONS

Zoning Enforcement Officer — Date:

Director of Finance for Fees — Date:

Engineering Department — Date:

APPLICANT ACKNOWLEDGEMENT

By making this application, the undersigned Applicant agrees to permit Town officials and their representatives to conduct on-site inspections in connection with the review of this application.

The applicant also agrees to pay all expenses for the cost of professional review services required for this application, as referred to in §133-1 of the Code of the Town of Somers. As such, an Escrow Account, according to §133-2 of the Code of the Town of Somers, may be required.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant: Joseph Festa Date: 4-24-14

Signature of Property Owner: see form Date: _____
(if different from applicant)

7/02

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR ENVIRONMENTAL PERMIT
CHAPTER 148 "STEEP SLOPE PROTECTION"

APPLICATION FEE:
Alteration of Steep Slopes: $150.00 minimum fee plus $75.00 per 10,000 S.F. of regulated area or proposed portions thereof to be disturbed.

OWNER: Tom Carracciola **Tel. #:** _____
Mailing Address: _____
South County Home **APPLICANT:** Joseph Festa **Tel. #:** 914-248-5346
Mailing Address: 156 Tomahawk St Yorktown Hts. NY
State authority: _____ **If other than owner, authorization must be submitted in writing.**
Premises: Sheet: 36.20 **Block:** 1 **Lot:** 59
Situated on the WEST **side of** BEDELL ROAD **(Street)** AT ~~**feet from**~~ **the intersection of** ELIZABETH COURT **(Street)**
Description of Work and Purpose: CONSTRUCTION OF A SINGLE FAMILY HOUSE, WELL & SEPTIC SYSTEM
Estimated Quantity of Excavation: 600 **C.Y.** _____ **CUT** X **FILL**
Size of Activity Area: 48,300 SF (1.1 AC)
Total Value of Work: _____
(SF) **Slope Category: 15%<25%** 2000 **25%<35%** 40,000 **or >35%:** 0
Soil Types: PAXTON FINE SANDY LOAM (PNC, PND); WOODBRIDGE LOAM (WdC)
Proposed Starting Date: 8/1/14 **Proposed Completion Date:** 6/30/15
Plans Prepared by: KARELL, P.E. **Dated:** _____
*****Plans must be submitted with application.*****
List of Applicable County, State, or Federal Permits:

_____

_____

List of Property Owners of Record of Lands and Claimants of Water Rights within 100 feet of Subject Property.

NAME	ADDRESS	BLOCK	LOTS
NONE			

Applicant's Signature: Joseph Festa **Date:** 4-12-14
Owner's Signature: _____ **Date:** _____

***APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION AND SIZE OF SLOPE CATEGORIES.**

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

Administrative Permit: _____
Planning Board Permit: _____

RECEIVED
APR 25 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

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: Tom Cerquerola 5 Bryant Ter Rd **Tel.#:** 914-760-1484
Mailing Address: Yonkers
APPLICANT: Joseph Feto **Tel. #:** 914-248-5381
Mailing Address: 156 Tomahawk St Yorktown
State authority: If other than owner, authorization must be submitted in writing

North County Homes

PREMISES: Sheet: 36.20 **Block:** 1 **Lot:** 59

DESCRIPTION OF WORK AND PURPOSE: CONSTRUCTION OF A SINGLE FAMILY HOUSE, WELL AND SEPTIC SYSTEM

SIZE OF ACTIVITY AREA: 160 **feet by** 400 **feet**
(include all construction activity area)

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

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

PROPOSED STARTING DATE: 8/1/14 **PROPOSED COMPLETION DATE:** 6/30/15
PLANS PREPARED BY: KARELL **DATED:**

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

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:
STATE - STORMWATER
COUNTY - SEPTIC

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

NAME	ADDRESS	BLOCK/LOT
NONE		

APPLICANT'S SIGNATURE: Joseph Feto **DATE:**
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 25 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

5/9/2012

TREE REMOVAL PERMIT APPLICATION
SECTION 156, TREE PRESERVATION

SUBMIT TO: Town of Somers, Engineering Department
335 Route 202, Somers, New York 10589

DATE: 4/14/14

1. **APPLICATION FEE:**

Tree Removal - $50.00 for the first five (5) trees to be removed, $15.00 for each additional tree to be removed.

2. **IDENTIFICATION OF APPLICANT:**

OWNER: Tom Carraciola Tel.#: 914-760-1484
Mailing Address: 8 Roundtop Rd Yonkers NY

APPLICANT: (if other than Owner)
North County Homes Tel. #:
Mailing Address: 1 Sb Tomahawk Dr Yorktown Hts
Professional preparing site plan:
State authority: _____ If other than owner, authorization must be submitted in writing.

3. **IDENTIFICATION OF SUBJECT PROPERTY**

Address
PREMISES: Sheet: 36.20 Block: 1 Lot: 59

4. **NUMBER OF TREES TO BE REMOVED (12-INCHES OR GREATER)**

Zoning District: R10 R40 (R80) R120 Other (Circle)

_____ **Quantity of trees to be removed (Must be tagged/identified to evaluate permit requirements)**

5. **PURPOSE FOR TREE REMOVAL**

CONSTRUCTION OF HOUSE AND SEPTIC SYSTEM

RECEIVED
APR 25 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

Thomas Caracciolo
8 Roundtop Road
Yonkers, New York 10710

914-760-1484

April 11, 2014

RECEIVED
APR 25 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

Re: 38 Bedell Road
Katonah, New York 10536

To whom it may concern:

I am the owner of the above captioned property. There is a contract of sale to the corporation owned by Joseph and Michael Festo.

I hereby authorize them to appear before the board and act in my behalf on any matters that may occur before you.

Very truly yours,

Thomas Caracciolo

Thomas Caracciolo

AFFIDAVIT TO BE COMPLETED BY OWNER OTHER THAN CORPORATION

STATE OF NEW YORK)
ss:
COUNTY OF Westchester)

Thomas Caracciolo, being duly sworn, deposes and says: that he is the owner in fee of all the property shown on plat entitled Greenlawn Farms - Map 15557, application for approval of which is herein made. The deponent acquired title to the said premises by deed from Irwin Solomon dated Dec. 1988, and recorded in the Office of the Clerk of the County of Westchester on Dec. 1988, in Liber 9445 of Conveyances at Page 285. That the statements contained herein are true to the best of deponent's knowledge and belief, and are made for the purpose of obtaining the approval of the submitted application by the Planning Board of the Town of Somers.

(Signed) Thomas Caracciolo

Sworn to before me this 28 day of April, 2014

(Notary Public)

BRENDA L. DIAZ
Notary Public, State of New York
No. 01DI6161736
Qualified in Bronx County
Commission Expires February 26, 2015

TIM
MILLER
ASSOCIATES, INC.

RECEIVED
APR 25 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

April 7 , 2014

Mr. Joe Festo
North County Homes
Fescon@optonline.net

RE: Wetland Delineation
Bedell Road, Town of Somers

Dear Mr. Festo:

At your request, a delineation of wetlands on the referenced property on Bedell Road in the Town of Somers was completed on March 29, 2014. A total of 12 flags were placed in the field to delineate the boundaries of the town-regulated wetland area and the location of an intermittent watercourse on the site. A field map showing the location of these features is attached.

One small area of wetland was observed on the site, at the toe of the slope adjacent to Bedell Road on the eastern edge of the property. This wetland was delineated wtih flags numbered #1 to #6. Water flow through the site exits the property via a culvert under Bedell Road.

This wetland is derived from the detention of groundwater discharge and overland flow as the property flattens out closest to Bedell Road. A groundwater discharge point was observed about halfway up the hill, which supplies part of the hydrology to keep the wetland wet. However, a number of drainage structures on the adjacent property to the north appear to collect and discharge runoff to a system of swales which join with the discharge to convey water downhill. Ultimately a 6 inch pvc pipe discharges water from behind the pool on the adjacent property and onto the subject parcel, adding significantly to the site drainage. The channel for this initermittent watercourse was flagged at the centerline with flags #SP1 to #SP6. The depth and narrowness of the channel are indicative of the concentrated flow volumes and velocity from the pipe outlet and associated swales.

The combination of pipe discharge and the groundwater baseflow seasonally discharge to a narrow channel that conveys flows to the bottom of the slope, and into areas of wetland as shown. Soils on either side of the ditch are Munsell 10YR4/4, and not hydric soils. At approximately the 450 foot contour, the site levels off and the soils become saturated, allowing for the development of a vegetative community dominated by hydrophytic plants.

Vegetation species within the flagged wetland include spicebush (*Lindera benzoin*), common reed (*Phragmites australis*), pussy willow (*Salix discolor*), multifloral rose (*Rosa multiflora*) and silky dogwood (*Cornus amomum*). Red maple (*Acer rubrum*) a transitional

tree species, is common on the site both in wetland and non-wetland areas. Soils within the wetland are 10YR4/1 and 10YR4/2 with 10YR5/6 mottles.

Chapter 167 of the Town Code of the Town of Somers defines wetlands as having certain vegetation, soils or hydrologic conditions. The wetland area as flagged on this property meets those conditions. The Town regulates activities within and within 100 feet of such wetland features. Based on the concept plan for the site, the construction of the proposed residence and accessory structures would require a permit from the Town of Somers Planning Board.

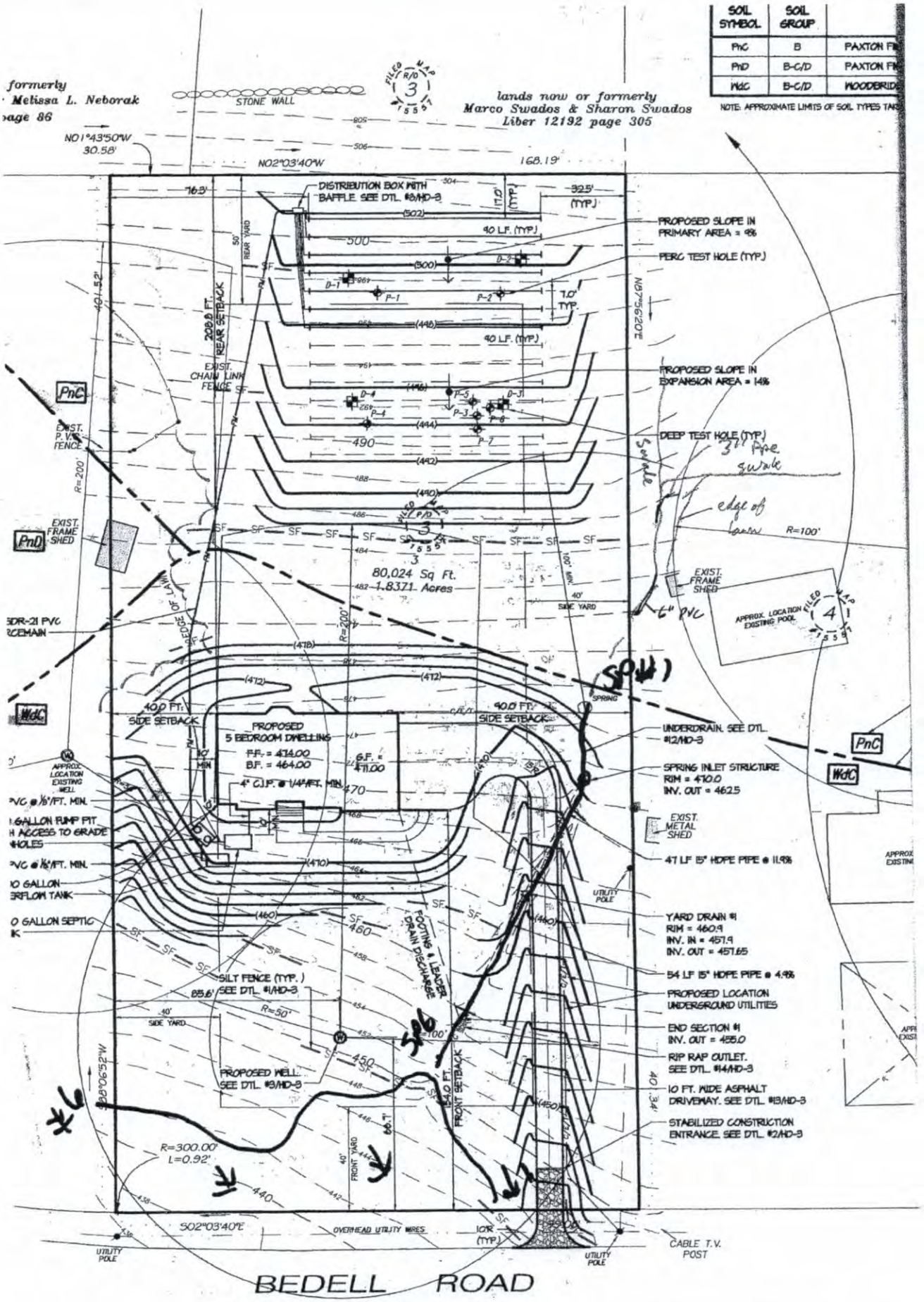
A map indicating the location of the flagged areas is attached for your use. Representative photographs of the wetland and adjacent areas are attached. I hope this answers any questions you may have about the wetlands on this property. Feel free to call if you have any further questions.

Sincerely,

Steve Marino, PWS
Senior Wetland Ecologist
TIM MILLER ASSOCIATES, INC.

SOIL SYMBOL	SOIL GROUP	
PnC	B	PAXTON FI
PnD	B-C/D	PAXTON FI
WdC	B-C/D	WOODBRID

NOTE: APPROXIMATE LIMITS OF SOIL TYPES TAK



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F 914.448.0147

MEMORANDUM

WOODARD &CURRAN

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: May 9, 2014
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 initial 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

- 'Town of Somers Planning Board: "Application for Environmental Permit, Chapter 148 "Steep Slope Protection", by Joseph Festo, dated April 12, 2014.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 167 "Wetland and Watercourse Protection", by Joseph Festo, dated April 12, 2014.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 93 "Stormwater Management and Erosion and Sediment Control", by Joseph Festo, dated April 12, 2014.
- NYSDEC State Environmental Quality Review: Short Environmental Assessment Form (EAF), by Joseph Festo, dated April 10, 2014.
- Letter, by Steve Marino, PWS, Tim Miller Associates, Inc., dated April 7, 2014.
- "North County Homes", Drawing Sheets: "HD-1" – "HD-4", prepared by John Karell, Jr., PE, dated April 11, 2014.

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
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)

DISCUSSION

The Applicant has provided site drawings and construction details to support the provided applications for environmental permits. Detailed project design calculations for stormwater infrastructure and the site Stormwater Pollution Prevention Plan (SWPPP) have not been included at this time. It should be noted that Principal Town Engineering Technician Steve Woelfle and Consulting Town Engineer Joseph Barbagallo, PE, conducted a site walk of the property on April 18, 2014.

The following is a summary of our comments at this time. It should be noted that the provided comments are a function of the level of detail of the plans submitted, and are intended to guide the Applicant during the preparation of future submittals. Further comments will be issued following the receipt of review of more detailed design calculations and the site SWPPP.

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.
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-0-10-001). 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.
    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.

WOODARD &CURRAN

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.

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.

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.

3. The provided drawings illustrate an area noted as "storm water area" within the south-eastern portion of the property. No other formal stormwater infrastructure or management practices are shown on the plans. 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 site stormwater management practices and conveyance systems:

   a. The Applicant must evaluate stormwater practice feasibility, as applicable, 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.

   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.

   c. Stormwater conveyance pipe and structures must be sized at a minimum to convey runoff collected by the 25 year design storm.

   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

4. 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.

5. 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.

6. 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.

7. 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.

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

    c. The Applicant shall provide documentation of final design approval by the Westchester County Department of Health (WCDOH).

8. 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.

    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.

WOODARD &CURRAN

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.

d. Provide documentation of final WCDOH design approval for the proposed site septic system.

9. 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.

10. 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.

11. 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 species 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%.

    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).

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

12. 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.

WOODARD &CURRAN

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

Sincerely,

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