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
## JULY 10, 2013
## 7:30 P.M.

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

**TIME-EXTENSION**

1. **WRIGHT'S COURT SITE PLAN SITE 'A'**
   **[TM: 17.11-1-18]**
   Request for a one year time-extension for Amended Site Plan Approval and Stormwater Management and Erosion and Sediment Control Permit for one year up to and including July 18, 2014 in accordance with §170-114K and 93-20 of the Town of Somers Code.

**PROJECT REVIEW**

2. **NEW CINGULAR WIRELESS LLC (AT&T)**
   **APPLICATION TO RE-GRANT AMENDED SITE PLAN APPROVAL AND WETLAND PERMIT TO CO-LOCATE ON EXISTING T-MOBILE WIRELESS FACILITY LOCATED AT 80 ROUTE 6 (SOMERS COMMONS SHOPPING CENTER) [TM: 4.20-1-11]**
   Application to "re-grant" above approvals to install a wireless facility identical in all aspect to its co-location application approved in April 2011 by the Planning Board, consisting of consideration to extend time to obtain signature of the site plan and time to obtain building permits and extension of wetland permit.

## INFORMAL APPEARANCE WITH SKETCH PLAN

3. **WRIGHT'S COURT SITE "B'**
   **APPLICATION FOR INFORMAL DISCUSSION ON THE AMENDED SITE PLAN AND SPECIAL EXCEPTION USE PERMIT FOR THE GROUNDWATER PROTECTION OVERLAY DISTRICT**
   **[TM: 17.11-1-5]**
   Informal discussion with Planning Board on the application of Silvio Management Dev. LLC for modifications to the approved site plan to rotate and relocate the proposed building and expansion of the parking area. Informal discussion limited to the cross access to adjacent Il Forno property.

## RECEIPT OF DRAFT EAF PART 2 AND PART 3 PREPARED BY DIRECTOR OF PLANNING FOR TOWN BOARD AS LEAD AGENCY

4. **SOMERS CROSSING**
   **[TM: 17.15-1-15.1]**
   Receipt of Draft EAF Part 2 and Part 3 prepared by the Director of Planning for review and input by the Town Board as Lead Agency for potential preliminary discussion for joint meeting with Town Board as Lead Agency for Somers Crossing located at Route 100 adjacent to the Somers Towne Centre.

## FIELD CHANGE

5. **ROUTE 100 REALTY, LLC**
   **SUSSMANN MOBIL STATION**
   **APPLICATION FOR AMENDED SITE PLAN, WETLAND, STEEP SLOPES, GROUNDWATER PROTECTION OVERLAY DISTRICT PERMITS [TM: 17.18-1-2]**
   Request for a field change with sketch that shows the elimination of the six-foot wide sidewalk adjacent to the proposed parking spaces 2, 3 and 4 and the realignment of the proposed curb.

Next Planning Board Meeting, August 14, 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

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

HENRY M. HOCHERMAN
OF COUNSEL


June 20, 2013

*Via Federal Express*


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TOWN OF SOMERS


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

5 1 7

*Re: Wright's Court – Request for Extension of Amended Site Plan and Stormwater Management and Sediment and Erosion Control Permit*

Dear Chairman Currie and Members of the Planning Board:

As you are aware, we represent the recipient of the approvals for Wright's Court, Hallic Place Development, LLC ("Hallic") and the owner of "Site A" in that development. The Chairman of your Board executed the Amended Site Plan for Wright's Court on July 18, 2012. Therefore, unless otherwise extended, the time within which Hallic needs to obtain permits will expire on July 18, 2013. In addition, at your meeting of April 10, 2013, your Board extended the Sediment and Erosion Control Permit for the project so that its expiration corresponds to the expiration of the Amended Site Plan.

We are writing to request that your Board extend the Amended Site Plan and the Sediment and Erosion Control Permit pursuant to Sections 170-114K and 93-20 of the Town of Somers Code, respectively, for one year, up to and including July 18, 2014.[1] To date, since the Amended Site Plan was signed, economic conditions have inhibited Hallic from proceeding with the development of Site A.

[1]Our client no longer owns Site B, the property on the east side of Scott Drive. It is our understanding that the owner of that property, Silvio Management Corp., consents to Hallic's request for an extension.

Please place this matter on your earliest available agenda.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By: Adam L. Wekstein
Adam L. Wekstein

ALW:cv
cc: *(via electronic mail)*
Syrette Dym, AICP
Mr. Stephen Woelfle
Mr. Thor Magnus
John Kellard, P.E.
Geraldine N. Tortorella, Esq.
Mr. Richard DiNardo

S:\# MATTERS\Nordic Custom Builders 0083\Hallic Place - Somers 001\Letters\Currie 6-20-13.wpd

PLANNING AND ENGINEERING DEPARTMENTS

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# 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

**DATE:** **June 24, 2013**

**TO:** **Planning Board**

**FROM:** **Syrette Dym, AICP**
**Director of Planning**

**RE:** **Wright's Court – Site A – First Extension of Amended Site Plan and Stormwater Management and Sediment and Erosion Control Permit**

On June 20, 2013, a request for first time extension of Amended Site Plan and Stormwater Management and Sediment and Erosion Control Permit was received in relation to the Wright's Court Site A project. The amended site plan was signed by the Chairman last July 18, 2012 so, in accordance with Section 170-114.I, the Site Plan approval would expire July 18, 2012. The Stormwater Management and Sediment and Erosion Control Permit approval, whose expiration date now corresponds with that of the site plan due to action taken by the Planning Board on April 10, 2013, would also expire July 18, 2013, as per Town Law Section 93-20. That section states that an extension of an original permit may be granted upon written request to the permitting authority "at least 30 days prior to the expiration date of the original permit". Section 170-114K gives the Planning Board the authority to extend the time to obtain a building permit for the site plan if it deems such extension "warranted under the circumstances".

The original Site Plan Approval and Stormwater Management Plan and Sediment Erosion Control Permit Approval was issued for both Site's A and B, although each site was treated independently, with the exception of cross easements between the sites. The request is for extension of approval only for Site A. This is relevant since Site B is now seeking an Amended Site Plan and Stormwater Management and Sediment and Erosion Control Permit approval.

Since the plan for Site A is not changing, it was treated independently in the original approval, and the existing approval for both sites is currently the only valid approval, I have no problem with the Board granting an extension of Site Plan Approval and Stormwater Management and Sediment and Erosion Control Permit approval for one year, up to and including July 18, 2014.

cc: Adam Wekstein, Esq.
RichardMancini
John Mancini

**Silvio Management, Corp.**
147 Rolling Hills Rd
Thornwood, NY 10589

June 24, 2013

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TOWN OF SOMERS

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

*Re: Wright's Court – Request for Extension of Amended Site Plan and Stormwater Management and Sediment and Erosion Control Permit*

Dear Chairman Currie and Members of the Planning Board:

I am a principal of Silvio Management Corp., the owner of what is designated as "Site B" on the site plan for Wright's Court. It is my understanding that the owner of Site A, Hallic Place Development, LLC ("Hallic"), is seeking a one-year extension of the Amended Site Plan and the Sediment and Erosion Control Permit until July 18, 2014. I am writing to indicate that we consent to Hallic's request.

Very truly yours,

Silvio DiNardo

cc: Mr. Thor Magnus

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

## MEMORANDUM

**TO:** Town of Somers Planning Board

**FROM:** Syrette Dym, Town Planner

**DATE:** June 24, 2013

**RE:**

| | |
|---|---|
| Project: | New Cingular Wireless PCS LLC (AT&T) – Application to "Renew" Amended Site Plan Approval & Wetlands Permit To Co-Locate on Existing T-Mobile Wireless Facility |
| Applicant: | New Cingular Wireless PCS LLC (AT&T) |
| Location: | 80 Route 6 (Somers Commons Shopping Center); Section 4.20 Block 1 Lot 11 |
| Zoning: | CS Community Shopping |
| Actions: | Consideration of Site Plan Approval and Wetland Permit Approval of Expired Approvals to Co-Locate AT&T Antennas within Existing Monopole and Placement of Unmanned Equipment Shelter |

**Application Request:**

The current proposed action is a request for what is being termed a "renewal" of the originally issued site plan approval and wetlands and watercourse permit previously issued to permit New Cingular Wireless PCS LLC (AT&T) to permit it to co-locate its antennas at 84 feet above grade level within the existing 120 foot tall concealment monopole and place a 12X20 foot unmanned equipment shelter within its 350 foot lease area east of the existing monopole and T-Mobile existing equipment cabinets. The exact sections of the Code of the Town of Somers that this so-called "renewal" is being requested pursuant to is not stated by the applicant.

**Background:**

On April 13, 2011, the Planning Board in Resolution No. 2011-01 granted three things: (1) Conditional Amended Site Plan Approval as per Chapter 144; (2) Special Use Permit for Wireless telecommunications Facility as per Chapter 170-129.1; and, (3) Wetlands and Watercourse Permit as per Chapter 167.

The special use permits for both the T-Mobile monopole and associated facility granted March 25, 2009 and the Special Use Permit granted to AT&T for its special use permit as a telecommunications facility on April 13, 2011, are within five (5) years of their original approvals. Therefore, the "renewals" being sought by the current applicant do not relate to these telecommunications special permits.

**Basis of Comment Memorandum**

An Application for Renewal of Amended Site Plan Approval & Wetlands Permit dated May 29, 2013, with accompanying submission payment, was submitted on May 29, 2013. A cover letter dated May 29, 2013 from Neil J. Alexander of Cuddy & Feder accompanied the application.

The cover letter indicated that the materials submitted in support of the application were the following:

A. Completed Town of Somers Application Forms for Amended Site Plan Approval and Wetlands Permit
B. Copies of prior land use approvals issued by the Planning Board and Zoning Board of Appeals to AT&T relative to this wireless facility
C. Copies of the prior land use approvals issued by the Planning Board and the Zoning Board of Appeals to T-Mobile relative to this wireless facility.
D. 10 Sets of Site Plans prepared by Tectonic Engineering & Surveying last revised March 15, 2011.
E. Incorporation by reference all materials previously submitted to the Planning Board and Zoning Board of Appeals relative to the prior approvals issued to T-Mobile and AT&T.

**Current Comments**

What is, in fact, being requested is not "renewals", but the following actions according to the Code of the Town of Somers:

*Site Plan* – The Resolution of April 13, 2011, states Section 170-114-H, "Time for Signature of Site Plan" and Section 170-114.K "Extension" indicating that failure to comply will result in expiration of the Site Plan approval on April 13, 2012. Since the Site Plan was never signed, the Site Plan approval expired April 13, 2012. Also, the Resolution stated that approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit is issued. According to the Code

Section 170-114(K) Extension, the Planning Board may extend time to obtain signature of the site plan and time to obtain a building permit if the Planning Board deems such extensions "warranted under the circumstances". Although such application(s) is supposed to be made prior to expiration of the specific time period, the time period can be extended "if good cause" is shown. So the Planning Board could, if it so chooses, extend time for both signing of the site plan and application for a building permit should the applicant show that "circumstances are warranted" and there is "good cause." The alternative is approval of a new site plan with all the related requirements. The requirement of a public hearing would not apply if extensions were granted. If a new site plan process were required, the Planning Board could waive the site plan public hearing based on 170-114-C.(8)(e) which states that the Planning Board may waive the site plan public hearing if the scale of improvements or record of prior reviews and use of site does not warrant a public hearing.

*Wetlands and Watercourse Protection Special Permit* – Section 167-5F. Expiration of approval, indicates that all permits are valid for one year from date of permit approval. So in this case, the wetland permit issued by the resolution would have expired April 13, 2012. An extension may be granted upon written request. Unlike the Site Plan section cited above, the wetland extension language does not state that a request for extension must be made prior to expiration. A new hearing may be required and procedures shall be the same as that of the original application except that the Planning Board has the option of not holding a public hearing if the original intent of the permit is not altered or extended in any significant way. In this case, the disturbance to wetland buffer would be the same as in the original application and approval. Additionally, whereas Section 167A(9)requires location of wetlands no earlier than 12 months prior to date of filing of an application, Section 167-2B allows the Planning Board to waive delineation of wetlands.

Cc: Roland Baroni
Joe Barbagallo
Neil Alexander

C- PB TP Applicant

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# MEMORANDUM

WOODARD &CURRAN

523

**TO:** Town of Somers Planning Board
**CC:** Marilyn Murphy, Planning Board Secretary
**FROM:** Robert Wasp, EIT on behalf of Joseph C. Barbagallo, P.E., BCEE
**DATE:** July 3, 2013
**RE:** New Cingular Wireless PCS LLC (AT&T) – Somers Commons Shopping Center
Consideration of Site Plan and Wetland Permit Approval
80 Route 6
TM: 4.20-1-11, CS District

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## GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to review the request for renewal of amended site plan and wetlands permit approval for the existing wireless telecommunications facility located at the Somers Commons Shopping Center, 80 Route 6. Amended site plan and wetlands permit approval for the proposed co-location by New Cingular Wireless PCS LLC (AT&T) was originally granted by the Planning Board at its meeting on April 13, 2011. Both approvals expired one year following the original date of approval on April 13, 2012.

The plan proposes the co-location of AT&T equipment upon the existing T-Mobile concealed monopole and the construction of a 12 foot by 20 foot equipment shelter and associated appurtenances at ground level. No additional construction or modifications from the amended site plan adopted by the Planning Board April 13, 2011, are proposed by the current application request. The following documents were considered during the current review period.

## DOCUMENTS REVIEWED

- "Application to Renew Amended Site Plan Approval & Wetlands Permit" by Cuddy & Feder LLP, dated May 29, 2013.
- "Site Name: Somers Commons Route 6", Drawing Sheets: "1-8", by Tectonic Planning, Engineering, Surveying & Construction Management, last revised March 15, 2011.
- Comment Memorandum, by Somers Town Planner, dated June 24, 2013.

## PERMITS AND APPROVALS REQUIRED

- Town of Somers: Amended Site Plan Approval
- Town of Somers: Wetlands Activity Permit

## DISCUSSION

As identified by the Town Planner's Comment Memorandum, dated June 24, 2013, the request by the Applicant for renewal of the subject approvals is invalid unless the Planning Board determines that such time extensions are warranted. The amended site plan was not signed and has since expired effective April 13, 2013.

WOODARD &CURRAN

Our office conducted a site visit of the existing wireless telecommunications facility on the morning of July 3, 2012. Based upon our observations of the existing cell tower facility, there were no apparent issues noted that suggest improper maintenance of the cell tower and adjacent equipment enclosure.

The provided application documents do not suggest any modification from those contemplated under the April 13, 2011 conditional approval of amended site plan. Our office feels comfortable, should with the Planning Board choose to proceed with the extension of prior approvals, providing that all outstanding issues required to be addressed prior to signature of site plan remain applicable during such extension, and that all applicable fees are paid by the Applicant.

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

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: 7/9/13 (PLBD on file)

I. IDENTIFICATION OF APPLICANT:

A. OWNER: SILVIO MANAGEMENT, LLC SUBDIVIDER: _____
ADDRESS: 147 ROLLING HILLS ROAD ADDRESS: _____
THORNWOOD, NY 10594
TELE #: (914) 277-7575 TELE #: _____

B. SURVEYOR: DONNELLY SURVEYING TELE #: (914) 962-2215
ENGINEER: BIBBO ASSOCIATES, LLP TELE #: (914) 277-5805

II. IDENTIFICATION OF PROPERTY:

A. Project Name: WRIGHT'S COURT
B. Street abutting property: SCOTT DRIVE & SOMERSTOWN TURNPIKE (RT 202)
C. Tax Map Design: Sheet: 17.11 Block: 1 Lot: 5
Zoning District: B-HP
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:

CONSTRUCT A COMMERCIAL BUILDING WITH TWO (2) 1-BEDROOM APARTMENTS ABOVE AND ASSOCIATED PARKING

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.

_____ Date: _____
Applicant

Silvio D Harda Date: 7/9/13
Owner

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TOWN OF SOMERS

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# Appendix C

## State Environmental Quality Review

# SHORT ENVIRONMENTAL ASSESSMENT FORM

## For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR

2. PROJECT NAME
WRIGHTS COURT

3. PROJECT LOCATION:
Municipality SOMERS County WESTCHESTER

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
PROPERTY IS LOCATED ON SCOTT DRIVE AND SOMERSTOWN TURNPIKE (RTE 202) MAP PROVIDE ON PLAN

5. PROPOSED ACTION IS:
☒ New ☐ Expansion ☐ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
CONSTRUCT A NEW COMMERICAL BLDG. WITH PARKING.

7. AMOUNT OF LAND AFFECTED:
Initially 0.76 acres Ultimately 0.76 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☒ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☐ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☒ Other
Describe:
BUSINESS HISTORIC PRESERVATION

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☒ Yes ☐ No If Yes, list agency(s) name and permit/approvals:
W.C.H.D.

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Sabrina D Nowak Date: 5-28-13

Signature: Sabrina D Nowak

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER



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## PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☐ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly:

## PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ 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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

| | |
|---|---|
| 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) |

**Reset**

PB
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Applicant

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TOWN OF SOMERS

522

WOODARD &CURRAN

# MEMORANDUM

**TO:** Town of Somers Planning Board
**CC:** Marilyn Murphy, Planning Board Secretary
**FROM:** Joseph C. Barbagallo, P.E., BCEE
**DATE:** July 3, 2013
**RE:** Wright's Court Site B
Amended Site Plan, Stormwater Management and Erosion Control Permit and Special Exception Use Permit for Activity within a Groundwater Protection Overlay District
341 Route 202
TM: 17.11-1-5, B-HP

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## GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to review of the amended site plan application for the parcel located on Scott Drive. The Application proposes revisions to the site layout that was considered at the time of original site plan approval, dated November 18, 2009. Under the revised layout, the proposed building has been rotated and is shifted 25 feet closer with respect to NYS Route 202. Six additional parking spaces are proposed to be located in the proposed parking lot. A parking lot vehicular access connection to the adjacent "Ilforno Restaurant" lot is no longer proposed under the current site layout. A brick sidewalk is now shown to connect pedestrian access to the adjacent restaurant property. The proposed building is shown to be serviced by an existing groundwater well and proposes new septic field area to be constructed at the north-west lot corner.

It should be noted that the parcel is located within the NYC DEP East of Hudson watershed and is within the Town of Somers Groundwater Protection Overlay District. The following documents were considered during the current review period.

## DOCUMENTS REVIEWED

- Cover Letter, by Bibbo Associates, LLP, June 17, 2013.
- Letter, by Bibbo Associates, LLP, dated June 10, 2013.
- Town of Somers Planning Board: Application for Site Plan Approval, by Silvio DiNardo, dated June 20, 2013.
- Town of Somers: Application for Special Use Permit Approval for Activity Within a Groundwater Protection Overlay District, by Silvio DiNardo, dated May 28, 2013.
- NYSDEC State Environmental Quality Review: Short Environmental Assessment Form, by Silvio DiNardo, dated May 28, 2013.
- NYSDEC State Environmental Quality Review: Long Environmental Assessment Form, by Silvio DiNardo, dated June 14, 2013.
- "Amended Stormwater Pollution Prevention and Stormwater Management Plan for Wright's Court Site B", by Bibbo Associates, LLP, dated June 10, 2013.

- "Amended Site Plan – Wright's Court Site "B", Drawing Sheets: "SP-1", "EC" & "D1", by Bibbo Associates, LLP, dated June 3, 2013.
- Comment Memorandum, by Syrette Dym, AICP, dated June 25, 2013.

WOODARD &CURRAN

## PERMITS AND APPROVALS REQUIRED

- Town of Somers: Amended Site Plan Approval
- Town of Somers: Special Exception Use Permit for Activity within a Groundwater Protection Overlay District
- Town of Somers: Stormwater Management and Erosion Control Permit
- NYSDEC SPDES General Permit for Construction Activity (GP-0-10-001)
- NYC DEP Approval of Subsurface Sewage Treatment Systems and Site Stormwater Management Plan.
- Westchester County Department of Health: Approval of Septic and Groundwater Well Locations
- NYSDOT Approval for work within NYSDOT Right-of-Way**

** - If Required

## DISCUSSION

The following is a summary of our comments at this time. It should be noted that further comments may be added upon completion of a site walk the receipt of additional information.

1. The provided drawings identify a limit of disturbance line but do not note total land disturbance in square feet.
2. The application proposes the construction of a stormwater infiltration system and associated drainage collection infrastructure. The following comments shall be applicable to the proposed stormwater system.
    a. The Applicant shall provide hydraulic sizing calculations to demonstrate that all proposed stormwater conveyance pipe is capable of passing stormwater flows resulting from the 100 year design storm.
    b. The Applicant shall revise the proposed infiltration system to incorporate provisions for an overflow outlet to a stabilized discharge.
    c. Based upon the provided stormwater infiltration rate, the NYSDEC Stormwater Management Design manual requires pretreatment of 100 percent of the site water quality volume. Given the site's location within the Town of Somers Groundwater Protection Overlay District, additional pretreatment measures for the removal of oils and grease should be considered. The Applicant should contact our office to discuss the use of best available pretreatment practices.
    d. The construction detail for Stormtech Chambers shall be updated to indicate that geotextile filter fabric will not be installed beneath the infiltration bed of the system.

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e. The Applicant shall revise the construction detail for Typical Drainage Manhole to utilize a Type 1203 Top Cover by Campbell Foundry or approved equal, as required by Somers Town Code.

f. The Applicant shall revise the construction detail for Typical Catch Basin to utilize a Type 2541 Top Casting by Campbell Foundry or approved equal, as required by Somers Town Code.

g. The Applicant shall revise the construction details for catch basins and drainage manholes to identify a 1 inch taper between top of grate and surrounding pavement, as required by Town Code.

h. The Applicant shall revise the construction detail for French Drain to specify pea gravel, wood mulch or other porous material at ground surface in place of topsoil as shown.

i. The Applicant shall add a note to the plan that indicates Consulting Town Engineer inspection of the installed stormwater system will be required prior to backfill.

j. The Applicant shall prepare a draft stormwater maintenance agreement for the proposed stormwater management system for review and acceptance by the Consulting Town Engineer and Town Attorney.

3. The amended site plan proposes to utilize an existing groundwater well located on the parcel. In addition, it is noted that a separate existing groundwater well, located to the west of Scott Drive, is to be abandoned during construction. The following comments shall be applicable for the proposed groundwater infrastructure.

   a. The drawings shall be revised to clearly show 200 foot "key-hole" separation between the existing groundwater proposed for use and the proposed septic field areas.

   b. The Applicant shall provide records of all historical WCDOH approval documents.

4. Building sanitary service is shown to be provided by a new septic field proposed to be constructed at the north-west corner of the parcel. The following comments shall be applicable for the proposed wastewater treatment system.

   a. The Applicant shall provide records of all historical WCDOH approvals including percolation test and deep hole excavation data

   b. The Applicant shall revise the drawing to show the location and size of the proposed septic tank and proposed sanitary sewer conveyance pipe. The Applicant shall demonstrate that the proposed sanitary infrastructure considers all applicable horizontal and vertical separations as required by WCDOH.

   c. The Applicant shall clarify if the identified septic treatment area includes 100 percent expansion area as required by WCDOH.

   d. The proposed septic field appears to be located within close proximity to the required setback of an existing groundwater well located on the lot to the north. In addition, the existing groundwater well identified for abandonment is located within 100 feet of the proposed septic field area. The Applicant shall revise the drawings to clearly depict proper keyhole separation as noted by comment 3(a) above. In

addition, the Applicant shall update the project construction sequence to indicate that the existing groundwater well must be decommissioned prior to issuance of certificate of occupancy for the proposed Building.

5. The Applicant shall prepare a photometric lighting plan for the proposed parking lot for review by the Consulting Town Engineer and Planning Board.
6. The Application proposes to construct brick sidewalk with the Town of Somers Right of Way (ROW) on Scott Drive and the NYSDOT ROW along NYS Route 202/100. The Applicant shall provide documentation of all NYSDOT correspondence related to the proposed sidewalk construction within the State ROW.
7. The Applicant shall submit an Auto-turn analysis that demonstrates adequate vehicle travel path and turn-around egress for emergency vehicles within the proposed parking lot.
8. The proposed project is located within the Town of Somers Groundwater Protection Overlay District and requires the approval of a Special Exception Use Permit. As specified by Town Code Chapter §170-32.8, the Applicant must prepare a hydrogeologic analysis of the property to demonstrate that the proposed development will not result in any degradation or contamination of groundwater.
9. The original site plan for the parcel was conditionally approved with the requirement for vehicular access to be created between the proposed site parking lot and the adjacent "Ilforno Restaurant" property. The Somers Planning Board amended the conditional approval to eliminate the access requirement its April 11, 2012 meeting. The current site layout does not include a connection between the two parking lots but does propose a pedestrian walkway connection. Given the change in project ownership, we recommend that the Somers Planning Board consider reinstating the requirement for vehicular access between the two parcels.
10. Somers Town Code §170-36 specifies that parking stalls shall be dimensioned with a minimum of 9 foot width by 18 foot depth. The provided construction detail for Handicapped Parking Stalls illustrates that handicapped stalls are dimensioned at 8 foot width. The Applicant shall revise the construction detail to reflect Town Code requirements.

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

Sincerely,

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

PLANNING AND ENGINEERING DEPARTMENTS

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# Town of Somers

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## MEMORANDUM

**TO:** Town of Somers Planning Board

**FROM:** Syrette Dym, Director of Planning

**DATE:** June 25, 2013

**RE:**

| | |
|---|---|
| Project: | Wright's Court – Site B Amended Site Plan Application |
| Applicant: | Silvio Management Dev. LLC |
| Location: | Scott Drive and Somerstown Turnpike (Rt. 202); Section 17.11 Block 1 Lot 5 |
| Zoning: | B-HP Business Historic Preservation District |
| Actions: | Review of Amended Site Plan Application; Stormwater Management and Erosion and Sediment Control Permit Application; Special Exception Use Permit for Activity within a Groundwater Protection Overlay District Application; |

The current proposed action consists of the following components:

1. *Modification to approved site plan approval as per Section 117-114 including rotation and relocation of proposed building, expansion to the parking area to add 6 spaces or equivalent of 2,000 sf of additional impervious surface. As a result of the building rotation, the variance for front yard setback incursion is no longer required. There is no increase in land disturbance or tree removal and the quad 20" beech tree is to be protected as previously approved.*
2. *The stormwater treatment system has been modified due to the additional impervious surface. An Application for a Stormwater Management and Erosion and Sediment Control Permit is required pursuant to Chapter 93 of the Code of the Town of Somers...*

3. *Due to the site location in a Groundwater Protection Overlay District, a Special Exception Use Permit for Activity in this area is required pursuant to Section 170-32.*

**Background**

By Resolution No. 2009-17 approved on November 18, 2009, the Planning Board approved Conditional Site Plan Approval, Special Exception Use Permit for Location within the Groundwater Protection Overlay District and Stormwater Management and Erosion and Sediment Control Permit to Hallic Place Development, LLC for Wright's Court. That approval was for development of both Site A and Site B. By Resolution No. 2012-03 approved on April 11, 2012, the Planning Board amended the conditional approval for both sites such that the condition requiring an access easement between the two subject site's and the property known as the "Il Forno Property" was removed as a requirement. The same resolution of amended site plan required that the walkway at the rear of Building B be extended to the property line and a note added to the amended signed site plan.

An initial submission application was made June 10, 2013 and was not deemed complete by the Director of Planning who requested a Long Form EAF, Application Processing Law Certification, and an explanatory cover memorandum. A Long Form EAF was submitted June 17 and was deemed to need further modification including provision of location map and site plan, which were made by applicant and resubmitted. Initial fees of $1,075 dated 5/28/13 were deemed insufficient by the Director of Planning who requested additional fees with an explanatory breakdown. Such fees were submitted dated 6/20/13.

**Basis of Comment Memorandum**

The following plans prepared by Bibbo Associates, LLP were reviewed as the basis of comment in this memorandum.

- Amended Site Plan –Drawing SP-1 –dated 6-3-13
- Erosion Control Plan – Drawing EC – dated 6-3-13
- Details Drawing No. D-1 – dated 6-3-13

**Current Comments**

1. **Changes to Site Plan –**
    a. **Modified Building Rotation –** The rotation of the building has been modified such that it has less width along the Route 202 frontage. It has also been pushed closer to the property line at Route 202 such that the front setback has been reduced from 45 feet in the approved plan to 20 feet in the proposed plan. This reduced setback is actually more in keeping with the minimal setbacks of the existing buildings on the two adjacent lots and would provide a more consistent streetscape in the historic district than the formerly approved building.

b. **Modified Parking and Loading** – While required parking remains the same at 13 spaces, 6 additional parking spaces have been added to the site. The loading space, while located similarly to the approved plan will now block almost three parking spaces in the new plan as opposed to 1 1/2 spaces due to building and parking area reconfiguration. The frequency and timing of deliveries and the impact on parking should be considered by the Panning Board as a result of this modification.

c. **Site coverage** – Site coverage on the approved plan was 9,301 sq. ft. or 29.08%. It has increased to 34.8%, an increase of five (5) per cent. The related new square footage of coverage should be provided.

d. **Minimum Distance from Building on an Adjacent Lot** – This distance has been increased from 44 feet to 50 feet due to the proposed building rotation.

e. **Modified Landscape and Lighting Plan**- No new Landscape or Lighting Plan was submitted and an amended plan of each needs to be provided. The Site Plan needs to identify that it has met all the requirements of Section 170-171L, M and N of the Zoning Code with notes on the Site Plan. Regarding landscape buffers. The plans need to address modified landscape treatments due to change in building and walkway configuration, and increased parking area. It does not appear from the approved landscape plan that there will be any additional disturbance to existing trees. This needs to be verified by the applicant.

f. **Site Plan Notes** – A long list of General Notes on the Approved Site Plan, Notes 1 – 17, have been reduced to Notes 1-8 on the Proposed Amended Site Plan. Although a number of the notes on the approved plan relate to both Sties A and B and some more specifically only to Site A, many that are relevant to Site B have been eliminated and should be included. As such, the following General Notes on the approved site plan in their existing form or amended as required to relate to Site B only, need to be added to the General Notes on the proposed Amended Site Plan: Notes 9, 10,11, 12, 13, 14,15, 16, 17 (to be discussed further below). Should the applicant believe any of the above notes do not relate to Site B, they should provide a written explanation why that is the case.

g. **Access Easement to Il Forno Property to the East** – The original intent of the Planning Board to require access between the existing Il Forno Restaurant parking lot and Site B to provide overflow parking options for the overcrowded restaurant site are still valid. The obstacles of dual ownership that prevented this arrangement and led to the removal of this condition from the original Site Plan Approval, no longer exist. Although access between the sites might result in the loss of some on-site spaces, the ability to navigate for additional spaces without reentering busy Route 202 offsets the space loss. The Planning Board should also continue to pursue any opportunity to provide additional cross easements with Site A across Scott Drive.

**Cc**: Joe Barbagallo
Roland Baroni
Tim Allen

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TOWN BOARD

# Town of Somers

WESTCHESTER COUNTY, N.Y.

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**MEMORANDUM**

**TO:** Town of Somers Town Board

**FROM:** Syrette Dym, Director of Planning

**DATE:** July 3, 2013

**RE:** Town Board Requested Actions Regarding Somers Crossing – Boniello Land & Realty, Ltd. Zoning Petition [307 New York State Route 100 (Tax Lot 17.15-1-15.1)] at Town Board Meeting of July 11, 2013

The Town Board is being asked to take the following actions at its meeting of July 11, 20913 with regard to the above named project.

1. **Accept Status as Lead Agency under SEQR for Boniello Land & Realty, Ltd-Somers Crossing Request for Creation and Adoption of New Multifamily Residence Downtown Hamlet (MFR-DH) Floating Zone District and Site Specific Application.**

   The Town Board declared its intent to be lead agency at its meeting of May 9, 2013 and circulated that intent to six involved agencies and other interested agencies. The 30 day response period ended June 29 and two responses were received – one from the Westchester County Planning Board dated June 23, 2013 and one form NYC DEP dated June 29, 2013 – neither of whom objected to the Town Board assuming Lead Agency.

   Therefore, the Town Board should vote such that: "The Town Board of the Town of Somers resolves to act as Lead Agency under SEQRA for the Petition of Boniello Land & Realty, Ltd-Somers Crossing for a Request for Creation and Adoption of a New Multifamily Residence Downtown Hamlet (MFR-DH) Floating Zone District and its Site Specific Application, having circulated its intent to all involved and interested agencies and having received responses from the Westchester County Planning Board and the NYCDEP, neither of whom objected, and having received no other objections within the specified 30 day time frame to assuming that role."

## 2. Issuance of Request for Proposals (RFP)

To provide the Town Board as Lead Agency with the technical expertise necessary to evaluate the impacts of the proposed Boniello – Somers Crossing project, the Town Board will need to hire a variety of experts to cover disciplines that cannot be handled by the Town Director of Planning or the Town Consulting Engineer, Woodard & Curran. As stated in the Draft RFP dated June 10, 2013 there are four disciplines that were listed. At this time, it appears that the RFP should only seek expertise in the areas of traffic engineering, cultural resources and landscape architecture. It had previously been suggested that a modified and approved version of the RFP to be finalized at the meeting of July 11, be placed on the Town web site and additionally that it be sent to a selected group of firms and placed on the NY APA website.

It is now recommended that the modified, approved RFP be placed on the Town web site and that the following list of firms as amended by the Town Board on July 11, 2013, be alerted to view the Town's web site regarding this RFP.

In consultation with the Town Consulting Engineer and the Town Supervisor, the following is a preliminary list of firms for review and editing by the Town Board who would be contacted to submit proposals, if interested.

<u>Traffic Engineering</u>

Adler Consulting – White Plains
TRC – Hawthorne
FP Clark – Rye

<u>Cultural Resources – Historic and Archeology</u>

Cityscape –White Plains

<u>Landscape Architecture</u>

IQ – Katonah
Eberlin & Eberlin – Brewster
Munz Associates – Mt. Kisco
Tim Miller Associates, Inc. – Cold Spring

A closing date for submission of proposals will need to be identified by the Town Board. The selected date should leave sufficient time for review of proposals, interviews with any consultants if deemed necessary, and discussion and selection by the Board at its August or September meeting at the latest.

A vote on a motion and resolution authorizing the Director of Planning to revise and issue the RFP and alert the above firms (as modified) and post such on the Town's web site on behalf of the Town Board should be taken.

3. **Review and Discussion of Draft EAF Part 2 and 3 and Visual Addendum and Determination of Significance under SEQR.**

The Board is receiving a Draft of the EAF Part 2 – Project Impacts and Their Magnitude, a Part 3 – Evaluation of the Importance of Impacts, and an Appendix B – Visual EAF Addendum. These materials are provided only as preliminary drafts for review, discussion and modification by the Town Board as Lead Agency. The same documents are being provided to the Planning Board prior to its meeting of July 10, 2013. A joint meeting with the Town Board and Planning Board will be held at the Supervisor's request at the Town Board work session of August 1, 2013, to review the above documents and revise them as required. Based on those revisions, the revised document will form the basis for the determination of significance under SEQRA. If the Town Board determines that this Type I Action is likely to have significant impacts, it will direct the preparation of a Positive Declaration. If the Applicant has submitted a draft scope of what it deems should be included in an EIS should one be required, the Town Board can consider scheduling of a scoping session. If the discussion is completed and documents prepared with sufficient time for review by the Town Board, it may be able to make a determination of significance at its August 8 meeting and set a date for a public scoping session to determine the content of the EIS at its regular meeting in September. Alternatively, significance and setting of a date for public scoping session may take place in September with a public scoping session October.

Part 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS
Responsibility of Lead Agency

**Impact on Land - Part 2**

*Question 1* – Will the Proposed Action result in a physical change to the project site?

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.

  According to information provided by the Applicant, 9% of the subject site contains slopes of 15% or greater. Based on the proposed conceptual plan, construction activities could occur on some of those slopes. Disturbance to these slopes could potentially be reduced by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  Once more detailed plans are provided the probability of impacts to steep slopes and their extent will be more clearly known. Should changes to the plan not eliminate steep slope impacts, negative impacts are anticipated to occur and be important due to site disturbance during construction but could be controlled as part of a sediment and erosion control plan. Once disturbed, however, the impacts are irreversible. As a matter of policy embodied in Chapter 148 of the Somers Town Code, Steep Slopes Protection Law, the Town seeks to minimize and regulate disturbance to slopes of 15% or greater. Any disturbance to steep slopes, therefore, may require further plan modification.

- Construction on land where the depth to the water table is less than 3 feet.

  According to information provided by the Applicant, the water table varies from 0 to 15 feet or greater. Based on the proposed conceptual plan and site constraints map, construction activities could occur on designated wetlands or wetland buffers. Other than the identified state and local wetlands and buffers, there is no information on depth to water table in other areas of the site. Therefore, it cannot now be determined if construction activities will affect other areas with shallow depth to water or where water is not readily apparent. Disturbance to these wetlands and buffers could potentially be reduced by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  Should no modifications be made to the conceptual plan, there will definitely be impacts to wetland buffers and could be other impacts to areas with shallow depth to water table. These impacts are considered important and would be irreversible. Until further analysis is completed, it is not possible to fully evaluate impacts and their significance. As a matter of policy embodied in Chapter 167 of the Somers Town Code, Wetlands and Watercourse Protection Law, the Town seeks to minimize and regulate disturbance to wetlands, water bodies an watercourses and their buffer areas. In accordance with these policies and laws, it is possible that further plan modification or reduction in project scope may be required.

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- Construction that will continue for more than 1 year or involve more than one phase or stage.

  According to information provided by the Applicant, the construction period would take place in one phase over an18 month period. No information is provided regarding construction schedule or the order of construction of the grocery store, Memory Care Facility and residential units or their occupancy or operation.

  Once more details are known, it will be possible to evaluate on and off-site impacts such as to traffic and community services. The construction impacts of the proposed project are considered to be important. Construction impacts, though temporary are not reversible during that period; they can only be controlled. Appropriate construction management techniques, erosion and sedimentation control techniques and traffic control measures can be implemented to minimize impacts. Impacts may be reduced if the scale of development is reduced or the number of project phases is increased.

- Potential disturbance of 14.7 acres of land, including creation of new impervious surfaces.

  According to information provided by the Applicant, approximately 14.7 acres of the 26.68 acre site would be developed due to the proposed action. It is not now known how much natural material will be removed from the site. However, it is indicated that three acres of meadow or brush land and 11.7 acres of forest will be permanently Total impervious u surface areas would increase by seven acres, increasing potential stormwater runoff. Land disturbance, loss of vegetation and decrease in impervious surface could potentially be reduced by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  The potential impact of this land disturbance, loss of vegetation and increase in impervious surface is considered important. If the proposed site is approved, the impacts will occur and be irreversible. New landscaped areas are proposed, but will be different from the natural vegetation that exists. As a matter of policy embodied in Chapter 156 of the Somers Town Code, Tree Preservation Law, the Town seeks to minimize and regulate impacts to existing trees. In accordance with these policies and laws, it is possible that further plan modification or reduction in project scope may be required.

**Impact on Water - Part 2**

*Questions 3 -* Will Proposed Action affect any water body designated as protected?

- Project involves construction within NYSDEC wetland F-1 buffer with potential for stormwater runoff to be directed towards sate regulated wetlands on site.

  According to information provided by the Applicant, there are 5.2 acres of State regulated Wetland F-1, although the entire wetland is much larger and extends west of the site. If the proposed conceptual plan is implemented, it would impact the State–regulated 100-foot wetlands buffer area. Impacts would result from construction of a portion of the grocery store and a rear access driveway to that store from Route 202, as well as other infrastructure that may not be apparent from the conceptual plan.

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The impact to this wetland buffer is considered important and irreversible. The significance of these impacts is not known until a functional wetlands analysis is prepared. As a matter of policy embodied in Chapter 167 of the Somers Town Code, Wetlands and Watercourse Protection Law, the Town seeks to minimize and regulate disturbance to wetlands, water bodies an watercourses and their buffer areas. In accordance with these policies and laws, it is possible that further plan modification or reduction in project scope may be required.

*Question 4* – Will Proposed Action affect any non-protected existing or new body of water?

- Project involves potential for stormwater runoff to be directed to these Town regulated wetlands and buffers (TBD)

  According to information provided by the Applicant, there is a stormwater basin onsite that is a Town regulated wetland. Projected overall site disturbance and creation of an additional seven acres of impervious surfaces have the potential to in ease increase erosion and stormwater runoff may drain toward these Town Regulated wetlands. Land disturbance, loss of vegetation and decrease in impervious surface could potentially be reduced by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  The potential impacts of the above are considered important and irreversible. Increases in stormwater runoff may be controlled by implementation of a stormwater management plan or site modifications identified above. Construction impacts may be controlled through implementation of an erosion and sedimentation control plan.

*Question 5* – Will Proposed Action affect surface or groundwater quality or quantity?

- Proposed Action will require a discharge (SPDES) Permit

  According to information provided by the Applicant, the Proposed Action will involve disturbance of 14.7 acres and require a SPDES General Permit for Stormwater Runoff from Construction Activity, GP-0-10-001. Land disturbance could potentially be reduced by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development, but unlikely to less than the one acre threshold triggering a need for such permit.

  Since such a permit is likely to be required and its impacts irreversible, it is considered to be important. Impacts of land disturbance may be controlled by implementation of a stormwater management plan or site modifications identified above.

- Proposed Action requires use of a source of water that does not have approval to serve (project) action

  Water is proposed to be provided by connection to the Heritage Hills water district for a projected need of 29,350 gallons per day. Town Board approval will be required for expansion of this district and sufficient capacity and connection capability will have to be demonstrated and evaluated.

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- Construction or operation causing any contamination of a water supply system

  On site wetlands and their related watercourses are tributary to the Muscoot Reservoir, part of the East of Hudson watershed, that is subject to phosphorous restrictions. According to information provided by the Applicant, 14.7 acres of the site will be developed and 7 acres will become impervious surfaces. Since this will have the potential to increase erosion and stormwater runoff towards the Muscoot Reservoir, impacts of runoff and discharges to the Reservoir must be evaluated. Information to evaluate this impact has not been submitted, so it is no known if land disturbance or increases in stormwater runoff could be reduced by decreasing impervious surfaces or total development.

  Potential impacts of water supply contamination are considered important and impacts would occur and be irreversible with no project modification. Increases in stormwater runoff may be controlled by implementation of a stormwater management plan or site modifications identified above. Short-term land disturbance construction impacts may be controlled by implementation of an erosion and sedimentation control plan.

- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity

  According to information provided by the Applicant, although the site is not served by sewer services, this service will be provided by connection to the Heritage Hills Sewage Treatment Plant, from which the Applicant will seek approval for inclusion. A new pumping station may also be required which will need approval of NYCDEP. There may also be issues with the functioning of the Heritage Hills plant which could affect their existing capacity and ability to accept projected site effluent. Additional information is required to evaluate this condition and impacts on other existing or future tie-ins to the Heritage system. Potential impact of district expansion could potentially be reduced if existing system issues are resolved or alternative methods for sewage disposal were used for the site.

- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions

  According to information provided by the Applicant, 9 percent of the site contains slopes of 15 % or greater and some of these slopes are within State or local wetland buffers, and 19% of the site contains slopes of 10% or greater. Disturbance during construction causing potential turbidity and post-development groundwater seepage requires evaluation to determine if impacts can be mitigated. Steep slope disturbance could potentially be mitigated by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  Potential siltation impacts are considered important and would occur and be irreversible with construction of the proposed plan. Increases in siltation and groundwater seepage may be controlled by implementation of a stormwater management plan or site modifications identified

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above. These impacts may also be controlled by implementation of an erosion and sedimentation control plan.

- Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons

  Although the information is not provided by the Applicant, it is possible that the proposed site uses will be heated by petroleum fueled sources that could require large on-site storage. The associated impacts could be eliminated if gas or electric or other alternative or energy efficient fuel source is utilized.

- Proposed collection and discharge of stormwater runoff in accordance with SPPP to be approved by NYCDEP; Groundwater Protection Plan to be approved by Planning Board as part of Special Exception Use Permit.

  According to information provided by the Applicant, approximately 14.7 acres of the 26.68 acre site would be developed due to the proposed action. Based on the proposed site plan, impervious surface areas will increase by 7 acres with potential increase in stormwater runoff. Site disturbance could potentially be mitigated by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  Potential impacts are considered important, were occur with the proposed plan and be irreversible. Increases in stormwater runoff may be controlled by implementation of a stormwater management plan or site modifications identified above. Short-term land disturbance construction impacts may be controlled by implementation of an erosion and sedimentation control plan.

*Question 6* – Will Proposed Action alter drainage flow or patterns or surface water runoff?

- Proposed Action would change flood water flows
- Proposed Action may cause substantial erosion
- Proposed Action is incompatible with existing drainage patterns
- Proposed Action will create new drainage patterns

  According to information provided by the Applicant the site includes areas that have been interpolated as FEMA 100-year floodplains. According to information provided by the Applicant, the Proposed Action will involve disturbance of 14.7 acres, a portion of which contains steep slopes. Since more stormwater runoff is anticipated due to increased impervious p surfaces, drainage patterns will likely be modified to accommodate this flow. Land disturbance and impacts to flood water flows, erosion, and existing drainage patterns could potentially be reduced by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  Impacts of land disturbance to drainage patterns are considered important to quantity and quality of stormwater and impacts with the plan will occur and be irreversible. Increases in stormwater and its quality may be controlled by implementation of a stormwater management

plan or site modifications identified above. Construction impacts may be controlled through implementation of an erosion and sedimentation control plan.

**Impact on Air - Part 2**

*Question 7* – Will proposed Action Affect Air Quality?

- Potential change in air quality associated with construction activity and permanent new development.

  According to information provided by the Applicant, 236 new trips will be generated during the week day PM peak hour, anticipated to be the highest of existing adjacent roadway volume time period. Although no information is available on amount and type of traffic, and the type of construction or permanent impacts to air quality that might be associated with each, these are considered a potential large impact. Both temporary construction and long term traffic generation could be modified by reducing the size of the project or allocation of segments of proposed uses or by alternative transportation modes including inclusion of sidewalks, bike paths and facilities and public transportation or project jitneys.

  The potential air quality impacts are considered to be important and additional information relating to the magnitude of anticipated impacts will need to be provided. Long term air quality impacts, if determined to occur, could be mitigated by reduction in proposed development or increased use of transportation alternatives. Construction impacts to air quality could be reduced by implementation of a construction management plan.

**Impact on Plants and Animals – Part 2**

*Question 8* – Will Proposed Action affect any threatened or endangered species?

- Removal of any portion of a critical or significant wildlife habitat?

  According to information provided by the Applicant, approximately 14.7 acres of the 26.68 acre site would be developed due to the proposed action. Three acres of meadow or brushland and 11.7 acres of forested land will be removed, of which 7 acres will result in development of impervious surfaces and 7.7 acres will be landscaped area. These areas could potentially contain critical wildlife habitat which could be mitigated by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  The loss of meadows and forest are considered important and their loss will occur and be irreversible even if the disturbed unbuilt areas will be landscaped, due to a different type of vegetation.

- Application of pesticide or herbicide more than twice a year

  According to information provided by the Applicant, pesticides and herbicides will be applied to the site and more information is required regarding their types and frequency of application. Evaluation of impacts will be evaluated with this information, but it potential impact is

considered important, particularly given site location over an aquifer and within a Groundwater Protection Overlay District. Even without such information, impacts are considered important and could require changes in site development and/or creation of an Integrated Pest Management Plan for plant selection and care to minimize impacts. Other mitigation techniques could be implemented such as, but not limited to, native or drought resistant species introduction.

Town of Somers policy as embodied in the Groundwater Protection Overlay District (Article IXA, Chapter 170 of Somers Town Code) seeks to protect groundwater resources. To implement the policies of that law, project modifications may be required.

*Question 9* – Will proposed Action substantially affect non-threatened or non- endangered species?

- Potential disturbance of 14.7 acres of land including but not limited to three acres of meadow or brushland and 11.7 acres of forested land.

  According to information provided by the Applicant, approximately 14.7 acres of the 26.68 acre site would be developed due to the proposed action. Three acres of meadow or brushland and 11.7 acres of forested land will be removed, of which 7 acres will result in development of impervious surfaces and 7.7 acres will be landscaped area. These areas could potentially contain habitat for non-threatened or non-endangered species which could be mitigated by modifying the proposed plan with regard to placement of buildings or roadways/parking, or by reducing the size of the proposed development.

  The loss of meadows and forest are considered important and their loss will occur and be irreversible even if the disturbed unbuilt areas will be landscaped, due to a different type of vegetation.

**Impact on Aesthetic Resources – Part 2**

*Question 11* – Will Proposed Action affect aesthetic resources?

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.

  The portion of the plan containing residential uses proposes 60 multifamily units and an institutional Memory Care facility. Surrounding land uses are compatible with the proposed grocery store and could be in keeping with the memory care facility, but the open space and residential uses as specified by the existing R40 and R80zoning are single family use in character and intent.

  If the proposed zone change and uses are approved and constructed without modification or reduction in number of units, there will be a change in the type of permitted residential use.

- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.

- Visual impacts from proposed buildings and parking areas along Route 202 and Route 100, increased lighting, and loss of vegetation

  The existing scenic view along Route 100 heading into the Somers Hamlet and the Business Historic Preservation District is now of mature trees and forested area. The proposed plan will change this scenic character even though landscaped vegetation, yet to be determined, will likely create a future, but less dense screen along Route 100.

  Even with future screening, it is likely that the proposed development will be visible form Route 100, even though it is at a somewhat lower elevation and parking will definitely be visible in the current plan along Route 202. Impacts to these views re considered important and irreversible. Mitigation in the way of landscape buffering and possible reconfiguration or reduction of the size or scope of the project could mitigate these impacts to views.

**Impact on Historic and Archaeological Resources – Part 2**

*Question 12* – Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

- Action is located within 1/4 mile of Somers Hamlet Historic District (listed National Register of Historic Places) and the Elephant Hotel (National Historic Landmark)

  Proximity of the site to the above historic landmarks makes it important that the size and scale of the project be in keeping with the historical character of these buildings and places.

  The potential impacts on these historic resources, which will be easier to evaluate once more information is available, is considered important and likely irreversible. Short and long term d mitigation can then be proposed.

**Impact on Open Space and Recreation – Part 2**

*Question 13* – Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

- A major reduction of an open space important to the community

  According to information provided by the Applicant, approximately 14.7 acres of the 26.68 acre site would be developed due to the proposed action. Three acres of meadow or brushland and 11.7 acres of forested land will be removed, of which 7 acres will result in development of impervious surfaces and 7.7 acres will be landscaped area. Although this is private not public open space, it has an important visual presence as a forested open space along the Route 100 entryway to the historic Town hamlet center. A change in the size, scope or pattern of proposed development could reduce this impact on the open space character of this site.

  This loss of open space is considered important and irreversible with the current plan.

**Impact on Transportation – Part 2**

*Question 15* - Will there be an effect to existing transportation systems?

- Alteration of present patterns of movement of people and/or goods

- Increase in traffic due to construction activities and permanent occupancy of new development; 236 weekday PM peak hour trips generated

  According to information provided by the applicant, the project would generate 236 vehicles in the PM weekday peak hour, although there is no information on the type of construction traffic to be generated at this time. Both construction and permanent project traffic is considered to be large and an important impact that could possibly be reduced by a change in the size, scope or nature or uses of the plan. Inclusions of pedestrian access and alternatives, bikeways and public or jitney modes of transportation could also mitigate some traffic impact. Access driveways along 202 are proposed to be aligned with driveways to Heritage Hills development, and, although opportunities for future connection to Somers Towne Center are being provided, connection is not part of the current plan.

  Impacts of the traffic generation from the proposed plan are considered important and irreversible without project change or mitigation. Mitigation techniques such as project change or yet to be determined roadway or signalization timing changes could potentially mitigate impacts, once these specific project changes, alternative modes or traffic control measures are implemented.

**Impact on Energy – Part 2**

*Question 16* - Will Proposed Action affect he community's sources of fuel or energy supply?

- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use
- Potential increase in energy consumption due to construction activities and permanent occupancy use of new development

  No energy use is associated with the undeveloped site so the proposed plan will increase its use by an unspecified amount. The increase in energy consumption is considered important and irreversible. Impacts to energy use could be mitigated by a change in the project plan that reduces its size, scope or configuration of uses.

**Noise and Odor Impact – Part 2**

*Question 17* –Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structure
- Proposed Action will remove natural barriers that would act as a noise screen
- Potential noise and odor impacts from construction of proposed grocery store

  Noise from trucks and customers and odor impacts could be associated with the construction and operation of the proposed 19,000 square foot grocery store as well as of the memory care facility and multi-family homes. Trees that act as noise barriers will be removed along Route 202 for construction of the grocery store and along Route 100 for construction of the Memory Care facility and the 60 multifamily units.

Impacts are considered important and irreversible but could be controlled through preservation of existing buffers and planting of new buffers or by modifying the proposed concept plan and locating loading and trash pick-up areas of the memory care facility and grocery store away from existing and proposed residential uses.

**Impact on Growth and Character of Community or Neighborhood – Part 2**

*Question 19* - Will Proposed Action affect the character of the existing community?

- Proposed Action will cause a change in the density of land use
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set and important precedent for future projects
- Proposed Action will create or eliminate employment
- The Memory Care facility, grocery store and expansion of sewer and water districts could be a potential benefit to the community

Density under current zoning of R40 along Route 202 and R80 along Route 100 would be 10 single family homes compared with proposed 60 multi-family units, 75 bed memory care facility and 19,000 square foot grocery store, a significant change in density considered important and a significant change in character of the community. The additional demand for community services would be most attributed to the residential units, but ambulance services and fire services would also be anticipated to increase due to the other two uses. Those roads that may be identified for dedication as Town roads would also represent an increase in Town services. The proposed projects would be important additions and examples of denser mixed use development in the Somers Town Center. Both construction and permanent employment will be created by the project, estimated by the Applicant as 100 full time equivalent construction jobs and 105 full time equivalent jobs for the memory care, grocery store and residential home services. The memory care facility and grocery store could provide services and fill unmet needs in the community overall and in particular, for this northeast area of the Town of Somers. Town Board approval will be required for expansion of the Heritage Hills sewer and water districts with projected water usage by the Applicant of 29,350 gallons per day.

Any of the important impacts created by the above could be mitigated by a modification and reduction in project scope and scale or change of use. The condition and capacity of the Heritage Hills sewer and water District to provide needed services will be evaluated as part of project review. Any project change, however, would affect positive impacts such as job creation and increased access to needed facilities. The impacts on the community will need to be fully evaluated to determine the significance of these impacts.

*Question 20* – Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?

- Concerns related to density of development proposed, applicability of zoning to other eligible sites, site generated traffic and change in community character are likely to be issues of public controversy that may be addressed through the SEQRA process due to changes in the scope and scale of the project or other specific mitigation measures yet to be determined.

DRAFT

**BIBBO ASSOCIATES, L.L.P.**
*Consulting Engineers*

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

July 2, 2013

RECEIVED
JUL - 5 2013
PLANNING ENGINEERING
TOWN OF SOMERS

Somers Planning and Engineering
335 Route 202
Somers, NY 10507

ATTN: Mr. John Currie, Chairman

RE: Request for Field Change
Route 100 Realty LLC – *(Somers Mobil)*
291 Rte 100.
Tax ID # : 17.18-1-2

Dear Chairman and Members of The Board:

As requested by the Town Engineer we are writing to ask for the board's consideration of a field change to the previously approved project referenced above. A description of the field change requested for consideration is provided below, and a sketch is included herewith.

The attached sketch shows the elimination of the six-foot wide sidewalk adjacent to proposed parking spaces 2, 3, and 4 and the realignment of the proposed curb. After reviewing the approved site plan and taking into account current site conditions it appears that the sidewalk to be removed is not necessary for pedestrian or handicapped access to the new store. Customers can access the new building by walking through the main parking area to the sidewalk around the building's perimeter as they do currently, and the ramp on the northwestern side of the structure, which is in compliance with ADA standards will provide handicapped access. Additionally the installation of the sidewalk may require a handrail for protection if installed in the location shown on the site plan due to its proximity to the existing retaining wall.

We respectfully request this matter be placed on your next agenda for consideration. In addition we encourage the board members to visit the site prior to the meeting in anticipation of a decision. Please feel free to contact this office should you have any concerns or require any additional information.

Sincerely,

Timothy S. Allen, P.E.

MG/mg
cc: P. Sussman

*Site Design • Environmental*

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