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
JUNE 12, 2013
7:30 P.M.

MEETING TO BE HELD AT THE SOMERS MIDDLE SCHOOL CAFETERIA

MINUTES Consideration for approval of Draft Minutes for February 13, 2013, March 13, 2013, April 10, 2013 and May 1, 2013.

TIME-EXTENSION

1. **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL [TM: 5.20-1-1]**
   Request for a 90-day time-extension to the period of Final Subdivision Approval from July 3, 2013 up to and including October 1, 2013 in accordance with §150-13-M of the Code of the Town of Somers. This is the twelfth request for a time-extension.

PROJECT REVIEW

2. **BBS SUBDIVISION [FORMERLY STEVENS SUBDIVISION] APPLICATION FOR PRELIMINARY SUBDIVISION APPROVAL, STEEP SLOPES, WETLAND, TREE REMOVAL AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 15.12-2-1]**
   Application of T. Boniello, M. Barile and N. Stern for a three-lot subdivision on a 9.8 acre parcel located in an R-80 Zone. The parcel is accessed through the Green Tree Road right-of-way and crosses the North County Trailway ROW.

INFORMAL DISCUSSION

3. **SOMERS REALTY PLANNED HAMLET MASTER PLAN APPLICATION FOR INFORMAL APPEARANCE [TM: 4.20-1-15]**
   Application of Somers Realty Corp. for an Informal Appearance before the Planning Board to discuss modifications to the Master Plan to allow the Wegman Assisted Living Facility at a location within the property identified for housing in the Master Plan..

RENEWAL OF SPECIAL USE PERMIT

4. **CROWN CASTLE USA, INC. RENEWAL OF SPECIAL USE PERMIT [TM: 16.15-1-1.1]**
   Application of Crown Castle USA, Inc. for renewal of Special Use Permit for existing approved Wireless Tower located at 115 Route 202, Lincoln Hall Property.

DISCUSSION ON TOWN BOARD'S INTENT TO BE LEAD AGENCY AND REFERRAL BY TOWN BOARD OF THE ZONING CHANGE PETITION

5. **SOMERS CROSSING [TM: 17.15-1-15.1]**
   Consideration as an Involved Agency under SEQRA of the Town Board's Intent to be Lead Agency for the Zoning Petition of Boniello Land & Realty, Ltd./Somers Crossing for creation and adoption of a new Multifamily Residence Downtown Hamlet (MFR--DH) Floating Zone District, and its application to above referenced property located on Route 100 adjacent to the Somers Towne Centre.

Next Planning Board Meeting, July 10, 2013
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

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WEB: WWW.HTWLEGAL.COM

HENRY M. HOCHERMAN
OF COUNSEL

RECEIVED
JUN - 3 2013
PLANNING ENGINEERING
TOWN OF SOMERS

May 31, 2013

Via Electronic and First Class Mail

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

509

Re: Merritt Park Estates Subdivision
Town File No. 767
Twelfth Request for Ninety-Day Extension of Final Subdivision Approval

Dear Chairman Currie and Members of the Planning Board:

At its meeting on April 10, 2013, the Board granted an eleventh 90-day extension of Mancini Building Corp.'s ("Mancini") Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to July 3, 2013. We are writing to request a twelfth 90-day extension pursuant to Town Law Section 276(7)(c), to and including October 1, 2013.

Since our last request for an extension, Mancini has cut the road and ordered the structures for the drainage system which are expected to be delivered in the near future. Mancini has met with representatives of Lake Lincolndale Property Owners' Association ("LLPOA") about its improvement plan and will keep LLPOA and the Heritage Hills Society and Condo 29 apprised of when it wants to commence work on the off-site improvements. I am further advised that Mancini continues to consult with Mr. Steve Woelfle to keep him apprised of the status of its work. Mancini hopes to be able to make substantial progress on the road and infrastructure improvements over the summer months but we are certain they will not be completed by the July 3rd expiration date. Therefore, we respectfully request that the Board grant an additional 90-day extension of Final Subdivision Approval, to and including October 1, 2013, at which time we will report on the status of the work.

Kindly schedule this matter for the next available Planning Board meeting and let us know if an appearance is required. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: _____
Geraldine N. Tortorella

GNT:mc
cc: *(via electronic mail)*
Syrette Dim, AICP
Roland Baroni, Esq.
Joseph P. Eriole, Esq.
Mr. Steve Woelfle
Mr. Richard Mancini
Mr. John Mancini
Joseph Riina, P.E.

S:\# MATTERS\Mancini 0047\Merritt Park 001\Letters\Planning Board Currie 5-31-13 Eleventh Extension Request.doc

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: **June 4, 2013**

TO: **Planning Board**

FROM: **Syrette Dym, AICP**
Town Planner

RE: **Merritt Park Estate Subdivision 12th Time-Extension**

On May 31, 2013, a request for a twelfth 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On April 10, 2013, the Planning Board granted a time extension for the final subdivision approval to July 3, 2013. The current requested time extension would extend approval through October 1, 2013. The request for extension was received within the 90 day period. Steve Woelfle has indicated that progress is being made regarding the infrastructure improvements for the subdivision including cutting of the road and Mancini indicates that the drainage systems have been ordered. Mancini has met with representatives of Lake Lincolndale Property Owners' Association (LLPOA) about the improvement plan and will keep LLPOA and the Heritage Hills Society and Condo 29 apprised of when it wants to commence work on the off-site improvements.

I have no objections to extension of the subdivision approval.

cc: Geraldine Tortorella, Esq.
RichardMancini
John Mancini

Z:\PE\Subdivision files\Merritt Park\Extensioins\12th time extension.doc

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Town Planner

DATE: April 22, 2013

RE:

Project:	BBS Preliminary Subdivision (Formerly Stevens Subdivision)
Applicant:	Tommy Boniello, Michael Barile & Nicloe Stern
Location:	Green Tree Road end to west of Existing Westchester County North County Trailway; Section 15.12 Block 2 Lot 1
Zoning:	R80 Residence District
Actions:	Review of Preliminary Three Lot Subdivision as Part of a Proposed Open Development Area including Steep Slopes Permit, Tree Removal Permit; Wetland and Watercourse Permit and Stormwater Management Erosion and Sediment Control Permit

The current proposed action consists of the following components:

1. *Subdivision of a 9.78 acre vacant parcel into a three-lot subdivision with no existing frontage on an existing improved road. Proposed consideration as an open development area pursuant to New York State Town Law Section 280-a.*
2. *Steep Slope Permit pursuant to Chapter 148 of the Code of the Town of Somers.*
3. *Wetland and Watercourse Protection Permit pursuant to Chapter 167 of the Code of the Town of Somers for disturbance of wetland area of 3,189 sf within existing Green Tree Road right of way*
4. *Tree Removal Permit pursuant to Chapter 156 of the Code of the Town of Somers for removal of 146 trees*

5. *Stormwater Management and Erosion and Sediment Control Permit pursuant to Chapter 93 of the Code of the Town of Somers*

Background

This application is asking for consideration as an open development area under Section 280-a of Town Law and is considered a continuation of a prior application as Stevens Subdivision for 3-lot subdivision. The application was prior referred to the Planning Board by the Town Board as required by Section 280-a. Based on the project history identified in a memorandum from the former Town Planner of February 6, 2012, there is no record that the Planning Board established itself as lead agency under SEQR or that a SEQR classification was assigned to this project. Therefore, Lead agency should be established and, based on Town Code Chapter 92, this would qualify as a Type I action due to necessity of the access road across a wetland.

1-30-2013– Receipt of application and plans; cover letter dated January 29, 2013

Basis of Comment Memorandum

The following plans drawings prepared by Insite Engineering, Surveying& Landscape Architecture, P.C.were reviewed as the basis of comment in this memorandum.

Insite Engineering, Surveying& Landscape Architecture, P.C.

- Preliminary Subdivision Plat- 1/30-13
- Project Drawing set, 3 h sheets – 1/30/13
- Constraints Map for Conventional Subdivision – 1/30-13
- Soils Map for conventional A Subdivision – 1/30/13
- Open Development Area Map – 1/30/13

<u>Prior Submissions</u>

The cover letter of the submission refers to an Action Item letter of March 13, 2008 from the Town Planner and provides responses to comments raised in that letter. As such, a copy of that letter is attached for reference by the Planning Board. A follow-up letter of February 6, 2012 is also attached for the Board's review.

Current Comments

1. **Surrounding Parcels -**
    a. A review of surrounding parcels indicates that parcels directly north of the Green Tree Road right of way and east of the trailway, are all developed and are accessed off of the built portion of Green Tree Road. There are two undeveloped parcels with frontage on and to the south of Green Tree Road and east of the trailway. See attached map. These parcels are Lot 15.12-2-3 (3.19 acres) and Lot 15.12-4 (7.31 acres). Although there are no development proposals before the Planning Board for these parcels, and their development potential is not known given apparent watercourse,

wetlands and flag lot constraints, their need for future access should be considered. If the driveway to the proposed parcels is considered adequate, would it be adequate for an additional parcel(s) east of the trailway?

2. **Bureau of Fire Prevention**
   a. Has the applicant met with or talked with the Bureau since the Bureau's request for such a meeting in a memorandum of February 21, 2013?

3. **Wetlands** –An updated wetland delineation map should be submitted that was prepared no earlier than 12 months prior to the date of filing of the application in accordance with Section 167-6A(9)(a). Has such a map been prepared?

4. **NYSDEP** – How has the applicant responded to comments from NYCDEP in its letter of March 12, 2013?

Attach.

Z:\PE\Subdivision files\BBS Subdivision\Planner's Comments\Comments 04-22-13.doc

NOTICE OF SEQR ACTIONS – BBS PRELIMINARYSUBDIVISION

Notice of Re-Designation of Lead Agency

Issued by Town of Somers Planning Board
Westchester County, New York

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act (SEQRA)) of the New York State *Environmental Conservation Law* and Chapter 92 (Environmental Quality Review) of the *Code of the Town of Somers, New York.*

The Planning Board of the Town of Somers, Westchester County, New York, has received an application for Preliminary Subdivision Approval for a three-lot subdivision of a 9.8 acres parcel, located at Green Tree Road, Tax Map Sheet 15.12, Block 2 Lot 1. The parcel is accessed through the Green Tree Road right of way and crosses the North Country Trailway right of way. The applicant has applied for development of the parcel as an Open Development Area serviced by a three-user common driveway. All lots would be serviced by individual drilled wells and individual subsurface sewage treatment systems. The proposed lots are located in a R-80 Residence District.

The Somers Planning Board at its meeting of May 1, 2013 declared its intent to re-establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code. Unless an objection is expressed by any other involved agency within 30 days from the date of this notice, the Somers Planning Board shall assume this role.

The Somers Planning Board has determined that the Proposed Action is an **Unlisted Action** under SEQRA as per Chapter 92 of the *Code of the Town of Somers* in conjunction with Article 24 of the NYS *Environmental Conservation Law.*

PROPOSED LEAD AGENCY: Planning Board, Town of Somers
Somers Town House
335 Route 202
Somers, New York 10589

TITLE OF ACTION: BBS Subdivision Approval, Steep Slopes Permit Approval, Tree Removal Permit Approval, Wetland & Watercourse Permit Approval and Stormwater Management Erosion and Sediment Control Permit Approval.

DESCRIPTION OF ACTION: The project is a request for a three lot subdivision under §280a of New York State Town Law that provides for Permits for Buildings Not on Improved Mapped Streets. Such request would establish an open development area which must be established by the Town Board after review and recommendation by the Planning Board. The parcel is

to be accessed through the Green Tree Road right of way common driveway extension that crosses the North County Trailway to access the three proposed lots. A conventional subdivision lot layout has been prepared to establish lot count prior to consideration of the open development area plan.

LOCATION: The subject property is located west of the North County Trailway at the extension of Green Tree Road from Tomahawk Street (Route 118) and is designated on the Town Tax Maps as Sheet 15.12 Block 2 Lot 1 within the R80 Residence District-

SUPPLEMENTAL INFORMATION: Part I of a Full Environmental Assessment Form (EAF) has been prepared for the Proposed Action. These forms and copies of the proposed subdivision and site plan are being distributed to all Involved and Interested Agencies (see attached list), and this information is also available for review in the Planning and Engineering office at the Town House and on the Town's web site.

Contact: Syrette Dym, AICP, Town Planner
335 Route 202
Somers, New York 10589

Telephone: 914-277-5366

Date of this Notice: May 1, 2013

C: PB TP CTE applicant

Westchester gov.com

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

Robert P. Astorino
County Executive

County Planning Board

RECEIVED
FEB 27 2013
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TOWN OF SOMERS

February 27, 2013

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

467

Subject: **Referral File No. SOM 13-002 – BBS Subdivision**

Dear Ms. Dym:

The Westchester County Planning Board has received a package of materials in support of a proposed 3-lot residential subdivision of a 9.8 acre tract that has no street frontage. The subdivision maps are dated January 30, 2013. The east side of the tract abuts, over a length of 1,266 feet, the New York State-owned property in which the North County Trailway is located. The end of an unimproved Town of Somers-owned right-of-way abuts a portion of the east side of the NYS property, opposite the subject tract. This right-of-way extends east 350 feet to the cul-de-sac end of Green Tree Road, which then extends east to an intersection with Tomahawk Street (NYS Route 118).

The applicant presents two development scenarios; both show access provided to the three proposed lots from Green Tree Road, through the unimproved Town right-of-way, across the NYS property and across the North County Trailway. The first plan is a conventional subdivision where Green Tree Road is extended in the Town-owned right-of-way, across the trailway and ending in a new cul-de-sac serving three new driveways to single-family homes on the three new lots. The second scenario proposes that a common driveway be constructed from the existing Green Tree Road cul-de-sac, through the Town-owned right-of-way, across the trailway and then splitting to serve the three new lots. The second concept is proposed under Open Development Area provisions of New York State law.

The application materials report that NYS Department of Transportation previously granted an easement for a common driveway to cross the state-owned land and, therefore, the North County Trailway. The materials also report that the NYS DOT had issued a Highway Work Permit to allow construction of the driveway and that this permit required installation of specific safety measures to protect the trailway and its users. The permit is reported as now expired and would require renewal.

We have the following comments and recommendations:

1. **Protection of the North County Trailway**. As the agency that operates and maintains the trailway, the County Department of Parks, Recreation and Conservation is not in favor of any new vehicular crossing of this County park. However, the land for the park is under the ownership of the NYS DOT and that agency shall make any final decision.

432 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601 Telephone: (914) 995-4400 Fax: (914) 995-9098 Website: westchestergov.com

2. **Town Master Plan policies on cluster development**. To our knowledge, the Town of Somers has utilized, as do most Westchester County municipalities, the provisions for cluster development under NYS Town Law and not the provisions for Open Development Area to process requests to adjust the standard zoning requirements for new subdivisions. In fact, the ***Town of Somers Comprehensive Master Plan*** sets forth very specific recommendations for the review and approval of cluster developments:

> PROCEDURES FOR CLUSTER DEVELOPMENT At a minimum, the cluster regulations should include the following requirements -
>
> - An applicant shall submit a written statement spelling out with conviction the benefits to the Town of clustering consistent with adopted Town policies.
> - An applicant shall submit a buildable conventional subdivision plan that meets Town regulations for a preliminary subdivision plan so as to establish maximum permitted density and provide a base for comparison of what benefits can or cannot be achieved with a cluster plan.
>
> STANDARDS FOR CLUSTER DEVELOPMENT The cluster regulations should specify objectives and development forms to be encouraged, including -
>
> - Guidelines to promote flexibility in housing type to be constructed; in particular incentives to include more affordable attached dwellings.
> - Policy and guidelines on the establishment of recreation areas in cluster subdivisions.
> - Policy and guidelines on the ownership of open space and common lands.
> - General standards on minimum lot sizes (i.e. reduction in area from normal zoning requirement) with emphasis on relating lots and property lines to land.
> - Allowance for common driveways shared by three or less homes.
> - Criteria for considering flag lot layout as alternative to construction of short dead-end streets; tradeoffs may include establishment of open space and a reduction in overall density.

We note in particular the last listed standard. It suggests that it would be appropriate for the Town to entertain a reduction in density from three to two lots as a consideration for having the applicant avoid the cost of constructing the road that would be necessary under the conventional plan.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For
By:

Edward Buroughs, AICP
Commissioner

cc: David DeLucia, Director of Park Facilities, County Department of Parks, Recreation and Conservation
Richard Dillman, PE, SEQR Unit, NYS Department of Transportation, Region 8

C/ PB TP CTE Applicant

BUREAU OF FIRE PREVENTION

Telephone
(914) 277-8228
Fax
(914) 277-3790

EFREM CITARELLA
CHIEF

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

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FEB 22 2013
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TOWN OF SOMERS

465

MEMO TO: Planning Board

FROM: Bureau of Fire Prevention

RE: BBS Subdivision – Green Tree Road

DATE: February 21, 2013

At our monthly meeting on February 13, 2013, the site plans submitted for the BBS Subdivision on Green Tree Road were reviewed. The Bureau would like to meet with a representative of Insite Engineering to discuss what is being proposed regarding access to this property.

INSITE
ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C.

January 30, 2013

Town of Somers Planning Board
335 Route 202
Somers, New York 10589

RECEIVED
JAN 30 2013
PLANNING ENGINEERING
TOWN OF SOMERS

RE: BBS Subdivision, (Formerly Stevens Subdivision)
Green Tree Road
Tax Map No. 15.12-2-1

Dear Chairman Currie and Members of the Board:

Enclosed please find fourteen (14) copies of the following in support of an Application for Preliminary Subdivision Approval, Steep Slopes Permit, Tree Removal Permit, Wetland & Watercourse Permit and Stormwater Management Erosion and Sediment Control Permit for the above referenced application:

- Property Deed
- Application for Preliminary Approval of Subdivision, dated January 29, 2013.
- Chapter 67 – "Application Processing Restrictive Law" Certification, dated January 29, 2013.
- Applicant Acknowledgement, dated January 29, 2012.
- January 28, 2012 Letter from the Town Receiver of Taxes.
- Application for Environmental Permit Chapter 148 "Steep Slopes," dated January 29, 2013.
- Tree Removal Permit Application, dated January 29, 2013.
- Application for a Wetland & Watercourse Permit, dated January 29, 2013.
- Application for Environmental Permit Chapter 93 "Stormwater Management and Erosion & Sediment Control," dated January 29, 2013.
- Full Environmental Assessment Form, dated January 30, 2013.
- Preliminary Subdivision Plat, dated January 30, 2013.
- Project Drawing Set, 3 sheets, dated January 30, 2013.
- Constraints Map for Conventional Subdivision, dated January 30, 2013.
- Soils Map for Convention Subdivision, dated January 30, 2013.
- Open Development Area Map, dated January 30, 2013.

Also enclosed is Check #578 in the amount of $2,000.00 for the application fee.

This application is for a three-lot subdivision of a 9.8 ac +/- parcel located in the R-80 zone. The parcel is accessed through the Green Tree Road right of way and crosses the North County Trailway (Trailway) right-of-way. A Town of Somers right- of-way exists between the current cul-de-sac of Green Tree Road and the Trailway. Ideally the applicant would like to develop the parcel as an Open Development Area serviced by a three-user common driveway. Two different layout options have been presented in this submission. The first illustrates a conventional subdivision layout, and in accordance with Somers procedure, forms the basis of the application. The Convention Subdivision layout has been provided to establish a lot count. The preferred alternative proposes an Open Development Area with a common driveway. All proposed lots would be serviced by individual drilled wells and individual subsurface sewage treatment systems.

Beyer & Associates Consulting Engineers was the previous engineer of record, and last formally presented the application to the Planning Board on March 13, 2008. Our office informally appeared

before the Planning Board on February 8, 2012, to present a project update to the Board. There is an outstanding Planning Board *Actions Items for Steven Subdivision* letter (Action Items letter) from that meeting. The attached Project Drawings address the items contained in that letter. Responses to the Action Items letter are provided below. At the February 8, 2012 Planning Board meeting this office informally presented an update on the application to the Board. Since that time, ownership of the property has transitioned, and Mr. Stevens is no longer involved in the project. Tommy Boniello, Michael Barile, and Nicole Stern now own the property. The name of the subdivision has been changed to BBS Subdivision. As a result of the transition of ownership, new applications have been provided.

We request this application be placed on the February 13, 2013 Planning Board agenda. At that meeting we wish to establish the escrow review fees for the project, and have the Planning Board authorize a consultant to verify the wetland flagging.

The following responses are to the outstanding March 13, 2008 Planning Board Action Items letter. These responses address comments based upon the review of the plans last submitted by Beyer & Associates Consulting Engineers:

1. All of the plans have been signed and sealed as requested.
2. The small triangular piece of property on the east side of the bike trail, and adjacent to Somers Koegel Park belongs to the applicant. This piece of property is not part of the subdivision application, although it is acknowledged an asphalt path has been constructed across this parcel. Please note the applicant did not construct this path. The applicant is proposing to dedicate this parcel to the Town of Somers.
3. This comment requests the applicant demonstrate compliance with Section 167, Wetlands and Watercourse Protection, of the Town code because the Conventional Subdivision Layout illustrates a portion of the proposed road through an existing wetland.

   Pursuant to Section 167-4(B)(1) the construction of a roadway within a wetland or wetland buffer is a regulated activity not a prohibited activity. Upon verification of the wetland boundary by the Town, the project Wetland Report can be completed and will address the Standards for Application Permit Decisions enumerated in Section 167-8 of the Town code. It is important to note that the Open Development Area alternative minimizes the wetland disturbance.
4. There are no references to "sketch plan," and as appropriate, the submission materials indicate "preliminary subdivision plan."
5. The Site Data on Drawing SP-1 indicates the total lot area, as well as the areas for each lot and the proposed road right-of-way (conventional layout only).
6. The current application illustrates a Conventional Subdivision Layout. A Conservation Subdivision is not proposed.
7. The current application illustrates a Conventional Subdivision Layout. A Conservation Subdivision is not proposed.
8. The proposed lot lines have been illustrated to conform to Section 150-23 of the Town code.
9. All signature blocks reference Westchester County.
10. The signature block for the Town of Somers on the Preliminary Plat does not reference the Planning Board as previously submitted.
11. A category for lawn has been provided on question A. 2 (page 3 of 21) of the Full Environmental Assessment Form (EAF).
12. The print out from the New York State Office of Parks, Recreation and Historic Preservation has been attached to the EAF, and clearly indicates the property is not contiguous to a building, site or district, listed on the State or National Register of Historic Places.

13. See response #12. The same print out illustrates that the project is not substantially contiguous to a site listed on the Register of National Natural Landmarks.
14. The print out from the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper has been attached and lists the threatened or endangered species within the project locale.
15. Item A. 16 (page 4 of 21) on the EAF indicates the wetlands on and contiguous to the project site.
16. Item A. 16.b (page 4 of 21) indicates the size of the onsite wetlands, and the size of the wetlands within the existing Green Tree Road right-of-way.
17. Item A. 17 (page 5 of 21) on the EAF indicates that there are no existing utilities servicing the site.
18. The area of the project and the contiguous holdings of the applicant have been provided on Item B.1.A (page 5 of 21) of the EAF.
19. No response is necessary as this comment is identical to the previous comment.
20. Item B. 18 (page 7 of 21) of the EAF indicates "yes" based upon the recommendation of the previous Town Planner.
21. Item B. 25 (page 7 & 8 of 21) of the EAF indicates Town Board Approval will be required for establishment of an Open Development Area. Again this is the preferred development alternative by the applicant.
22. Item B. 25 (page 7 & 8 of 21) of the EAF includes all of the Environmental Permits necessary for the project.
23. Item C. 3 (page 9 of 21) of the EAF indicates the maximum potential development of the site as permitted by present zoning is 3-lots, which is consistent with what is presented in the Conventional Subdivision and what is contemplated by the application.
24. The proposed lot lines have been illustrated to conform to Section 150-23 of the Town code. Also, the lot conformance table on the Project Drawings demonstrates conformance with Section 170-58.3 and 58.4 of the Town code. The proposed stormwater management areas have been located outside of the wetlands, wetland buffer, and steep slope to the maximum extent practicable. The only area where stormwater management is proposed within the wetland and wetland buffer is within the existing Green Tree Road right-of-way. Since the wetland and buffer intersect the existing right-of-way there is no alternative or way to avoid locating the stormwater management areas within the wetland, wetland buffer or steep slopes.
25. The requested references and notes have been added to the Preliminary Plat as requested. Ultimately as the Open Development Area option is considered and pursued the applicable notes will be added.
26. With respect to the Open Development Area Map the following is noted:
    a. The driveways have been laid out so they are less than 12%. Driveway profiles can be provided upon request of the Planning Board.
    b. The proposed individual and common driveways have been laid out to permit a fire department apparatus to access each dwelling. Turning plans can be provided upon request of the Planning Board.
    c. The fire department pull off areas have been illustrated on the Open Development Area Map.
    d. A driveway detail meeting the requirements of Section A174-29 will be provided on the Project Drawings for the Open Development Area.

e. The common driveway on the Open Development Area Map meets the requirements for 3-users, and provides 16 feet of impervious surfaces, and 4-feet of pervious traversable shoulder in all areas.

f. The common driveway on the Open Development Area Map meets the requirements for 2-users, and provides 14 feet of impervious surfaces, and 4-feet of pervious traversable shoulder in all areas.

g. All single user driveways are less than 500 feet.

27. The New York State Department of Transportation (NYSDOT) has granted an easement for the construction of a common driveway across the North County Trailway. The existing easement is sufficient to address the common driveway illustrated on the Open Development Area Map. With respect to the Conventional Subdivision layout, it is proposed to cross the Trailway with a Town Road right-of-way. An easement is not required when one public right-of-way crosses another public right-of-way. This is similar to any other Town / State road crossing, such as Mahopac Avenue and NYS Route 35, whereby an easement was not granted to the Town to cross US Route 35. However, a Highway Work Permit would be required for the improvements. It is noteworthy to point out the NYSDOT previously issued a Highway Work Permit for the construction of the common driveway. The Highway Work Permit indicated the common driveway would service 3-lots. The previous Highway Work Permit has expired and will need to be renewed as an outside agency approval within the overall subdivision process. During their previous review, the NYSDOT required specific safety measures be installed in order to use the Trailway for access. Based on preliminary conversations with the NYSDOT these same safety measures will be a part of the renewed Highway Work Permit.

If you have any questions or comments regarding this information, please do not hesitate to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By: _____
Jeffrey J. Contelmo, P.E.
President / Principal Engineer

JJC/rdw

cc: T. Boniello / M. Barile / N. Stern (1 copy with enclosures)
A. Mole, Esq.

Insite File No. 09119.100

7/02

SOMERS PLANNING BOARD
APPLICATION FOR PRELIMINARY APPROVAL OF SUBDIVISION

Application Processing Affidavit must also be signed. Please click here for form.

I. IDENTIFICATION OF APPLICANT:

A. OWNER: Tommy Boniello, Michael Barile & Nicole Stern
ADDRESS: 888 Route 6
Mahopac, NY 10541
TELE #: (845) 621-1317

SUBDIVIDER:
ADDRESS:
TELE #:

B. SURVEYOR: Robert E. Baxter, P.L.S.
TELE #: (914) 621-8562 Baxter Land Surveying, P.C.
ENGINEER: Jeffrey J. Contelmo, P.E.
TELE #: (845) 225-9690 Insite Engineering, Surveying & Landscape Architecture, P.C.

II. IDENTIFICATION OF PROPERTY:

A. Subdivision identifying Title: BBS Subdivsion
B. Street abutting property: Green Tree Road
C. Tax Map Designation: Sheet: 15.12 Block: 2 Lot: 1
D. Zoning District: R-80 (Residential)
E. Project (does) (does not) connect directly into (State) (County) highway.
F. Proposed drainage (does) (does not) connect directly into channel lines established by the County Commission of Public Works.
G. Project site (is) (is not) within 500 feet of Town boundary.
H. Affected Wetland Area: 3,189 sf Wetland Buffer Area: 11,763 sf
I. Affected Steep Slope Areas: 15% - 25%: 14,365 Over 25%: 688
J. Total area of property in acres: 9.78 AC

III. APPLICABLE FEES PAID: By certified check payable to Town of Somers
Abbreviated Procedure fee of $250: Date Paid:
Preliminary Subdivision Plat is $400 per lot $1,200.00
Number of lots: 3 Date Paid:
Wetland Permit Fee: $200 min. fee + $100 per 5,000 s.f. of regulated area or proposed portions to be disturbed. ($500.00)
Steep Slope Permit Fee: $150 min. fee + $75 per 10,000 s.f. of regulated area or proposed portions to be disturbed. ($300.00)
Total Fee: $2,000.00 Date Paid:

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION
14 copies of all submitted correspondence during review process

A. X 14 copies of Preliminary Plat
B. X 14 copies of Preliminary Construction Plans
C. X 14 copies of Topographic Map
D. X 2 copies of Affidavit of Ownership & Title Policy
E. X 14 copies of Environmental Assessment Form
F. X Proof that taxes have been paid

V. ADJOINING PROPERTY OWNERS

A. Identify all adjoining property owners & owners directly across any and all adjoining streets including those in adjoining communities. Submit stamped envelopes addressed as listed.

SHEET BLOCK LOT NAME OF OWNER & MAILING ADDRESS

See Attachment

If necessary, continue listing on additional sheet.

By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.

Property shall be identified on site as being proposed for subdivision. Center line of proposed roadway(s) shall be staked prior to scheduling of a walk-through by the Planning Board.

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 Regulation, State Environmental Quality Review Act, Wetland and Steep Slope Ordinances, Road Specifications.

All revised plans shall be accompanied by a letter indicating what has been changed. All costs incurred by the Town for Professional Services and SEQR review will be paid by the applicant.

The undersigned applicant hereby requests approval by the Planning Board of the Preliminary Plat and Construction Plans.

Date:

Applicant

Date: 1-29-13

Property Owner Same As Owner

CUDDY&
FEDER LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

May 28, 2013

RECEIVED
MAY 29 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

By Federal Express
Chairman John Currie and
Members of the Planning Board
Town of Somers Town House
335 Route 202
Somers, New York 10589

Re: Crown Castle USA, Inc.
Existing Approved Wireless Tower
Premises: 115 Route 202 (Lincoln Hall property)
Tax Id: Section 16.15, Block 1, Lot 1.1

Dear Chairman Currie and Members of the Planning Board:

This letter is respectfully submitted on behalf of Crown Castle USA, Inc. (Crown Castle) in connection with the above-referenced wireless facility for which the Town of Somers Planning Board most recently granted to New Cingular Wireless PCS LLC (AT&T) on March 13, 2013 an Amended Special Permit and an Amended Site Plan approval for minor upgrades pursuant to Town of Somers Zoning Law Sections 170-129 and 170-114 as well as Town of Somers Chapter 144 entitled "Site Plan Review".

We are now in receipt of a subsequent March 25, 2013 memorandum from the Town Planner positing as a question whether a separate and formal resolution of renewal of the originally issued special permit for the facility is required under Zoning Law Section 170-129.6G. Crown Castle's original special permit was issued by the Zoning Board of Appeals and the Town Board subsequently amended its regulations in December of 2010 to provide the Planning Board with special permit jurisdiction over wireless facilities. Our client's position is that, the Town Board's action in amending the regulations resulted in new five year terms being issued for any existing special permit facilities in the community. Moreover, the Planning Board in amending the special permit at AT&T's recent request, implicitly granted a renewal of the special permit for another five year term for purposes of Section 170-129.6G. This particularly given recent federal law requiring approval of tower modifications such as the one proposed by AT&T and approved by the Planning Board.

Notwithstanding same and without prejudice, Crown Castle hereby seeks renewal of its existing special permit by way of this letter and formal application which is enclosed. Importantly, a renewal special permit application is a Type II action exempt from the State Environmental Quality Review Act per Section 617.5c(26). Further, the Town of Somers Zoning Law does not require a public hearing on renewal of a special permit. See Sections 170-129.6F and 170-129.6G.

In support of its request for renewal of its Special Permit, Crown Castle incorporates by reference all the materials previously submitted to the Planning Board and the Zoning Board of Appeals when it originally approved the subject wireless facility as well as all materials submitted thereafter to these Boards and the Building Department as well as those reports and documents submitted relative to the March 2013 approved modifications which address Section 170-129.6G specifically and include:

* A Structural Analysis, prepared by Paul J. Ford & Company Structural Engineers, dated August 21, 2012, certifying that the proposed modifications to the existing wireless facility comply with the requirements of TIA/EIA-222-F standards.

* A Radio Frequency Exposure Analysis, dated January 18, 2013, prepared by Senior RF Engineer Bernard Morgan of Bechtel Communications, concluding that the site complies with all applicable emissions standards promulgated by Federal and State law. Per the methodology established in FCC Bulletin OET 65, the percentage of cumulative MPE is less than 1.25%, which is far below the FCC limits.
* Photographs of the Existing Conditions at this co-located wireless facility.
* Copies of prior land use and building department approvals issued by the Planning Board and Building Department relative to this wireless facility.

We also have enclosed Crown Castle USA Inc. Check No. 814659 made payable to the Town of Somers, in the amount of $300.00, representing payment of the special permit renewal application fee.

Further, under separate cover, the Planning Board should receive a letter from Crown Castle providing a written statement as to the current co-locators and pending co-location requests as well as its future plans for new wireless facilities in Town.

Crown Castle looks forward to appearing before the Planning Board on June 12, 2013. Should the Planning Board or Town Staff have any questions or comments in the interim, please feel free to contact me. Thank you for your cooperation and consideration in this matter.

Very truly yours,

Neil J. Alexander

Neil J. Alexander

NJA/jc
Enclosures
cc: Marilyn Murphy, Town Planning Board Secretary
Syrette Dym, Town Planning Consultant
Roland Baroni, Esq., Town Attorney
Bryan Miller & Wendy Smith, Crown Castle

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR SPECIAL USE PERMIT
WIRELESS TELECOMMUNICATIONS FACILITY

Facility Owner/User Crown Castle USA, Inc. **Tel. #:** 781-970-0057
Address: 2000 Corporate Dr., Canonsburg, PA 15317
Property Owner: Lincoln Hall School **Tel. #:** 914-248-7474
Address: 115 Route 202, Somers, NY
Applicant: Same as Facility Owner **Tel. #:**
Address:
Managing Agent: **Tel. #:**
Address:
Westchester County Agent: Cuddy & Feder LLP **Tel. #** 914-761-1300
Address: 445 Hamilton Ave., 14th Floor, White Plains, NY 10601

Premises: Sheet: 16.15 **Block:** 1 **Lot:** 1.1 **Situated on the** West **side of** Route 202 **(Street)** 750 **feet from the intersection of** Dunhill Rd. **(Street)**
Zoning District R- 120
PROJECT TITLE: Renewed Amended Special Permit
DESCRIPTION OF WORK AND PURPOSE:
Crown Castle USA, Inc. seeks to renew the Amended Special Permit for this Wireless facility on which several FCC licensed wireless carriers are co-located.

TYPE OF PERMIT REQUESTED:
- ____ **ORIGINAL**
- ____ **AMENDED (Date of Original Permit)**
- X **RENEWAL (Date of Original Permit)**

SIZE OF ACTIVITY AREA: 0
ESTIMATED TOTAL VALUE OF WORK: $0
PROPOSED STARTING DATE: June 2013
PROPOSED COMPLETION DATE: June 2013
PLANS PREPARED BY: Bechtel Associates **DATED:** December 6, 2012
Plans must be submitted with application.

APPLICATION FEE: **$300**
Based upon Somers Town Code §133-2. At the time of submission of any application, an Escrow Account shall be established to pay for the costs of professional review services.

DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:
14 Copies of all correspondence and plans submitted to the Planning Board.
Please refer to Somers Town Code §170-129.8, Application procedure. for the required documents to be submitted. (see attached)

APPLICANT/FACILITY/OWNER/USER SIGNATURE: Neil J. Hayes, as attorney
DATE:
PROPERTY OWNER'S SIGNATURE:
DATE: May 28, 2013

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, Town Planner

DATE: May 30, 2013

RE:

Project:	Crown Castle USA, Inc. Wireless Tower Renewal
Applicant:	Crown Caste USA, Inc.
Location:	115 Route 202 (Lincoln Hall property); Section 16.15 Block 1 Lot 1.1
Zoning:	R80 Residence District
Actions:	Renewal of Special Permit for Existing approved Wireless Tower as per Section 170-129.6G of the Code of the Town of Somers

Application Request:

The current proposed action is a request for a renewal of the originally issued special permit for the existing approved wireless tower owned and operated by Crown Castle USA, Inc. on the Lincoln Hall property which provides the tower for various co-locators including pursuant to Section170-129.6F and 170-129.6G of the Code of the Town of Somers.

Background:

AT&T Wireless, Verizon Wireless, Nextel Communications/Sprint PCS and T-Mobile. At its meeting of March 13, 2013, the Planning Board approved by Resolution No. 2013-03 a Conditional Amended Special Permit Approval and Amended Site Plan Approval to New Cingular Wireless PCS LLC (AT&T) for modifications and upgrades to its existing facility located on the Crown Cate le pole on the Lincoln Hall property. As a result of

that and other telecommunications applications, it came to the attention of the Planning Board that requirements of Section 179-129.6D indicating that a special use permit is granted for a five year period and 179-129.6G regarding renewal of such permits were not being adhered to.

Whereas the application that was the subject of Resolution No. 2013-03 was granted for the upgrades for New Cingular Wireless PCS LLC(AT&T), and was granted to run from March 13, 2013 up to and including March 12, 2018,, such application and resolution did not address the permit for the pole on which the carrier was located.

As such, the subject application seeks renewal of its existing special use permit.

Basis of Comment Memorandum

An Application for Special Use Permit dated May 28, 2013, with accompanying submission payment, was submitted on May 29, 2013. A cover letter dated May 28, 2013 from Neil J. Alexander of Cuddy & Feder accompanied the application.

The cover letter indicated that the supporting material required for this application in accordance with Section 170-129.6G were those previously submitted to the Planning Board and the Zoning Board of Appeals for its original approval, as well as all materials submitted to both Boards and the Building Department relative to the March 2013 Cingular Wireless modification approval, by reference. The letter indicates that a letter from Crown Castle will provide a written statement as to the current co-locator and any pending co-locator requests and future plans for the pole and facility. Such letter has not yet been received.

Current Comments

1. **Reports from March 2013 Approval**
    a. The Zoning Code Section 170-129.6.G requires among other things that the application shall include a "report from an engineer specializing in structural engineering certifying that the facility is structurally safe based upon persona inspection and appropriate testing". The structural analysis referred to in the Cuddy and Feder cover letter of May 28, 2013, references the Structural Analysis report by Paul J. Ford & Company Structural Engineers dated August 21, 2012. On inspection of that document, it is clear that it does not fulfill the requirements of the code. First, there was no personal inspection of the pole and, second, the purpose of the analysis was to determine tower stress level and whether there was sufficient capacity to accept the proposed modifications by Cingular Wireless. Therefore, the applicant has to provide the structural analysis of the pole and on site s inspection required by the Town code.
    b. Second, the applicant makes references to prior non-specified approvals by the Planning Board and Zoning Board of Appeals. The Applicant needs to provide the date of original approval of the Wireless Tower and the dates of permit renewals, if any.

C- PE APPL.

COMMITMENT & INTEGRITY DRIVE RESULTS

709 Westchester Avenue | Suite L2
White Plains, New York 10604
www.woodardcurran.com

T 800.807.4080
T 914.448.2266
F 914.448.0147

RECEIVED
JUN - 7 2013
PLANNING ENGINEERING
TOWN OF SOMERS

MEMORANDUM

510

WOODARD &CURRAN

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Robert P. Wasp, EIT on behalf of Joseph C. Barbagallo, P.E., BCEE
DATE: June 7, 2013
RE: Renewal of Special Use Permit
Crown Castle USA, Inc. – Lincoln Hall
115 Route 202
TM: 16.15-1-1.1

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to review of the renewal of special use permit application for the existing wireless telecommunications facility located at the Lincoln Hall property, 115 Route 202. In accordance with the requirements of Town Code Chapter §170-29, wireless telecommunications facilities are required to apply for special permit renewal every five years. The special use permit for the existing monopole style cell tower was originally granted by the Zoning Board on April 26, 2004.

The existing cell tower was recently granted approval for 4G infrastructure upgrades to the facility under an application by the carrier New Cingular Wireless PCS, LLC (AT&T) at the March 2013 meeting of the Planning Board. The current application proposes to renew the facility's special use permit for the ensuing five year term. No new construction or modifications are proposed by the special use permit renewal application. The following documents were considered during the current review period.

DOCUMENTS REVIEWED

- Letter, by Cuddy & Feder, LLP, dated May 28, 2013.
- Letter, by Syrette Dym, AICP, dated March 25, 2013.
- Comment Memorandum, by Syrette Dym, AICP, dated May 30, 2013.
- ** Letter Report, by Cuddy & Feder, LLP, dated January 30, 2013.

**** Incorporated by reference**

PERMITS AND APPROVALS REQUIRED

- Town of Somers: Special Exemption Use Permit Renewal

DISCUSSION

Town Code Chapter §170-29.6(G) requires specific components to be included in an application for renewal of a special use permit for wireless telecommunications facilities. The current submittal by the Applicant, incorporates by reference, several sections of the January 30, 2013 letter report by Cuddy & Feder that were included under the application for 4G infrastructure upgrades by New

WOODARD &CURRAN

Cingular Wireless PCS, LLC. In addition, the cover letter by the Applicant indicates that additional information will be provided to the Planning Board under a separate cover.

Based upon the information provided, the application submittal does not address all of the required contents for renewal of a Special Use Permit. The following is a summary of our comments at this time. It should be noted that further comments may be added upon the receipt of additional information.

1. Consistent with the comment identified by the Somers Town Planner, the referenced Structural Analysis, by Paul J Ford & Company Structural Engineers, dated August 21, 2012, does not satisfy the requirements for a structural engineer's report for renewal of the facilities special use permit. As required by §170-29.6(G) of Town Code, such report must certify that the facility is structurally safe based upon a personal inspection and appropriate testing. The provided structural analysis does not appear to be based upon a personal site inspection by the certifying structural engineer. In addition, the structural engineers report shall confirm that facility assessment considers all existing Tower loads, reserved loads for future co-location and loads from newly approved 4G infrastructure modifications.
2. Several components required to be included as part of an application for renewal of special permit were not included with the current review submittal. As identified by §170-29.6(G) of Town Code, the following required items were not included:
    a. Complete statement of the users of the facility
    b. Complete description of all requests for co-location and the disposition of the requests.
    c. Report on any future plans for the construction of any new wireless or attached wireless telecommunications facility in the Town.
    d. Abandonment Bond for the ensuing five year period.

    The above cited documents shall be reviewed for their completeness and fulfillment of Town Code requirements upon their receipt.

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

Sincerely,

Robert P. Wasp, EIT
Assistant Consulting Town Engineer

On behalf of,

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

McCULLOUGH, GOLDBERGER & STAUDT, LLP
ATTORNEYS AT LAW
1311 MAMARONECK AVENUE, SUITE 340
WHITE PLAINS, NEW YORK
10605
(914) 949-6400
FAX (914) 949-2510
WWW.MCCULLOUGHGOLDBERGER.COM

FRANK S. McCULLOUGH, JR.
CHARLES A. GOLDBERGER
JAMES STAUDT
LINDA B. WHITEHEAD
SETH M. MANDELBAUM

JOANNA C. FELDMAN
DEBORAH A. GOLDBERGER
EDMUND C. GRAINGER, III
PATRICIA W. GURAHIAN
MEREDITH A. LEFF
RUTH F-L. POST
KEVIN E. STAUDT
ARI L. TRAN

FRANK S. McCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2005)

May 29, 2013

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

Re: Somers Realty Planned Hamlet Master Plan
Request for Informal Appearance – Wegman Assisted Living Facility

Dear Chairman Currie and Members of the Board:

We are writing to request an informal appearance before your Board to discuss a proposal for an Assisted Living Facility at the Somers Realty Planned Hamlet. As you will recall, as part of the Master Plan Modification approved for The Mews 2, the Assisted Living Facility and a portion of the commercial were replaced on Lot 2, with the understanding that these uses could subsequently be approved at a different location within the property.

Somers Realty has been approached by the Wegman Family LLC, a developer of Assisted Living Facilities. They have been considering a portion of the site designated at Lot 5 on the subdivision map included as Figure 10 in the approved Master Plan. A copy of this plan is provided herewith. The lot is approximately 6 acres.

Prior to proceeding with a formal application requiring detailed engineering, we would like the opportunity to discuss the proposal with you, as additional modifications to the Master Plan would be required. First, you should be aware that although this area was originally proposed for a portion of the residential development, every residential developer who has looked at the site has not proposed utilizing this area. You may recall that during the review process, your consultants suggested that all the residential development be brought in closer to the center of the site, and never support the isolated residential development near Mahopac Avenue. Interestingly, with the change in the market and the preferred residential product, all residential developers have agreed with this and have looked at reducing unit sizes and condensing the development without extending the road out towards Mahopac Avenue. This has opened up this lot for other potential uses.

Provided herewith is a conceptual layout and elevations for the proposed facility. The size of the proposed Assisted Living Facility will be consistent with or smaller than that which was originally planned at Lot 2—two stories with approximately 70,000 square feet (80,000 square feet approved) and approximately 110 beds in 96 units. The Master Plan had provided a count of units (80) and not beds. However, the actual calculations anticipated most of these units as having more than one bed, so that the total bed count will be reduced with the proposed facility although there are more units. Approximately 60 parking spaces are proposed. The building itself is further back from Mahopac Avenue than were the proposed residences in this area, further reducing any potential visual impacts (even though it was already determined the residences would not have a significant visual impact). The roadway has been setback to preserve the wooded buffer along Mahopac Avenue. Efforts have been made to keep all proposed development within the limits of disturbance defined as part of the Master Plan Approval. However, we are proposing a slight intrusion into the wetland buffer of Wetland B. You may recall this was not considered a highly functional wetland. We will of course have to provide more analysis of this buffer incursion as part of site plan review.

There are modifications to the Master Plan which we believe it is important to discuss before proceeding any further. In addition to the obvious change of the use in this portion of the property, we are also requesting a modification to allow a driveway access for just the Assisted Living Facility off of Mahopac Avenue, and, rather than a full roadway connection to the rest of the property, we are proposing just a pedestrian connection. We realize the traffic impact of the driveway connection will have to be reviewed in more detail, but wish to discuss the concept. The Assisted Living Facility does not generate significant traffic. Generally none or very few of the residents have cars, so the traffic is primarily staff and visitors. Staff shift changes occur earlier than the roadway peaks in both the morning and afternoon, mitigating any traffic impacts. Our client will also provide you with information from other facilities on visitor traffic patterns.

We are well aware that site plan details, including stormwater management and grading, will need to be worked out and addressed. However, we wanted to get your informal opinion on the concept before expending the significant time and expense that will be required to address all site plan details.

We look forward to reviewing this matter with you. We would appreciate if you could place this matter on your June 12, 2013 agenda for informal discussion.

Very truly yours,

Linda B. Whitehead

Enclosures
cc: Seth Capozza, Somers Realty
Peter Gregory, KCG Engineers, P.C.
Jerry Watkins, Wegman Companies, Inc.

7/05

TOWN OF SOMERS PLANNING BOARD
REQUEST FOR INFORMAL APPEARANCE BEFORE PLANNING BOARD

FEE: $150 WITHOUT CONCEPTUAL PLAN $300 WITH SKETCH PLAN REVIEW
FEE PAID: _____ DATE PAID: X

I. IDENTIFICATION OF APPLICANT:
A. OWNER: Somers Realty Corp. SUBDIVIDER: Same
ADDRESS: 15 Charles St. ADDRESS: _____
New York, NY 10014
TELE #: _____ TELE #: _____
B. SURVEYOR: Donnelly Land Surveying TELE #: _____
ENGINEER: KLG Engineers TELE #: _____

II. IDENTIFICATION OF PROPERTY:
A. Project Name: Somers Realty Planned Hamlet - Wegman Assisted Living
B. Street abutting property: Route 6 and Mahopac Avenue
C. Tax Map Design: Sheet: 4.20 Block: 1 Lot: 15
Zoning District: PH
E. Project (does) ~~(does not)~~ connect directly into (State) (County) highway.
F. Proposed drainage (does) ~~(does not)~~ connect directly into channel lines established by the County Commission of Public Works.
G. Project site (is) ~~(is not)~~ within 500 feet of Town boundary.
H. Proof that taxes have been paid. _____

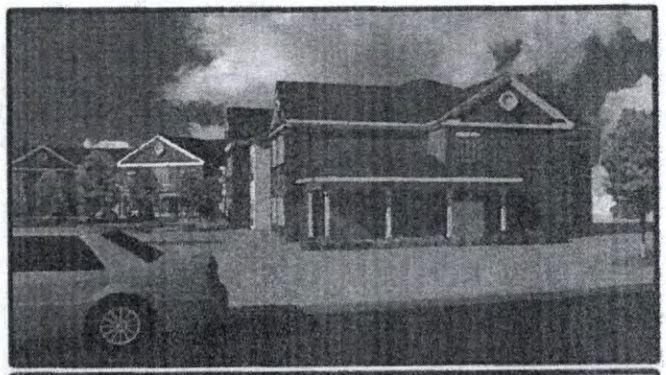
III. BRIEF DESCRIPTION OF PROJECT PROPOSAL:
See letter submitted herewith

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, Road Specifications, State Environmental Quality Review Act, Wetland and Steep Slope Ordinances, as applicable.
The comprehensiveness of the material submitted will determine the extent of comments that the Planning Board can make on a sketch plan. No materials received after the submission date of this application will be considered by the Board.
Ten (10) copies of all plans and written reports are requested.
By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.
The undersigned hereby requests an informal appearance before the Planning Board to discuss the proposed project.

[signature], Attorney Date: 5/29/13
Applicant

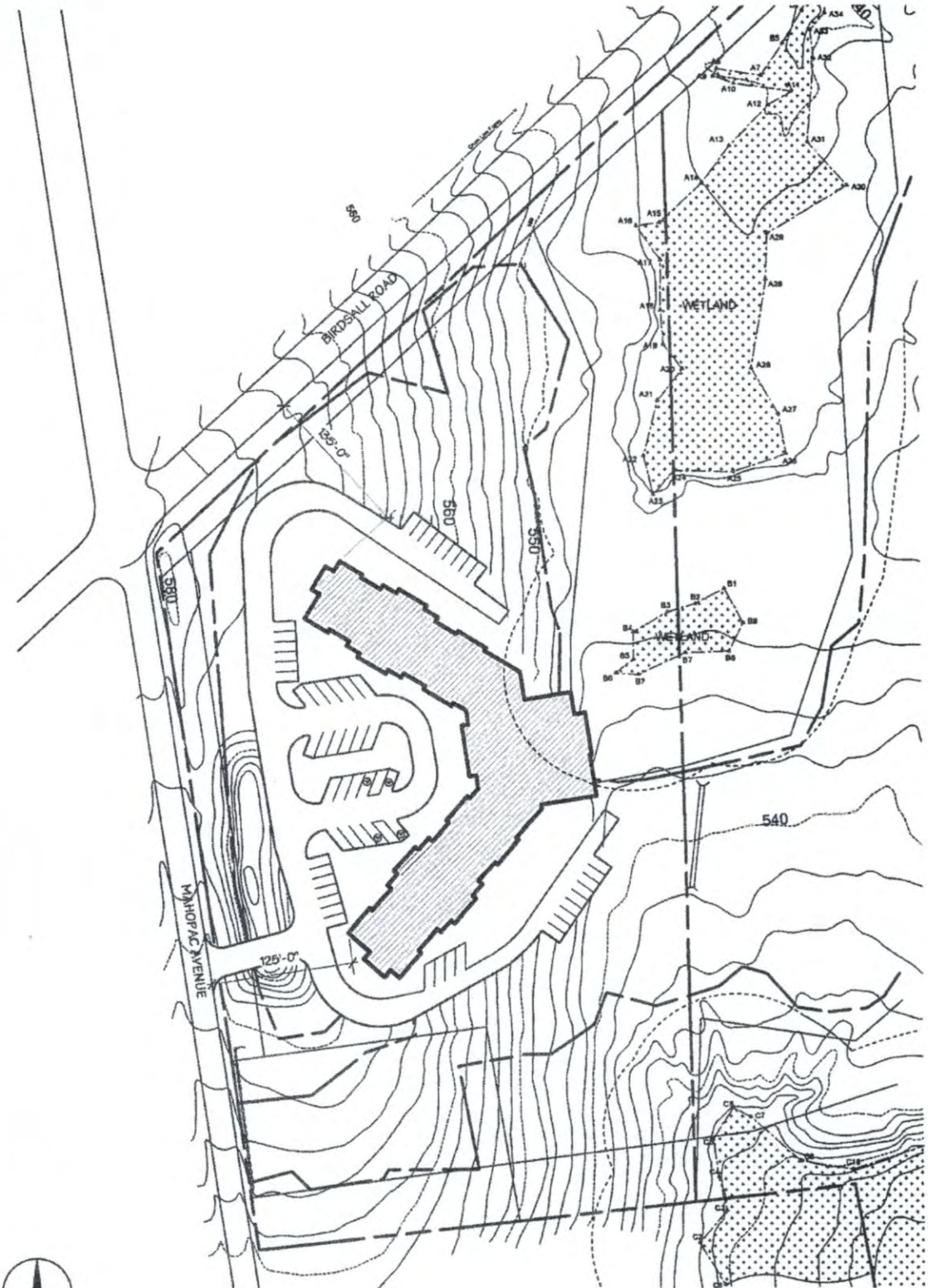
[signature], Attorney Date: 5/29/13
Owner

C:\Documents and Settings\tsavva.SOMERSNY\Local Settings\Temporary Internet Files\OLK124F\Somer_PE_InformalApplication_2002-07.DOC



WEGMAN ASSISTED LIVING FACILITY
SOMERS, NY

YOUNG + WRIGHT ARCHITECTURAL



NORTH

WEGMAN ASSISTED LIVING FACILITY

SOMERS, NY

YOUNG + WRIGHT ARCHITECTURAL

Somers Realty Planned Hamlet
Somers, NY

Figure 10: Subdivision Map

BFJ Planning

TOWN BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

Supervisor
MARY BETH MURPHY

Town Council
ANTHONY J. CIRIECO
RICHARD CLINCHY
THOMAS A.GARRITY
RICK MORRISSEY

Town Clerk
KATHLEEN R. PACELLA

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
(914) 277-3637
(914) 277-3323
FAX (914) 276-0082

June 5, 2013

Somers Planning Board Members
Westchester County Department of Health
New York City Department of Environmental Protection
New York State Department of Environmental Conservation
New York State Department of Transportation
U.S. Army Corps of Engineers

Re: Revised Intent to be Lead Agency Form
Location for Somers Crossing – Boniello Land & Realty, Ltd.
Zoning Petition
307 New York State Route 100 (Tax Lot 17.15-1-15.1)

Attached please find a revised Intent to be Lead Agency Form that revises the address under "Location" for The Somers Crossing – Boniello Land & Realty, Ltd. Lead Agency Form previously sent as part of a package to all involved and interested agencies.

Mary Beth Murphy
Town Supervisor

Attach. – Notice of Intent to Be Lead Agency/SEQR Distribution List
Lead Agency Response Form
Zoning Petition and Full EAF

Cc:

Interested Agencies
Town of Somers Open Space Committee
Town of Somers Architecture Review Board
Town of Somers Landmarks Committee
Town of Somers Affordable Housing Board
Town of Somers Parks & Recreation Board
Somers Bureau of Fire Prevention
Somers Fire District
Town of Somers Highway Department
Town of Somers Police Department

New York State Police Department
Somers Central School District
Westchester County Planning Board
New York State Office of Parks, Recreation and Historic Preservation

Lead Agency Representatives

Syrette Dym, AICP, Town of Somers Director of Planning
Joseph Barbagallo, Woodard & Curran Engineering P.A P.C.
Roland A. Baroni, Esq. Town Attorney

Project Sponsor Representatives

Gus Boniello, President, Boniello Land & Realty, Ltd
Richard L. O'Rourke, Keane & Beane
Bonnie Von Ohlsen, RLA, VHB Engineering, Surveying and Landscape Architecture, P.C.
Timothy S; Allen, P.E., Bibbo Associates

Z:\PE\Town Board\Somers Crossing - Boniello\SEQR\Revised Lead Agency Address Cover.doc

NOTICE OF SEQR ACTIONS – BONIELLO LAND & REALTY, LTD/SOMERS CROSSING REQUEST FOR CREATION AND ADOPTION OF NEW MULTIFAMILY RESIDENCE DOWNTOWN HAMLET (MFR-DH) FLOATING ZONE DISRICT AND SITE SPECIFIC APPLICATION

Notice of Intent to Act as Lead Agency

Issued by Town of Somers Town Board
Westchester County, New York

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act (SEQRA)) of the New York State *Environmental Conservation Law* and Chapter 92 (Environmental Quality Review) of the *Code of the Town of Somers, New York*.

The Town Board of the Town of Somers, Westchester County, New York, has received a petition from Boniello Land & Realty, Ltd seeking the creation and adoption of a new Multifamily Residence Downtown Hamlet (MFR-DH) floating zone district and its application to a specific site.

The Somers Town Board at its meeting of May 9, 2013 declared its intent to establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code. Unless an objection is expressed by any other involved agency within 30 days from the date of this notice, the Somers Town Board shall assume this role.

The Proposed Action is a Type I Action under SEQRA as per Chapter 92 of the *Code of the Town of Somers* in conjunction with Article 24 of the NYS *Environmental Conservation Law*.

PROPOSED LEAD AGENCY: Town Board, Town of Somers
Somers Town House
335 Route 202
Somers, New York 10589

TITLE OF ACTION: Boniello Land & Realty Ltd/Somers Crossing Request for Creation and Approval of New Multifamily Residence Downtown Hamlet (MFR-DH) Floating Zone District and Site Specific Application

DESCRIPTION OF ACTION: The project is a petition requesting creation and approval of a new Multifamily Residence Downtown Hamlet (MFR-DH) Floating Zone District with consideration of application to a specific site. The proposed floating zone would be applicable to any property located within 2,500 feet of the intersection of Routes 100 and 202. The parcel is located across Route 202 from the entrance to the Heritage Hills development

and is adjacent to the Somers Towne Centre shopping center. The purpose of the proposed MFR-DH District is to encourage the creation of mixed uses in the downtown area and enhance the uses in the community's downtown. All uses within the proposed zoning district would be required to be within an existing, expanded or new sanitary sewer district, capable of being served with a central water system and convenient access to shopping, major road and community facilities and services. The applicant's proposed district is also intended to provide senior care facilities and additional shopping opportunities for the multifamily residential housing as well as the surrounding area. The housing is proposed to target active seniors age 55 and above. It is proposed that all basic planning standards set forth in Subsection A(1) through (15) of the Multifamily Residence Baldwin Place MFR-BP District (Section 170-13A. of the Code of the Town of Somers) be applied for determination and establishment of specific site and building development controls for multifamily housing resulting from the MFR-DH District.

It is intended that the proposed MFR-DH district once enacted would be applied to a 26.68 acre property located at 307 New York State Route 100, Tax Map Sheet 17.15, Block 1 Lot 15.1. The 25.68 acres parcel has wetland and steep slope constraints affecting approximately 6.21 acres of the property. The property is currently zoned R-40 Residence District for a depth of 250 feet along its Route 202 frontage, with the remainder zoned R-80 Residence District. Access to the parcel to which the new zoning is requested to be applied would be accessed partly from Route 202 and partly from Route 100.

LOCATION: The subject property is located at 307 New York State Route 100 Tax Map Sheet 17.15, Block 1 Lot 15.1.

SUPPLEMENTAL INFORMATION: Part I of a Full Environmental Assessment Form (EAF) has been prepared for the Proposed Action. This form and copies of the Zoning Petition and Concept Plan are being distributed to all Involved and Interested Agencies (see attached list), and this information is also available for review in the Planning and Engineering office at the Town House and on the Town's web site.

Contact: Syrette Dym, AICP, Director of Planning
335 Route 202
Somers, New York 10589

Telephone: 914-277-5366

Date of this Notice: May 31, 2013

TOWN BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

Supervisor
MARY BETH MURPHY

Town Council
ANTHONY J. CIRIECO
RICHARD CLINCHY
THOMAS A.GARRITY
RICK MORRISSEY

Town Clerk
KATHLEEN R. PACELLA

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
(914) 277-3637
(914) 277-3323
FAX (914) 276-0082

May 31, 2013

Somers Planning Board Members
Westchester County Department of Health
New York City Department of Environmental Protection
New York State Department of Environmental Conservation
New York State Department of Transportation
U.S. Army Corps of Engineers

Re: Somers Crossing – Boniello Land & Realty, Ltd.
Zoning Petition
307 New York State Route 100 (Tax Lot 17.15-1-15.1)

The Somers Town Board received a petition for the creation and adoption of a new Multifamily Residence Downtown Hamlet (MFR-DH) floating zone district to be applied to property located at 307 New York State Route 100 (Tax Lot 17.15-1-15.1) for development of a Concept Plan to include approximately 60 multifamily residential housing units proposed to be targeted to active seniors, an approximately 19,000 square foot grocery store, and a 75 bed Memory Care facility.

At its meeting of May 9, 2013, the Town of Somers Town Board voted to declare its intent to be Lead Agency for the Proposed Action under SEQR based on its review of a Full EAF dated April 19, 2013.

A revised Full EAF form dated May 30, 2013 was submitted to the Town Board based on comments from the Town of Somers Director of Planning. The Proposed Action is a Type I Action pursuant to Chapter 92 of the Code of the Town of Somers in conjunction with Article 24 of the NYS Environmental Conservation Law, thereby requiring a coordinated environmental review. The attached Notice of Intent to Be Lead Agency and Full EAF are, therefore, being distributed to all involved agencies.

We have attached a response form that assumes your agency has no objection to the proposed Lead Agency Designation. Please complete and return the form as soon as possible. If we do not receive written notice within thirty (30) days of the mailing of this notice (i.e., by June 30, 2013), the Somers Town Board will declare itself Lead Agency in this matter.

Mary Beth Murphy
Town Supervisor

Attach. – Notice of Intent to Be Lead Agency/SEQR Distribution List
Lead Agency Response Form
Zoning Petition and Full EAF

Cc:

Interested Agencies
Town of Somers Open Space Committee
Town of Somers Architecture Review Board
Town of Somers Landmarks Committee
Town of Somers Affordable Housing Board
Town of Somers Parks & Recreation Board
Somers Bureau of Fire Prevention
Somers Fire District
Town of Somers Highway Department
Town of Somers Police Department
New York State Police Department
Somers Central School District
Westchester County Planning Board
New York State Office of Parks, Recreation and Historic Preservation
Lead Agency Representatives
Syrette Dym, AICP, Town of Somers Director of Planning
Joseph Barbagallo, Woodard & Curran Engineering P.A P.C.
Roland A. Baroni, Esq. Town Attorney
Project Sponsor Representatives
Gus Boniello, President, Boniello Land & Realty, Ltd
Richard L. O'Rourke, Keane & Beane
Bonnie Von Ohlsen, RLA, VHB Engineering, Surveying and Landscape Architecture, P.C.
Timothy S; Allen, P.E., Bibbo Associates

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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 make referrals to the Local Somers Planning Board and the Westchester County Planning Board for the Boniello Land & Realty, Ltd./Somers Crossing Zoning Petition seeking the adoption of a new Multi-family residence floating zone district and its application to property known as 307 Route 100, Tax ID# 17.15-1-15.1 in the Town of Somers.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at the Regular Meeting held on May 9, 2013.

Dated: May 13, 2013

Kathleen R. Pacella
Town Clerk

Cc: Supervisor
Director of Finance
Town Planner
Planning Board
Westchester County Planning
Boniello Land & Realty, Ltd.

KEANE & BEANE P.C.
ATTORNEYS AT LAW

■ Main Office
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ Mid-Hudson Office
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

April 22, 2013

RECEIVED
APR 24 2013
SUPERVISOR'S OFFICE
TOWN OF SOMERS

RICHARD L. O'ROURKE
Principal Member
rorourke@kblaw.com

VIA HAND DELIVERY

Supervisor Mary Beth Murphy and
Members of the Somers Town Board
Town of Somers Town Hall
335 Route 202
Somers, NY 10589

Re: Zoning Petition
Boniello Land & Realty, Ltd
307 New York State Route 100 (SBL 17.15-1-15.1)

Dear Supervisor Murphy and Town Board Members:

Keane & Beane, P.C. is pleased to present, on behalf of Boniello Land & Realty, Ltd. ("Boniello"), the enclosed Petition seeking the adoption of a new Multifamily Residence Downtown Hamlet (MFR-DH) floating zone district to be applied to the above-referenced property located on Route 100 adjacent to the Somers Towne Centre, across the street from the entrance to Heritage Hills.

The requested zoning amendments are consistent with the Town of Somers Comprehensive Master Plan and will provide benefits to the Town of Somers through the development of a synergistic set of uses which complement existing development. Specifically, the proposed MFR-DH district would permit multifamily residential housing designed and targeted to active seniors, a grocery store, and a Memory Care facility.

Enclosed herein are the following documents:

- Petition of Boniello Land & Realty, Ltd, dated April 19, 2013
- Long Environmental Assessment Form, dated April 19, 2013
- Concept Plan, prepared by Bibbo Associates, LLP, dated April 17, 2013
- Authorization Letter from Boniello Land & Realty, Ltd, dated April 18, 2013

We look forward to discussing the enclosed Petition with the Town Board and request that it be placed on the Town Board's upcoming agenda for its May 2, 2013 meeting.

Thank you for your consideration

Very truly yours,

Richard L. O'Rourke

Richard L. O'Rourke

RLO/
Encls.
cc: Boniello Land & Realty, Ltd.
John Saccardi, AICP
Bonnie Von Ohlsen, RLA
Timothy S. Allen, P.E.

BONIELLO LAND & REALTY, LTD
165 Waccabuc Road
Goldens Bridge, New York 10526

April 18, 2013

Supervisor Mary Beth Murphy and
Members of the Somers Town Board
Town of Somers Town Hall
335 Route 202
Somers, NY 10589

Re: Zoning Petition
Boniello Land & Realty, Ltd
307 New York State Route 100 (SBL 17.15-1-15.1)

Dear Supervisor Murphy and Town Board Members:

On behalf of Boniello Land & Realty, Ltd, owner of property bearing Tax Assessment Map designation SBL 17.15-1-15.1, I hereby authorize Keane & Beane, P.C., or its designee, to file the attached Zoning Petition seeking the adoption of a new Multifamily Residence floating zone district and its application to the above-referenced property. I am duly authorized by Boniello Land & Realty, Ltd to provide the consent granted herein to Keane & Beane, P.C.

Thank you for your consideration.

Very truly yours,

Boniello Land & Realty, Ltd

By: Gus T. Boniello
Name: Gus Boniello
Title: President

6458/02/434905v1 4/19/13